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**Congress of the United States**  
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COMMITTEE ON  
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POLICY COMMITTEE  
IMMIGRATION REFORM  
CAUCUS, CHAIRMAN

August 21, 2012

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Genachowski:

The Communications Innovators Petition for Declaratory Ruling in CG Docket No. 02-278 was filed earlier this summer and I would like to inquire on its status. While I am not commenting specifically on the substance of the petition, I believe that it raises several interesting issues that merit consideration by the Federal Communications Commission.

As you know, Congress passed the Telephone Consumer Protection Act (TCPA) to protect consumers from aggressive telemarketing practices, including the use of autodialing equipment to make unsolicited calls to random telephone numbers. As the Commission recognized for more than a decade, the TCPA was not intended to restrict businesses from placing informational and other non-telemarketing calls to their customers and account holders, including on their wireless telephones. Nor did Congress intend to restrict the use of technologies such as predictive dialers – innovative equipment that dials specifically programmed contact numbers and enables company representatives to provide important, timely informational calls to consumers accurately, efficiently, and cost-effectively.

Unfortunately, the FCC decided in 2003 that some predictive dialers fall within the TCPA's definition of an autodialer and are subject to the same restrictions as the autodialing equipment used by telemarketers. It failed to explain, however, what specific types of predictive dialing technologies are considered autodialers. With this decision, the FCC created confusion that is harming both consumers and businesses.

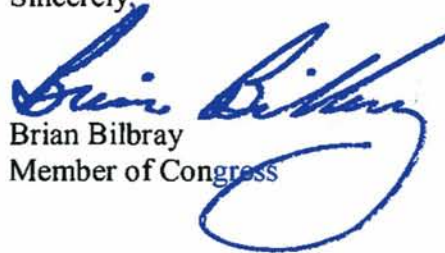
Predictive dialers are used today by many businesses to place non-telemarketing informational calls and provide critical, time-sensitive information to consumers. They are accurate and efficient devices that enhance compliance capabilities, eliminate human error, and maximize live

representatives' productivity. They restrict calls to certain numbers, to certain individuals, at certain hours, and to a certain number of calls, thus ensuring compliance with the myriad of state and federal laws and regulations that govern companies' contacts with consumers.

We need to do everything that we can to promote American innovation and job growth. The FCC's prior predictive dialer decisions seem to unnecessarily constrain innovative technologies and burden U.S. businesses. I would like to encourage the FCC to take the opportunity to clear up any confusion there may be surrounding the legitimate use of autodialers, while at the same time taking the opportunity to promote innovation.

I look forward to learning the status of the Communication Innovators petition and thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Bilbray", is written over the typed name and title. The signature is fluid and cursive, with a large loop at the end.

Brian Bilbray  
Member of Congress