March 11, 2025

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation, *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 1988 (2024)

Dear Ms. Dortch,

On March 7, 2024, Jonathan Thessin of the American Bankers Association; James Akin of America's Credit Unions; Philip Bohi of the American Financial Services Association; Leah Dempsey and Michael Pryor of Brownstein Hyatt Farber Schreck, LLP, on behalf of ACA International; and Alisha Sears of the Mortgage Bankers Association (collectively, the Associations) met with Danielle Thumann, Senior Counsel to Chairman Brendan Carr.[1]

In the Report and Order (Order) released by the Federal Communications Commission (Commission) on February 16, 2024, the Commission stated that, once a consumer revokes consent to receive autodialed or prerecorded voice calls or text messages under the Telephone Consumer Protection Act, the caller may no longer send the consumer any calls or text messages that require consent.[2] During the meeting, the Associations raised concerns that, under the Order, a consumer who replies "stop" to revoke consent to receive one type of message – for example, future autodialed past-due text messages – will stop all future communications from that financial institution by phone or text on unrelated matters, such as low-balance alerts or warnings about unusual credit card transactions – even if that was not the consumer's intent.[3]

The Associations also stated that, to comply with the Order, an institution is required to process a revocation sent in response to one business unit's call or text so that all business units cease placing calls or texts to the consumer. This conversion involves substantial work, particularly for large institutions with many business units with separate calling systems. Moreover, callers often outsource to third parties responsibility to communicate with customers for specific issues, which requires coordination to ensure that all communications stop. Smaller providers face numerous challenges too, as modifications to their communications systems often require extensive manual work. The effective date for this provision in the Order – April 11, 2025 – was set on October 11, 2024, providing only a six-month period to implement the Order.[4] The Associations stated that, for these reasons, the Commission has "good cause" under 47 C.F.R. §

[1] A description of each Association is provided in the Appendix.
[2] *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 1988, ¶ 29 (2024).
[3] Fraud alerts may be exempt from the TCPA's prior express consent requirement. However, the Commission has imposed a number of conditions that institutions must meet to place calls or texts under the exemption. Consequently, the exemption may be of limited value, and institutions may feel compelled to place fraud alerts only with the prior express consent of the called party.
[4] Strengthening the Ability of Consumers To Stop Robocalls, 89 Fed. Reg. 82,518 (Oct. 11, 2024).

1.3 to waive the revocation rules established by the Order for a period of one year, to April 11, 2026.[5]

Sincerely,

American Bankers Association
ACA International
American Financial Services Association
America's Credit Unions
Mortgage Bankers Association

[5] *See* 47 C.F.R. § 1.3 (providing the Commission with authority to suspend, revoke, amend, or waive provisions in the TCPA "for good cause shown").

APPENDIX

The American Bankers Association is the voice of the nation's $24.1 trillion banking industry, which is composed of small, regional and large banks that together employ approximately 2.1 million people, safeguard $19.2 trillion in deposits and extend $12.7 trillion in loans.

ACA International represents approximately 1,700 members, including credit grantors, third-party collection agencies, asset buyers, attorneys, and vendor affiliates, in an industry that employs more than 113,00 people worldwide. Most ACA member debt collection companies are small businesses. The debt collection workforce is ethnically diverse, and 70% of employees are women. ACA members play a critical role in protecting both consumers and lenders. ACA members work with consumers to resolve their past debts, which in turn saves every American household more than $700 year after year. The ARM industry is instrumental in keeping America's credit-based economy functioning with access to credit at the lowest possible cost.

The American Financial Services Association (AFSA) is the national trade association for the consumer credit industry, protecting access to credit and consumer choice. AFSA members provide consumers with closed-end and open-end credit products including traditional installment loans, mortgages, direct and indirect vehicle financing, payment cards, and retail sales finance.

America's Credit Unions is the national trade association for consumers' best option for financial services: credit unions. America's Credit Unions advocates for policies that allow credit unions to effectively meet the needs of their over 142 million members nationwide.

The Mortgage Bankers Association (MBA) is a national association representing the real-estate finance industry. It has over 2,200 members comprised of real-estate finance companies, mortgage companies, mortgage brokers, commercial banks, thrifts, life-insurance companies, and others in the mortgage-lending field. MBA seeks to ensure the continued strength of the nation's residential and commercial real-estate markets, to expand homeownership, and to extend access to affordable housing to all Americans. It promotes fair and ethical lending practices and fosters professional excellence among real-estate finance employees through a range of educational programs and publications.