



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 26, 2015

The Honorable Scott Perry
U.S. House of Representatives
126 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Perry:

Thank you for your letter regarding concerns raised by Penn Credit about the Commission's declaratory rulings clarifying the consumer protections in the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. In your letter, you acknowledge the importance of protecting consumer privacy, but you also request a carve-out from TCPA regulation from the Accounts Receivable Management industry.

In 1991, Congress enacted the TCPA to protect consumers from unwanted autodialed or prerecorded telemarketing calls. The statute is clear: it prohibits the use of automatic telephone dialing systems and artificial or prerecorded voice messages to make non-emergency calls (including calls from debt collectors) to, among others, mobile phones without prior express consent.

The Commission is committed to the TCPA's goal of protecting consumers from unwanted calls and texts. We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. The TCPA makes clear that consumers can choose which calls they want and do not want.

In its declaratory rulings, the Commission reiterated its previous statutory interpretations of "autodialer," which is based on a piece of equipment's capacity. Our action is true to the language of the statute, as well as Congress's intent when passing the law that robocallers cannot skirt consent requirements through changes in technology design. We also closed the "reassigned number" loophole, making clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. And we emphasized a significant point for businesses: the TCPA *does not* prohibit the use of efficient robocalling equipment. Rather, it simply requires that a caller get the consumer's consent before making the call, something that is easier now than it has ever been.

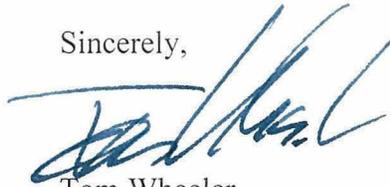
The Commission has previously addressed consent in the debt collection context. In 2008, it granted a clarification regarding consent that was requested by a trade organization of credit and collection companies. There, the Commission found that autodialed and prerecorded message calls to wireless numbers provided by the called party to a creditor during the transaction that resulted in the debt are made with the "prior express consent" of the called party

and therefore permissible under the TCPA. Calls placed by a third-party debt collector on behalf of that creditor are treated as if the creditor itself placed the call. The Commission's recent 2015 rulings did not change the 2008 clarification regarding consent in the debt collection context.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", written over a horizontal line.

Tom Wheeler