



November 30, 2021

Chairwoman Maria Cantwell
U.S. Senate Committee on
Commerce, Science, and
Transportation
Washington, D.C. 20510

Ranking Member Roger Wicker
U.S. Senate Committee on
Commerce, Science, and
Transportation
Washington, D.C. 20510

Dear Chairwoman Cantwell and Ranking Member Wicker:

On behalf of ACA International (ACA), the Association of Credit and Collection Professionals, I am writing regarding the hearing to consider the nominations of Jessica Rosenworcel, as chairwoman of the Federal Communications Commission and Gigi B. Sohn, as a commissioner of the Federal Communications Commission.

I. ABOUT ACA INTERNATIONAL

ACA International is the leading trade association for credit and collection professionals. Founded in 1939, and with offices in Washington, D.C. and Minneapolis, ACA represents more than 2,100 members, including credit grantors, third-party collection agencies, asset buyers, attorneys, and vendor affiliates in an industry that employs 125,000 employees worldwide. Most ACA member debt collection companies are small businesses. Women make up nearly 70 percent of the total debt collection workforce and which is ethnically diverse. The accounts receivable management (ARM) industry is proud of its diversity. Overall, racial and ethnic minorities comprise around 42 percent of ARM industry employees.¹

As part of the process of attempting to recover outstanding payments, ACA members are an extension of every community's businesses. ACA members work with these businesses, large and small, to obtain payment for the goods and

¹ Kaulkin Ginsberg, Diversity in the Collections Industry, available at <https://www.acainternational.org/assets/survey-aca-international-kaulkin-ginsberg-shows-growing-diversity-accounts-receivable-management-industry/diversity-in-the-collections-industry-report-updated.pdf>.

services already received by consumers. In years past, the combined efforts of ACA members have resulted in the annual recovery of billions of dollars—dollars that are returned to and reinvested by businesses and dollars that would otherwise constitute losses on the financial statements of those businesses. Without an effective collection process, the economic viability of these businesses and, by extension, the American economy, is threatened. Recovering rightfully owed consumer debt enables organizations to survive, helps prevent job losses, keeps credit, goods, and services available, and reduces the need for tax increases to cover government budget shortfalls. In short, all consumers and businesses are harmed when unpaid debt is not addressed. ACA members work with consumers to help them address and improve their unique financial situations. Open communication and clear and workable regulations are key to this ability to help consumers understand their options.

Because of those communication needs for consumers and industry, ACA, Edison Electric Institutes, the Cargo Airline Association, and the American Association of Healthcare Administrative Management asked the FCC to reconsider certain aspects of its December 2020 Telephone Consumer Protection Act exemptions order, which amended longstanding exemptions from the TCPA consent requirements for certain categories of informational calls. These exemptions have been in place for nearly 30 years and do not permit unconsented telemarketing calls, rather they benefit consumers by allowing them to receive important calls.

ACA has outlined the following for the FCC:

1. To ensure that consumers can continue to receive the important informational calls that they have requested and consented to receive about their electric service, financial accounts, package deliveries, and health care, the commission should promptly correct its codification of 47 C.F.R. 64.1200(a)(3), which as drafted would inadvertently require “prior express written consent” for certain informational prerecorded calls placed to residential landlines. The commission should fix this drafting mistake promptly using the language proposed in the petition.
2. The commission should revisit the one-size-fits-all limitation of three calls per 30 days per line for exempted informational prerecorded calls to residential landlines. Instead of a per-line restriction, the commission should adopt limits (e.g., per-account and per-event limits) that better reflect the unique, pro-consumer aspects of financial services, electric services,

package delivery and health care calls that must be placed to residential landlines.

3. The commission should continue to recognize the different safety, physical and financial health, and other benefits to consumers of informational calls and reconsider its decision to extend its telemarketing opt-out requirements to certain informational prerecorded calls placed to residential landlines.

As Congress reviews the nominations of the FCC commissioners, we ask that it consider this important issue with implications for the ARM industry.² When there are opaque rules or when the FCC does not narrowly tailor efforts to bad actors, consumers pay the price when they do not receive the information they want and need from legitimate callers.

Thank you for holding the hearing and for your attention to these important matters.

Sincerely,

Mark Neeb



Chief Executive Officer
ACA International

² Petition for Partial Reconsideration ACA International, Edison Electric Institutes, the Cargo Airline Association, and the American Association of Healthcare Administrative Management
[https://ecfsapi.fcc.gov/file/1033097657422/Petition%20for%20Reconsideration%20-%20TCPA%20Exemptions%20Order%20\(3-29-2021\).pdf](https://ecfsapi.fcc.gov/file/1033097657422/Petition%20for%20Reconsideration%20-%20TCPA%20Exemptions%20Order%20(3-29-2021).pdf) (March 29, 2021).