



October 26, 2020

Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, D.C. 20554

Re: Exemptions Implemented Under the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278

Dear Commission's Secretary:

The Indiana Credit Union League (ICUL) appreciates the opportunity to submit comments on the Federal Communications Commission's (FCC) proposed measures to implement section 8 of the Pallone Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act). The ICUL member credit unions represent 99% of assets and members of Indiana's credit unions, with those memberships totaling more than 2.6 million consumers.

Credit unions are member-focused organizations and are historically known for having a personable and approachable communication with their members. These communications do include mobile phone calls and texts and can range from fraud alerts, account information, and financial education. Credit union members appreciate and welcome keeping this level of communication to stay informed, and many use their mobile phones because of the convenience and the ability to have instant information.

The Commission asks whether the exemptions for informational calls remain in the public interest. We believe informational calls are essential and requiring entities to obtain prior consent can create an unnecessary burden and costs to implement. Again, many of these information calls and texts can be account status, transaction notifications, balance information, fraud notification and so on. Many members want and need this information.

We also believe the Commission should not require an opt-out mechanism to informational calls because it is unnecessary and would create a significant burden to credit unions when trying to convey vital information to its members. That burden would require policies, procedures, processes, monitoring and technology to implement. Also, these proposed requirements will generate significant confusion to consumers and will likely result in credit union members opting out of being included in the communication of vital information. It is imperative to remind the Commission that telemarketing calls are very different from informational calls.

Currently, informational calls are exempt from the Telephone Consumer Protection Act (TCPA) prior consent requirements when made to residential lines and we urge the Commission to retain these exceptions for wireless phones without imposing additional requirements. Additionally, informational calls should be exempt for wireless phone lines because they are many individuals' primary phone, and individuals can manage incoming calls and texts as they deem appropriate. Also, adding limitations on the number of contacts would add another layer of unnecessary burden and cost to informational callers.

Again, many of these notifications are account related and are in correlation to the frequency of transactions and possibly fraud. Credit unions' experience shows that their members want this real time information.

In conclusion, we believe that imposing new regulatory obligations for information communications will damage and greatly limit the credit unions' ability to convey vital information to their members. This is even more relevant now due to COVID-19. Because some credit union physical branches offer limited hours or members are refraining from in-person visits, even more banking services are being provided remotely via mobile technology. Fraud has also taken a center stage during this trying time, and fraud alerts remain a communication tool that assists in preventing and limiting financial and identity theft losses. Real-time financial information via mobile technology is vital to detect and limit fraud.

We also ask the Commission to harmonize its rules covering residential and wireless phone lines by adding wireless phone lines and texts to its current exemptions. Adding these exceptions will be consistent with Congress' intent in passing the TCPA, which focuses on protecting residential privacy by limiting telemarketing calls and not limiting vital business information between a business and its customers.

We appreciate the opportunity to comment on the proposed rule. We ask the Federal Communications Commission to consider our comments as discussed above. If you have any questions about our letter, please do not hesitate to give me a call at (317) 594-5320.

Sincerely,

A handwritten signature in black ink that reads "John McKenzie". The signature is written in a cursive, slightly slanted style.

John McKenzie
President, Indiana Credit Union League