



WASHINGTON, D.C.
99 M Street SE
Suite 300
Washington, D.C. 20003-3799
Phone: 202-638-5777
Fax: 202-638-7734

February 19, 2020

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Presentation; CG Docket Nos. 02-278, 18-152

Dear Ms. Dortch:

On behalf of the Credit Union National Association, Alaska Credit Union League, California and Nevada Credit Union Leagues, Carolinas Credit Union League, Credit Union League of Connecticut, Inc., Cooperative Credit Union Association, Cornerstone Credit Union League, CrossState Credit Union Association, Credit Union Association of the Dakotas, Hawaii Credit Union League, Heartland Credit Union Association, Illinois Credit Union System, Indiana Credit Union League, Iowa Credit Union League, Kentucky Credit Union League, League of Southeastern Credit Unions, Louisiana Credit Union League, Maine Credit Union League, Maryland | DC Credit Union Association, Michigan Credit Union League, Minnesota Credit Union Network, Mississippi Credit Union Association, Montana's Credit Unions, Mountain West Credit Union Association, Nebraska Credit Union League and Affiliates, Credit Union Association of New Mexico, New York Credit Union Association, Northwest Credit Union Association, Ohio Credit Union League, Tennessee Credit Union League, Utah Credit Union Association, Association of Vermont Credit Unions, Virginia Credit Union League, West Virginia Credit Union League and the Wisconsin Credit Union League, we respectfully submit this ex parte letter urging the Federal Communications Commission ("FCC" or "Commission") to expeditiously clarify the Telephone Consumer Protection Act's ("TCPA") applicability to information calls made to a wireless phone by either:

- (1) adopting an established business relationship ("EBR") exemption from the prior consent requirement for credit union informational calls and text messages to cell phones; or, alternatively
- (2) exempting credit union informational calls or texts from the prior consent requirement if they are in fact free to the called party under the called party's wireless plan.

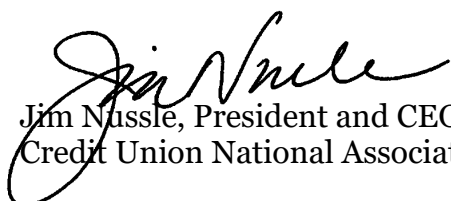
Each of these proposed alternatives for clarification were previously raised as part of the Petition for Declaratory Ruling (“CUNA Petition” or “Petition”) filed by the Credit Union National Association on September 29, 2017.¹ To date, nearly three years later, the CUNA Petition remains outstanding while judicial interpretations surrounding the TCPA have become more and more contradictory, increasing the level of uncertainty for both credit unions and the 115 million credit union member owners that they serve. Accordingly, we urge the Commission to expeditiously act on the Petition for Declaratory Ruling.

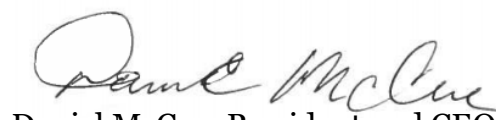
Credit unions are tax-exempt, nonprofit, democratically operated financial cooperatives that have a unique relationship with their members—who are also owners of the enterprise. This special relationship spawns a variety of communications between the credit union and its member-owners, ranging from timely and critical financial information to messages regarding governance issues and financial education. Members welcome and expect this information.

When a credit union conveys such information to a member at her home over a landline connection, the call does not require the member’s prior consent. If the member, however, takes that same call at home on a cell phone, the rules are completely different. The Telephone Consumer Protection Act (“TCPA”) and the Federal Communications Commission’s implementing rules require prior express consent to make informational calls to cell phones using an automatic telephone dialing system (“ATDS”) or an artificial or prerecorded voice, and the credit union risks potentially ruinous class-action litigation if for some reason consent had not been obtained or documented. The different treatment of informational calls to cell phones and landlines is antiquated, unfair, and fails to reflect how the vast majority of consumers communicate today. Adoption of either of the Petition’s proposed exemptions would restore the balance that Congress sought to achieve between consumers’ privacy interests and the legitimate interests of businesses to communicate with their consumers.

With the uncertainty stemming from a confusing patchwork of contradictory court interpretations continuing to threaten credit unions’ legitimate business obligations to inform members, the need for the Commission to act is immediate. Accordingly, we urge the FCC to promptly grant the Petition.

Sincerely,


Jim Nussle, President and CEO
Credit Union National Association


Daniel McCue, President and CEO
Alaska Credit Union League

¹ See Petition for Declaratory Ruling, CG Docket No. 02-278 (filed September 29, 2017) (“CUNA Petition”).



Diana Dykstra, President and CEO
California & Nevada Credit Union Leagues



Kelly Fuhlbrigg, VP, Gov't Relations
The Connecticut League of Credit Unions



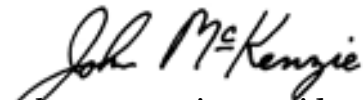
Caroline Willard, President and CEO
Cornerstone Credit Union League



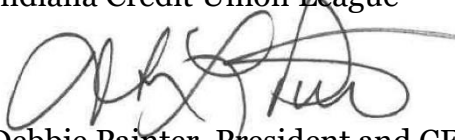
Jeff Olson, President and CEO
Credit Union Association of the Dakotas



Brad Douglas, President and CEO
Heartland Credit Union Association



John McKenzie, President and CEO
Indiana Credit Union League



Debbie Painter, President and CEO
Kentucky Credit Union League



Bob Gallman, President and CEO
Louisiana Credit Union League



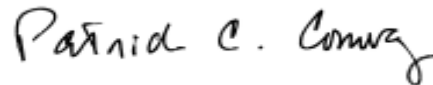
John Bratsakis, President and CEO
Maryland | DC Credit Union Association



Dan Schline, President and CEO
Carolinas Credit Union League



Ron McLean, President and CEO
Cooperative Credit Union Association



Patrick Conway, President and CEO
CrossState Credit Union Association



Dennis Tanimoto, President and CEO
Hawaii Credit Union League



Tom Kane, President and CEO
Illinois Credit Union System



Murray Williams, President and CEO
Iowa Credit Union League



Patrick La Pine, President and CEO
League of Southeastern Credit Unions



Todd Mason, President and CEO
Maine Credit Union League



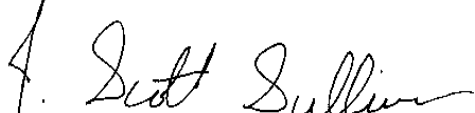
Dave Adams, President and CEO
Michigan Credit Union League & Affiliates



Mark Cummins, President and CEO
Minnesota Credit Union Network



Tracie Kenyon, President and CEO
Montana's Credit Unions



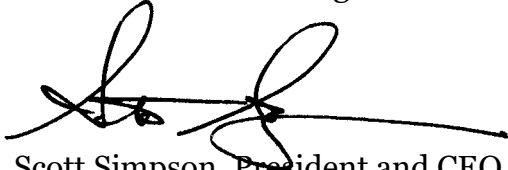
J. Scott Sullivan, President and CEO
Nebraska Credit Union League & Affiliates



William Mellin, President and CEO
New York Credit Union Association



Paul Mercer, President and CEO
Ohio Credit Union League



Scott Simpson, President and CEO
Utah Credit Union Association



Rick Pillow, President and CEO
Virginia Credit Union League



Brett Thompson, President and CEO
Wisconsin Credit Union League



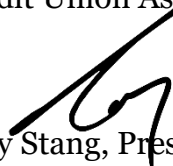
Charles Elliott, President and CEO
Mississippi Credit Union Association



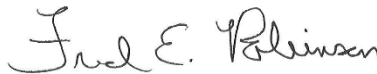
Scott Earl, President and CEO
Mountain West Credit Union Association



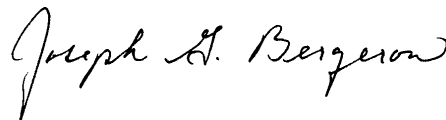
Paul Stull, President and CEO
Credit Union Association of New Mexico



Troy Stang, President and CEO
Northwest Credit Union Association



Fred Robinson, President and CEO
Tennessee Credit Union League



Joe Bergeron, President and CEO
Association of Vermont Credit Unions



Ken Watts, President and CEO
West Virginia Credit Union League