

**CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA**

April 8, 2020

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Comments on March 30, 2020 Petition for Expedited Declaratory Ruling,  
Clarification or Waiver Filed by the American Bankers Association, et al. – CG  
Docket Number 02-278**

Dear Ms. Dortch:

The U.S. Chamber of Commerce, the U.S. Chamber Institute for Legal Reform, the U.S. Chamber Technology Engagement Center, and the U.S. Chamber Center for Capital Market Competitiveness (collectively “the Chamber”) write in support of the Petition for Expedited Declaratory Ruling, Clarification or Waiver filed on March 30, 2020 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 (collectively “the Petitioners”). This petition requests that certain phone calls and text messages placed by banks, credit unions, and other customer-facing financial services providers using an automatic telephone dialing system (autodialer) or prerecorded or artificial voice calls on matters related to the COVID-19 pandemic be deemed “call[s] made for emergency purposes,” allowing them to be made without the consent of the called party pursuant to 47 U.S.C. § 227(b)(1)(A). The Chamber strongly supports this petition and also requests that the Commission expand any relief it provides in this area to cover all businesses seeking to communicate in good faith with their customers on matters related to the COVID-19 pandemic.

Specifically, the Chamber believes that these phone calls and text messages (collectively, calls) include valuable, time-sensitive information that directly benefit the consumer. For example, businesses may use these communications to inform the consumer about access to healthcare resources, government notices related to the pandemic, critical supply availability, closures, service limitations, reduced or expanded hours, telehealth options, and the availability of remote access.<sup>1</sup> The requested relief should be narrowly tailored to good faith informational calls made to consumers and should not include calls made for the purposes of advertising, telemarketing, or debt-collection.

Federal regulation, 47 CFR § 64.1200(f)(4), explicitly states that the emergency purposes exception includes “calls made necessary in any situation affecting the health and safety of consumers.” On March 20, 2020, the Federal Communications Commission released a declaratory ruling confirming that “the COVID-19 pandemic constitutes an ‘emergency’ under the Telephone Consumer Protection

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<sup>1</sup> This is not intended to represent an exhaustive list since communication needs will likely change as the issues raised by the pandemic will change over time.

Act.”<sup>2</sup> Although the March 20, 2020, declaratory ruling specifically references hospitals, health care providers, state and local health officials, and other government officials, it is imperative that it be expanded to cover the myriad, time-sensitive communications between businesses and their customers which also serve to protect the health and safety of consumers. For example, allowing businesses to provide consumers with information about service limitations, remote accessibility, critical financial programs and supply availability will help them protect the health and safety of consumers by preventing unnecessary, human-to-human interaction and reduce the spread of the COVID-19 virus. Therefore, these calls should fall under the Emergency Purposes Exception.

The COVID-19 pandemic has fundamentally changed how many businesses operate. Businesses are closing at alarming rates. Businesses that are fortunate enough to stay open are dealing with widespread disruption to the services they provide, the goods they sell and their overall supply chain. As a result, consumers are suffering. Whether it is financial distress caused by the inability to make payments on existing loans or health risks, businesses can better serve their customers if they are able to communicate expeditiously with them. For example, many businesses are modifying their services to better protect the health and safety of consumers during these uncertain times (e.g., prescription and grocery deliveries, specific hours of operation only available to the elderly and other at-risk populations, loan forgiveness programs, enhanced telecommunications and Internet services as well as remote accessibility). Enabling businesses to quickly deploy this information to customers is incredibly important to protect their “health and safety.” Therefore, these communications should fall squarely within the Emergency Purposes Exception. If the Commission concludes that the COVID-19-related calls fall outside the Emergency Purposes Exception, then the Commission should consider granting a temporary waiver of that regulatory definition for these types of COVID-19-related calls.

Businesses are now in unprecedented territory. In these uncertain times, businesses are torn between efficiently communicating with their customers about matters related to the ongoing pandemic and increased litigation exposure. The Chamber requests that good faith informational calls and texts made by businesses using an autodialer or prerecorded or artificial voice on matters related to the COVID-19 pandemic be considered calls “made for emergency purposes,” therefore meeting the requirements of TCPA’s Emergency Purposes Exception. Classifying these communications under the exception would help businesses protect the health and safety of their customers by reducing unnecessary exposure to the disease, in addition to expanding consumer access to goods, financial and other services, as well as health care.

Sincerely,



Harold Kim  
President  
U.S. Chamber Institute for Legal Reform



Tom Quadman  
Executive Vice President  
U.S. Chamber CCMC, C\_TEC

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<sup>2</sup> Declaratory Ruling, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278, at 1 (Mar. 20, 2020), <https://docs.fcc.gov/public/attachments/DA-20-318A1.pdf> [hereinafter March 20, 2020, Declaratory Ruling].