



PUBLIC NOTICE

Federal Communications Commission
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DA 20-384

Released: April 6, 2020

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PETITION FOR EXPEDITED DECLARATORY RULING, CLARIFICATION, OR WAIVER FILED BY THE AMERICAN BANKERS ASSOCIATION ET AL.

CG Docket No. 02-278

Comment Date: May 6, 2020

Reply Comment Date: May 21, 2020

With this Public Notice, we seek comment on a petition for expedited declaratory ruling, clarification, or waiver filed by the American Bankers Association and several other financial associations.¹ Specifically, the *Petition* contends that calls or texts placed by banks, credit unions, and other customer-facing financial service providers using an automatic telephone dialing system or prerecorded or artificial voice on matters relating to the COVID-19 pandemic are calls made for “emergency purposes” under the Telephone Consumer Protection Act (TCPA), and thus may be made without the prior express consent of the called party.² In relevant part, the TCPA prohibits autodialed, prerecorded, or artificial voice calls to wireless telephone numbers and other specified recipients absent an emergency purpose or the prior express consent of the called party.³

We seek comment on this and any other issues raised by the *Petition*.

Pursuant to section 1.2 of the Commission’s rules,⁴ interested parties may file comments and reply comments on or before the dates indicated above. 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).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.

¹ *Petition for Expedited Declaratory Ruling, Clarification, or Waiver of the American Bankers Association et al.*, CG Docket No. 02-278 (filed Mar. 30, 2020) (*Petition*).

² *Petition* at 4 (indicating that such calls may include, for example, outreach calls and texts to consumers to: offer payment deferrals, fee waivers, extension of payment terms or other delays in payment, modification, or forbearance on mortgage payments and other loans; advise of branch closures or reduced hours; warn of potential fraud; or otherwise make consumers aware of programs, relief, and resources offered in response to the pandemic). The TCPA is codified at section 227 of the Communications Act of 1934, as amended. See 47 U.S.C. § 227.

³ See 47 U.S.C. § 227 (b)(1). The Commission’s rules define “emergency purposes” to mean “calls made necessary in any situation affecting the health and safety of consumers.” 47 CFR § 64.1200(f)(4).

⁴ 47 CFR § 1.2.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent 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.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.U.S.
- Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554
- **Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.**

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 and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁵ 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 section 1.1206(b) of the Commission’s rules.⁶ In proceedings governed by section 1.49(f) of the rules 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).⁷ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Additional Information. For further information, contact Richard D. Smith, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at (717) 338-2797 or Richard.Smith@fcc.gov.

⁵ See 47 CFR §§ 1.1200 *et seq.*

⁶ *Id.* § 1.1206(b).

⁷ *Id.* § 1.49(f).