



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

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CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PETITION FOR EXPEDITED DECLARATORY RULING OR WAIVER FILED BY DENTALPLANS.COM

CG Docket No. 02-278

Comments Due: February 10, 2023

Reply Comments Due: February 27, 2023

With this Public Notice, the Consumer and Governmental Affairs Bureau seeks comment on a request for expedited declaratory ruling or retroactive waiver filed by DentalPlans.com (DentalPlans).¹ Specifically, DentalPlans seeks a ruling that: (i) DentalPlans' renewal notifications do not constitute telemarketing or advertising under the Telephone Consumer Protection Act (TCPA), and (ii) the language in its online enrollment forms and the language used by its customer service representatives during telephone conversations with potential DentalPlans customers satisfies the disclosure requirements set forth in 47 U.S.C. §§ 227(b)(1)(A)(iii) and 227(b)(2)(c).² In the alternative, DentalPlans requests that the Commission retroactively waive the application of its rules regarding advertisements and telemarketing for the period prior to December 31, 2020.³

We seek comment on these and any other issues raised by the request.

Filing Requirements. Interested parties may file comments on or before the dates indicated above.⁴ All filings must reference CG Docket No. 02-278. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- 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.
 - Currently, the Commission does not accept any hand delivered or messenger delivered filings as a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. In the event that the Commission

¹ See *Petition for Expedited Declaratory Ruling or in the Alternative Retroactive Waiver of DentalPlans.com*, CG Docket No. 02-278 (filed Jan. 3, 2023).

² *Id.* at 4-7.

³ *Id.* at 8-10.

⁴ See 47 CFR §§ 1.1, 1.49.

⁵ *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

announces the lifting of COVID-19 restrictions, a filing window will be opened at the Commission's office located at 9050 Junction Drive, Annapolis Junction, Maryland 20701.⁶

- 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 may be addressed to 45 L Street, NE, Washington, DC 20554.

Ex Parte Rules. The proceeding this Public Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁷ 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.

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 Bureau at 202-418-0530 (voice).

Additional Information. For further information regarding this Public Notice, please contact Richard D. Smith, Consumer and Governmental Affairs Bureau, at 717-338-2797 or by e-mail at Richard.Smith@fcc.gov.

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⁶ 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-closesheadquarters-open-window-and-changes-hand-delivery-policy>.

⁷ 47 CFR §§ 1.1200 *et seq.*