STATE FARM INSURANCE Bank

August 31, 2005

Office of the Secretary
ATT: OCBO
Federal Communications Commission
445 12th 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 Desirae Schwertel, and I am a Collections Supervisor at State Farm Bank, located in Illinois. We are a 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 businesses, such as ours, 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") 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 businesses, the economy, as well as consumers.

As it stands today, our 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. The Commission's rule requires 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,

Desirae Schwertel

Desirae Schwertel
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State Farm Bank
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