



## COLLECTION EXPRESS SERVICES INC.

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August 30, 2005  
Office of the Secretary  
ATT: OCBO  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**RE: Request for comment regarding possible revision or elimination of rules under the Regulatory Flexibility Act DA-05-1524**

My name is Vic C. York, and I am the President of Collection Express Services, Inc. located in Houston, Texas. I am the owner of a small business that has been substantially harmed as a result of the Federal Communications Commission's regulatory decision under the Telephone Consumer Protection Act ("TCPA") that small businesses, such as mine, cannot use predictive dialers to call wireless numbers when attempting to recover delinquent payments for goods or services received by consumers.

I am aware that ACA International ("ACA"), our Trade Association has filed a written comment with the Commission regarding this issue in response to the Commission's request for comments on the possible revision or elimination of rules under the Regulatory Flexibility Act, 5 U.S.C. § 610 ("RFA"), in proceeding DA-05-1524. See FCC Seeks Comment Regarding Possible Revision or Elimination of Rules Under the Regulatory Flexibility Act, DA-05-1524 (May 31, 2005). I fully support ACA's comment and the relief the Association seeks, including ACA's characterization of the harm visited upon small businesses as a result of the Commission's rule.

To the extent that my company uses predictive dialers, we do so to complete transactions for which consumers have obtained a benefit without payment. We do not telemarket. The Commission should not permit its regulations to be used as a shield to encourage the non-payment of debts. Doing so harms small businesses, the economy, as well as consumers.

As it stands today, my company faces serious financial hardship due to the Commission's regulatory reversal that creditors and debt collectors cannot use predictive dialers to call a wireless number to attempt to recover outstanding payment obligations. As you know many consumers have only cell phones as their primary telephone because the cost is much less than land lines. Wireless contact should not be eliminated where an existing relationship exists. The Commission's rule requires small companies, at great cost, to fundamentally alter our business models to reduce or remove our reliance on predictive dialers. It also needlessly subjects us to federal enforcement and private litigation risk, even though Congress never intended such an outcome.

For these reasons, I encourage the Commission to promptly clarify that autodialer calls to wireless numbers to attempt to recover payment obligations are not covered by the TCPA regulations for the reasons expressed by ACA.

Sincerely,

Vic C. York, IFCCE, MCE  
President

EXECUTIVE OFFICES\*SALES\*OPERATIONS:  
1880 S. Dairy Ashford, Suite 180, Houston, Texas 77077-4760 (713) 975-9550 FAX (713) 782-5735