

# United States Senate

WASHINGTON, DC 20510

February 17, 2017

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The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Pai,

Congratulations on your appointment as Chairman of the Federal Communications Commission (FCC). We write regarding your recent comments about how the FCC can help protect consumers from receiving unwanted and intrusive robocalls, robotexts, and telemarketing calls. During a recent Consumer Advisory Committee meeting, you reportedly discussed a number of solutions to help address this problem, including increased enforcement action and reconsidering the Broadnet et al. Declaratory Ruling. We appreciate these statements, and we encourage you to take strong actions to protect consumers from unwanted calls and texts.

When Congress passed the Telephone Consumer Protection Act (TCPA) of 1991, one goal was clear: consumers should not be subject to unwanted robocalls, robotexts, and telemarketing calls. While the law has worked to successfully block countless unwanted calls and texts, consumer complaints related to the TCPA remain among the most received by the Federal Trade Commission (FTC) and the FCC. In FY 2016 alone, the FTC received over 5.3 million complaints about unwanted calls, while unwanted calls continue to be a top consumer complaint at the FCC.<sup>1</sup>

In speaking about unwanted calls at the FCC's Consumer Advisory Committee meeting, you were quoted as saying, "the problem is only getting worse and that's why I hope the Commission will take aggressive action, hopefully with your counsel, to end it."<sup>2</sup> We agree, and believe that increased action – including increased enforcement action, maintaining protections against federal debt collectors, and preserving the current interpretation of autodialer – could help provide consumers much needed relief. We are very pleased that you are committed to addressing this pressing consumer protection issue, and strongly encourage you to take the "aggressive action" needed to stop unwanted calls.

During the Committee meeting, you also reportedly raised the possibility of reconsidering the FCC's 2016 Broadnet et al. Declaratory Ruling. The Broadnet et al. Declaratory Ruling formally exempted government contractors from complying with the TCPA's core consumer protections.

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<sup>1</sup> "National Do Not Call Registry Data Book for Fiscal Year 2016." Federal Trade Commission, Dec. 2016. Web. 27 Jan. 2017. <<https://www.ftc.gov/reports/national-do-not-call-registry-data-book-fiscal-year-2016>>.


"Unwanted Calls." Federal Communications Commission, 17 Jan. 2017. Web. 29 Jan. 2017. <<https://www.fcc.gov/unwanted-calls>>.

<sup>2</sup> McGill, Margaret Harding. "FCC's Pai Calls for 'aggressive action' against Robocalls." Politico. N.p., 27 Jan. 2017. Web. 16 Feb. 2017. <<https://www.politicopro.com/tech/whiteboard/2017/01/fccs-pai-calls-for-aggressive-action-against-robocalls-082963>>.

We strongly oppose the Broadnet et al. Declaratory Ruling and believe that it was Congress's intent for the TCPA's protections to extend to government contractors. We encourage you to grant the petition for reconsideration and rescind the Broadnet et al. Declaratory Ruling without delay. We must ensure that government contractors are subject to meaningful rules that prohibit them from violating the consumer protections established by the TCPA.

Thank you for your attention to this important matter. We respectfully request that you provide a written response by March 9, 2017, detailing what efforts you will take to protect consumers from unwanted robocalls, robotexts, and telemarketing calls. If you have any questions, please have a member of your staff contact Daniel Greene of Senator Markey's office at 202-224-2742.

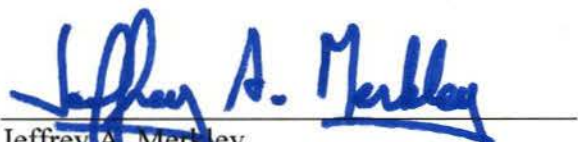
Sincerely,



Edward J. Markey  
United States Senator



Al Franken  
United States Senator



Jeffrey A. Merkley  
United States Senator



Robert Menendez  
United States Senator



Claire McCaskill  
United States Senator



Richard Blumenthal  
United States Senator



Tom Udall  
United States Senator



Amy Klobuchar  
United States Senator



Ron Wyden  
United States Senator