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JUDICIARY
SUBCOMMITTEE ON IMMIGRATION AND
BORDER SECURITY

SUBCOMMITTEE ON REGULATORY REFORM,
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August 3, 2018

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

Dear Chairman Pai,

I write in strong support of the Federal Communication Commission's (FCC) actions to address the recent onslaught of unwanted and illegal robocalls affecting consumers across the country. Furthermore, I want to express my appreciation over the FCC's willingness to revisit and seek further comment on outstanding Telephone Consumer Protection Act (TCPA) provisions. The FCC's willingness to address these intrusive robocalls and deliver needed policy updates will greatly benefit my constituents and individuals across the state of Colorado.

As you know, previous interpretations of the TCPA have created a great deal of ambiguity for companies and kept consumers and businesses alike facing needless uncertainty. Businesses are left in limbo as to whether they may send legitimate promotional text messages and phone calls to consumers' cell phones. Unfortunately, many companies that utilize telecommunications for promotional purposes find themselves the subject of class action litigation or agency regulatory action. As such, I applaud your decision to reevaluate how to best regulate these marketing techniques to ensure legitimate marketing operations may continue while also stopping bad actors from committing further harm.

The FCC must find a workable approach that allows legitimate businesses to advertise to their consumers while providing individuals who wish not to receive these materials the protections they deserve. This is especially true following the D.C. Circuit Court's recent decision in *ACA International v. FCC*, which overturned the FCC's guidance related to reassigned phone numbers and the identification of which mobile devices qualify as an automated telephone dialing system (ATDS). It is critical the FCC work with industry to establish a workable regulatory regime governing how companies may use existing methods, while still accounting for emerging, innovative technologies of the future.

It is clear the time has arrived for the FCC to update and clarify the TCPA and the way this law treats companies in a rapidly developing technological world. Industry requires clear, easily implementable rules to determine how and when consumers may be contacted via text messages and phone calls for legitimate business purposes. Additionally, consumers deserve protections from predatory marketing methods. As such, I call on you to continue this work to overhaul and provide clarity to the TCPA. Thank you for your consideration of these requests.

Sincerely,

A handwritten signature in blue ink that reads "Ken Buck". The signature is written in a cursive, slightly slanted style.

Ken Buck
Member of Congress