

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

*Re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Blackboard, Inc. Petition for Expedited Declaratory Ruling; Edison Electric Institute and American Gas Association Petition for Expedited Declaratory Ruling, CG Docket No. 02-278*

I support the relief provided in this Declaratory Ruling, which should help schools and utilities provide information that their respective audiences want and need. The fact that the Commission must continually grant exemptions or clarifications to its TCPA framework for these and other valuable purposes, however, highlights that its interpretations of the law are overly restrictive, unrealistic, and unworkable.

The petitions at issue here are a perfect illustration. Parents and kids can benefit greatly when schools call or text parents to let them know that their child did not arrive at school. Think about a parent's worst nightmare: the instances of the thousands of children abducted annually or other horrible events. Under the Commission's TCPA approach, the parents may not learn for hours or a full school day of their missing child unless the administrator had the chance that day to manually call each and every absentee child's parent. Autodialing or texting can be a lifesaver. Similarly, homeowners and renters of all make-ups, including the elderly, can benefit when utilities call or text residents to let them know it is safe to return home after an outage. Just imagine those citizens who await the all clear signal after a gas leak in a neighborhood, their daily lives disrupted as they find shelter at neighbors, friends, community centers or otherwise. And the only legal option for the company to pursue, absent this item, is to manually dial each and every subscriber, all to the detriment of resources to assist those in need or detect and solve the problem at hand.

If parties have to spend resources to come before the Commission to ensure that they won't face needless liability for such vital messages, then the Commission's framework has missed the mark by a very wide margin indeed. It is disappointing, but not surprising, that these practices were caught up in the Commission's misapplication of the TCPA law last year.

These experiences, and many others, are not the types of calls that the statute was intended to cover. Instead of focusing on protecting Americans from abusive telemarketing calls, the Commission is curtailing critical communications between companies and consumers. Moreover, even when the Commission claims to provide relief, it leaves petitioners subject to the reassigned number liability trap, which I do not support and is in woeful need of reform. While I am glad that the Commission is providing some modicum of relief for some of those that are forced to pursue it, I remain hopeful that the Commission's general framework will be overturned in court (assuming the Commission does not see the error of its ways beforehand) and the Commission will chart a more rational course in the future.