



# PUBLIC NOTICE

Federal Communications Commission  
45 L Street NE  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <https://www.fcc.gov>  
TTY: 1-888-835-5322

DA 21-1102

Released: September 3, 2021

## CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PERDUE FOR SENATE, INC. PETITION FOR DECLARATORY RULING UNDER THE TELEPHONE CONSUMER PROTECTION ACT OF 1991

CG Docket No. 02-278

Comment Date: October 4, 2021

Reply Date: October 19, 2021

With this Public Notice, we seek comment on a petition for declaratory ruling filed by Perdue for Senate, Inc. (Perdue).<sup>1</sup> Perdue requests that the Federal Communications Commission “clarify that delivery of a voice message directly to a voicemail box through ringless voicemail (‘RVM’) technology does not constitute a ‘call’ subject to prohibitions on the use of an automatic telephone dialing system (‘ATDS’) or an artificial or prerecorded voice under Section 227(b)(1)(A)(iii) of the Telephone Consumer Protection Act (‘TCPA’) or Section 64.1200(a)(1)(iii) of the [Commission’s] rules.”<sup>2</sup>

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

*Comment filing procedures.* Pursuant to section 1.2 of the Commission’s rules,<sup>3</sup> interested parties may file comments on or before the dates indicated on the first page of this document in CG Docket No. 02-278. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).<sup>4</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
  - 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.

<sup>1</sup> Petition for Declaratory Ruling of Perdue for Senate, Inc., CG Docket No. 02-278 (filed July 2, 2021) (*Petition*).

<sup>2</sup> *Petition* at i.

<sup>3</sup> 47 CFR § 1.2.

<sup>4</sup> *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, D.C. 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, 35 FCC Rcd 2788 (OMD 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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

*Availability of documents.* Comments, reply comments, and *ex parte* submissions will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. When the FCC Headquarters reopens to the public, these documents will also be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street, NE, Washington, D.C., 20554.

*Ex Parte Rules.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>5</sup> 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.<sup>6</sup> 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).<sup>7</sup> Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

*Additional Information.* For further information, contact Mika Savir of the Consumer Policy Division, Consumer and Governmental Affairs Bureau, at (202) 418-0384 or [mika.savir@fcc.gov](mailto:mika.savir@fcc.gov).

---

<sup>5</sup> See 47 CFR §§ 1.1200 *et seq.*

<sup>6</sup> *Id.* § 1.1206(b).

<sup>7</sup> *Id.* § 1.49(f).