

April 21, 2020

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

Re: *Ex Parte Communication In the Matter of Petition for Expedited Declaratory Ruling, Clarification, or Waiver (CG Docket No. 02-278) and Public Notice DA 20-384*

Dear Ms. Dortch:

The American Financial Services Association (AFSA)¹ appreciates the opportunity to write in regard to the Petition for Expedited Declaratory Rule, Clarification, or Waiver filed with the Federal Communications Commission (FCC) by AFSA, the American Bankers Association, and other trade associations on March 30, 2020 (Petition).² In the Petition, the parties ask for an expedited declaratory ruling, clarification, or waiver stating that phone calls and text messages placed by financial institutions using an autodialer or prerecorded voice on matters related to the COVID-19 pandemic be designated as calls made for emergency purposes and thus may be placed without the consent of the called party.

In response to the Petition, on April 6, 2020, the FCC issued Public Notice DA 20-384, creating a 45-day comment period, ending May 21, 2020.³ While AFSA commends the FCC for considering the Petition, AFSA urges the FCC to issue an interim declaratory ruling on the Petition without further delay. The phone calls and text messages referenced in the Petition include important and often, time-sensitive, information about branch hours and closings, payment deferrals, fee waivers, and other forms of relief. Consumers need this information now.

This pandemic has had a detrimental effect on consumers' health and financial well-being and necessitates immediate action from the FCC. Over the previous two weeks, ending April 11, 2020, unemployment claims have increased by 11,860,000.⁴ Again, AFSA respectfully requests that the FCC issue a declaratory ruling on the Petition or provide other immediate relief.

¹ Founded in 1916, AFSA is the national trade association for the consumer credit industry, protecting access to credit and consumer choice. AFSA members provide consumers with many kinds of credit, including traditional installment loans, mortgages, direct and indirect vehicle financing, payment cards, and retail sales finance.

² Pet. of the Am. Bankers Ass'n et al., Rules and Regulation Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278 (2020), https://ecfsapi.fcc.gov/file/10330137314199/ABA_JointTrades_Petition_Emergency_Purposes_Exception_2020_03_30_final.pdf (petition filed by the American Bankers Association, American Financial Services Association, Consumer Bankers Association, Credit Union National Association, Independent Community Bankers of America, Mortgage Bankers Association, and National Association of Federally-Insured Credit Unions).

³ Consumer and Governmental Affairs Bureau Seeks Comment on Petition for Expedited Declaratory Ruling, Clarification, or Waiver Filed by the American Bankers Assoc. et al., Public Notice, CG Docket No. 02-278 (rel. April 6, 2020).

⁴ U.S. Employment and Training Administration, Initial Claims [ICSA], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/ICSA>, April 20, 2020.

AFSA appreciates the FCC's attention to these issues. Please do not hesitate to contact me at 202-776-7300 or cwinslow@afsamail.org with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Celia Winslow". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Celia Winslow

Senior Vice President

American Financial Services Association