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2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

September 11, 2018

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

Dear Chairman Pai:

I applaud the FCC's recent efforts to update its approach to the Telephone Communications Protection Act ("TCPA"), as well as its efforts in cracking down on abusive and illegal robocalls. Furthermore, the D.C. Circuit's recent ruling in *ACA International v. FCC*, 885 F.3d 687 (D.C. Cir. 2018) provides the Commission an opportunity to correct and clarify several areas of the TCPA and the 2015 TCPA Omnibus Declaratory Ruling, which, according to the Institute for Legal Reform, resulted in a 46% increase in TCPA case filings. Using this decision as a road map to bring common sense back to the TCPA, I recommend that the FCC clarify the term "automatic telephone dialing system" ("ATDS"), according to the plain language of the law and consistent with Congressional intent, to mean equipment must use a random or sequential number generator to store or produce numbers and dial those numbers without human intervention. Moreover, the FCC should find that only calls made using actual (not theoretical) ATDS capabilities are subject to the TCPA's restrictions.

Clear rules will not only help businesses comply with the TCPA, but will also reduce gaming of the legal system by both plaintiffs' attorneys and serial plaintiffs for profit. Much has changed since the TCPA was enacted in 1991, and I hope the Commission will act swiftly to establish rules that protect both consumers and legitimate business communications.

Sincerely,



Chairman Bob Goodlatte
House Judiciary Committee