



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1654

Released: October 16, 2012

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON REQUEST FOR CLARIFICATION FROM CALLASSISTANT, LLC

CG Docket No. 02-278

Comments Due: November 15, 2012

Reply Comments Due: November 30, 2012

With this Public Notice, we seek comment on the attached request for clarification filed by CallAssistant, LLC.¹ CallAssistant asks the Commission to clarify the applicability of the Telephone Consumer Protection Act² and the Commission's related rules³ to CallAssistant's use of operator-supervised prerecorded call segments.⁴ CallAssistant states that its calling technology, which is also used by other entities, enables calling agents to interact with the recipient of a call by using the agent's own voice or by pressing a button to substitute an appropriate audio recording of a response.⁵ CallAssistant further states that a single agent always stays with a call from beginning to end.⁶

Pursuant to sections 1.415 and 1.419 of the Commission's rules,⁷ interested parties may file comments and reply comments on or before the respective dates indicated on the first page of this Notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹ See Letter from Mike Bills, CallAssistant, LLC, to Marlene H. Dortch, Office of the Secretary, Federal Communications Commission (June 18, 2010) (*Petition*); *see also* <http://apps.fcc.gov/ecfs/document/view?id=7020506462>, <http://apps.fcc.gov/ecfs/document/view?id=7020506463>. Although this submission was not filed as a petition for declaratory ruling pursuant to section 1.2 of the Commission's rules, 47 C.F.R. § 1.2, we elect to seek comment on it because, in our view, the fact pattern and technology raised by CallAssistant would benefit from public comment.

² Codified as 47 U.S.C. § 227.

³ 47 C.F.R. § 64.1200.

⁴ *Petition* at 1.

⁵ *Id.* at 1-2.

⁶ *Id.* at 2-3.

⁷ 47 C.F.R. §§ 1.415, 1.419

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁸ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

⁸ *Id.* §§ 1.1200 *et seq.*

FOR FURTHER INFORMATION CONTACT: Richard D. Smith, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (717) 338-2797, or richard.smith@fcc.gov.

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