

November 15, 2023

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L St. NE
Washington, DC 20554

Michael H. Pryor
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Re: *Notice of Ex Parte Meeting in Re: WC Docket No. 17-97;
CG Dockets 17-59; 21-402 & 02-278*

Dear Ms. Dortch:

On Monday, November 13, 2023, Jonathan Thessin, Vice President/Senior Counsel, Regulatory Compliance and Policy, American Bankers Association; Shelly Repp, Senior Advisor and Counsel, National Council of Higher Education Resources; Amanda Smith, Senior Regulatory Affairs Counsel, National Association of Federally-Insured Credit Unions; Celia Winslow, Senior Vice President, American Financial Services Association; Alisha Sears, Director, Regulatory Counsel, Mortgage Bankers Association; Aryeh Fishman, Associate General Counsel, Regulatory Legal Affairs, Edison Electric Institute; and the undersigned, counsel for ACA International and the Credit Union National Association, met with Carmen Scurato, Legal Advisor for Consumer and Public Safety, Office of Chairwoman Jessica Rosenworcel.

During the meeting, the participants discussed the Federal Communications Commission's ongoing proceedings regarding revocation of consent under the Telephone Consumer Protection Act (TCPA) and certain of the Commission's proposals regarding call blocking, labeling and notification of blocking consistent with the comments filed by the aforementioned associations.¹

We reiterated our strong support for actions to remove bad actors and illegal traffic from the network. We noted that banks, credit unions, and other financial services providers make informational calls to their customers, often providing critical information such as fraud alerts, past due notifications, and payment reminders. These calls are often erroneously blocked or mislabeled by terminating carriers and their analytic engine partners. We also noted that public utilities have been requested by their customers, and required in many instances by their

¹ See, e.g., Comments of ACA International and the Credit Union National Association, CG Docket No. 02-278, filed July 31, 2023; Comments of the American Bankers Association, et al, CG Docket No. 02-278, filed July 31, 2023; Comments of the Edison Electric Institute and the National Rural Electric Cooperative Association, CG Docket No. 02-278, filed July 31, 2023.

regulators, to provide notifications about service interruptions and information about the status of facility repair efforts, service restoration, updates, and other similar information.

With respect to the Commission's proceeding regarding revocation of consent, we explained that our members respect and carry out customer requests to opt out of receiving autodialed or prerecorded voice calls or text messages, and rarely use these technologies for marketing purposes. Customers may hold several accounts with a financial institution or a public utility and they consent to receive different types of informational messages related to each account. To avoid consumer harm, it is critical that businesses not be compelled to apply a customer's revocation request to a broader category of messages than the customer intends. We explained that consumers are unlikely to expect that their request to stop receiving communications about a discrete matter would result in the elimination of all communications from their financial institution, such as fraud alerts or text messages required to be sent for the consumer to access the account under multi-factor authentication. Similarly, an electric utility consumer's request to opt out of usage alerts, for example, may not reflect a desire to opt out of other messages such as outage notifications, service calls and field work notifications, messages providing estimates for the time to restore power, messages verifying eligibility for special rate services or periodic payment reminders.

We also discussed our practical concerns, consistent with filed comments, regarding the Commission's proposal to require callers to honor revocation requests within 24 hours. Financial institutions and other companies may find it infeasible to implement a 24-hour requirement for processing these requests because companies receive revocation requests through multiple channels; may not be able to process all revocations through automated means; and may manage customer numbers by line of business, and not in a centralized manner. Implementing a revocation request this quickly is particularly impracticable if businesses are not able to require the use of standardized language, such as "STOP," in expressing the consumer's revocation.

We also urged the Commission to require entities blocking calls based on analytics to use SIP Code 608 and/or SIP Code 603+ once tested, and no other codes, and to require prompt implementation. We also noted our support for extending, to mislabeled calls, the notification and redress requirements currently in place for blocked calls.

Please contact the undersigned if you have any questions.

Sincerely,

_____/s/
Michael H. Pryor
Counsel for CUNA and ACA International