

February 17, 2017

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Re: *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act*, CG Docket No. 02-278

Dear Ms. Dortch:

The American Bankers Association, ACA International, American Association of Healthcare Administrative Management, American Financial Services Association, Consumer Bankers Association, Credit Union National Association, Financial Services Roundtable, Independent Community Bankers of America, National Association of Federally-Insured Credit Unions, National Council of Higher Education Resources, and Student Loan Servicing Alliance¹ respectfully request a 30-day extension of the period for the submission of comments to the petition for rulemaking and declaratory ruling filed by Craig Moskowitz and Craig Cunningham (Petition).² The Petition on which we comment seeks to reverse the Federal Communications Commission's (Commission) 25-year old interpretation that persons who knowingly release their phone numbers have given their consent to be called under the Telephone Consumer Protection Act (TCPA).

We believe that such a dramatic change would prevent consumers from receiving important communications from our members on their mobile phones, communications that provide critical information that consumers want and need to receive. It would also likely require our members to make fundamental changes to their practices for obtaining consent in conformity with the TCPA's requirements. Each day, our members make calls to millions of our customers who would be impacted in a very negative way by the change proposed in the Petition.

We believe that consideration of a proposed change of this magnitude should be done through a process that affords a greater opportunity for public participation. The Commission's notice stated that comments are due in 30 days, by March 10, 2017.³ A 30-day comment period will not provide either the financial services industry or the public with adequate time to consider the Petition and provide feedback.

¹ A description of each trade association is provided in the Appendix.

² Petition of Craig Moskowitz and Craig Cunningham for Rulemaking and Declaratory Ruling, CG Docket Nos. 02-278, 05-338 (filed Jan. 22, 2017).

³ Pub. Notice, Federal Comm'n's Comm'n, Consumer and Governmental Affairs Bureau Seeks Comment on Petition for Rulemaking and Declaratory Ruling Regarding Prior Express Consent Under the Telephone Consumer Protection Act 1 (Feb. 8, 2017).

It is vital that the public participate actively in the regulatory process, including by providing information about detrimental and potentially unforeseen consequences, as well as suggesting less burdensome alternatives for achieving the policy objective. Since his appointment, Chairman Pai has implemented important reforms to strengthen the Commission's policymaking processes.⁴ We believe a 60-day comment period for a change as significant as that proposed by petitioners would be consistent with the Chairman's other reforms.

Moreover, there is no statutory deadline necessitating a 30-day comment period. A 60-day comment period would be consistent with the intent of the Memorandum issued by President Trump's chief of staff, Reince Priebus, directing the heads of executive departments and agencies to delay, by 60 days, the effective date of regulations that have not taken effect, with certain exceptions, in order to allow for additional consideration of the regulation.⁵

For these reasons, we request that the Commission extend the time period for public comments for an additional 30 days, to April 10, 2017,⁶ and that the time period for reply comments be extended to April 25, 2017. Comment periods of these lengths would permit the development of a sufficiently broad and complete factual record necessary to support the Commission's assessment and disposition of the Petition.

Sincerely,

American Bankers Association
ACA International
American Association of Healthcare Administrative Management
American Financial Services Association
Consumer Bankers Association
Credit Union National Association
Financial Services Roundtable
Independent Community Bankers of America
National Association of Federally-Insured Credit Unions
National Council of Higher Education Resources
Student Loan Servicing Alliance

⁴ See, e.g., Press Release, Statement of FCC Chairman Ajit Pai Announcing Process Reform Measure on "Editorial Privileges" (Feb. 9, 2017), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0209/DOC-343447A1.pdf; Press Release, Statement of FCC Chairman Ajit Pai Announcing Another Process Reform Measure (Feb. 6, 2017), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0206/DOC-343355A1.pdf.

⁵ Memorandum from Reince Priebus, Assistant to the President and Chief of Staff, to Heads of Executive Dep'ts & Agencies 1 (Jan. 20, 2017), available at <https://www.whitehouse.gov/the-press-office/2017/01/20/memorandum-heads-executive-departments-and-agencies>.

⁶ The 30th day after the current comment period deadline of March 10 is April 9, which is a Sunday. Thus, we ask that the deadline be extended to the following Monday, April 10.

Appendix

The American Bankers Association is the voice of the nation's \$17 trillion banking industry, which is composed of small, regional and large banks that together employ more than 2 million people, safeguard \$13 trillion in deposits and extend more than \$9 trillion in loans.

ACA International is the leading trade association for credit and collection professionals, representing approximately 3,500 members, including credit grantors, third-party collection agencies, asset buyers, attorneys, and vendor affiliates, who employ more than 230,000 employees worldwide.

The American Association of Healthcare Administrative Management (AAHAM) is the premier professional organization in healthcare administrative management.

Founded in 1916, the American Financial Services Association (AFSA) is the national trade association for the consumer credit industry, protecting access to credit and consumer choice. AFSA members provide consumers with many kinds of credit, including traditional installment loans, mortgages, direct and indirect vehicle financing, payment cards, and retail sales finance.

Founded in 1919, the Consumer Bankers Association (CBA) is the trade association for today's leaders in retail banking - banking services geared toward consumers and small businesses. The nation's largest financial institutions, as well as many regional banks, are CBA corporate members, collectively holding well over half of the industry's total assets. CBA's mission is to preserve and promote the retail banking industry as it strives to fulfill the financial needs of the American consumer and small business.

The Credit Union National Association (CUNA) represents America's credit unions and their more than 100 million members.

As advocates for a strong financial future™, FSR represents 100 integrated financial services companies providing banking, insurance, and investment products and services to the American consumer. Member companies participate through the Chief Executive Officer and other senior executives nominated by the CEO. FSR member companies provide fuel for America's economic engine, accounting directly for \$98.4 trillion in managed assets, \$1.1 trillion in revenue, and 2.4 million jobs.

The Independent Community Bankers of America®, the nation's voice for nearly 6,000 community banks of all sizes and charter types, is dedicated exclusively to representing the interests of the community banking industry and its membership through effective advocacy, best-in-class education and high-quality products and services. With over 50,000 locations nationwide, community banks employ 700,000 Americans, hold \$4.0 trillion in assets, \$3.2 trillion in deposits, and \$2.7 trillion in loans to consumers, small businesses, and the agricultural community. For more information, visit ICBA's website at www.icba.org.

The National Association of Federally-Insured Credit Unions (NAFCU) is a direct membership association for federally insured credit unions. We are committed to representing, assisting,

educating and informing our member credit unions to help them grow, and help grow the credit union industry.

NCHER is a national trade association representing higher education service agencies that administer education programs that make grant and loan assistance available to students and parents to pay for the costs of postsecondary education.

The Student Loan Servicing Alliance (SLSA) is a non-profit trade association made up of approximately 25 student loan servicers whose members service the loans of over 40 million student loan borrowers. Student loan servicers are responsible for a range of services, including the processing of loan applications, communications with consumers, the provision of disclosures and billings, the processing of payments, and the collection of payments. Most SLSA members service private education loans as well as federal student loans.