



*Via electronic submission*

April 20, 2020

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

Ms. Dortch:

The Consumer Bankers Association (CBA)<sup>1</sup> writes regarding the Petition for Expedited Declaratory Rule, Clarification, or Waiver filed by CBA, the American Bankers Association, and other associations March 30, 2020 (Petition).<sup>2</sup> CBA strongly urges the Federal Communications Commission (FCC) to act without delay to issue an interim declaratory ruling stating calls and text messages placed by financial institutions using an automatic telephone dialing system (ATDS) to reach customers regarding the ongoing COVID-19 pandemic are “call[s] made for emergency purposes” and may be placed without the consent of the called party, pursuant to the Emergency Purposes Exception.<sup>3</sup>

In response to the March 30 Petition, the FCC issued Public Notice DA 20-384 which opened the petition for comment through May 21, 2020. In the time since the Public Notice was released, and for the foreseeable future, “stay-at-home” orders, business closures, and unemployment claims have and will continue to rise as this unprecedented pandemic takes hold of our nation. Americans are in dire need of clear, concise, and timely communication with their financial institutions to prevent greater financial harm, and ensure their financial security is protected.

Financial institutions are here to help during this trying time. CBA members have expansive programs designed to help customers during their time of need, and the options we provide our customers are continually expanding. However, many customers may be unaware of the various relief programs financial institutions can offer and may face further financial hardship

---

<sup>1</sup> The Consumer Bankers Association is the only national trade association focused exclusively on retail banking. Established in 1919, the association is now a leading voice in the banking industry and Washington, representing members who employ nearly two million Americans, extend roughly \$3 trillion in consumer loans, and provide \$270 billion in small business loans.

<sup>2</sup> Pet. Of the Am. Bankers Ass’n et al., *Rules and Regulations 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](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).

<sup>3</sup> 47 USC § 227(b)(1)(A).

if these relief options are not properly communicated. The time for communication is now, while this hardship continues to develop, and any further delay in communication will undoubtedly result in greater financial harm.

CBA appreciates the FCC considering the Petition, however, we remain concerned that by not expediting the request, the FCC is greatly limiting the aid and assistance financial institutions can provide to customers during this time. Financial institutions are looking to communicate about branch closures, fee waivers, repayment extensions, and other vital information and resources crucial to ensuring both the financial and physical health of our customers.

Further, this pandemic provides unique opportunity for fraudsters to take advantage of vulnerable customers. While a litany of public and private programs related to financial health roll out for people across this country, Americans are more vulnerable than ever to fall into a fraudster's scheme. Financial institutions need direct communication with our customers to prevent nefarious actors from jeopardizing our customers' financial security, and to better protect our customers' financial interests during this unique time.

It is crucial the FCC act swiftly to allow financial institutions to better reach their customers during this time. We feel it is well within the FCC's authority to issue an interim declaratory ruling in this emergency, given the exigent circumstances presented by the unprecedented COVID-19 pandemic.

COVID-19 has already created dire financial situations in millions of households across this country, and those situations will continue to worsen over the coming weeks. It is crucial the FCC act now to allow financial institutions to better communicate with their customers during this pandemic to best protect them and their financial security. Financial institutions across this country are looking to serve our customers in their most dire time of need, and clear methods of communication are one of our best options to mitigate the disastrous financial effects of COVID-19.

If you have any questions or wish to discuss the matters in the Petition further, please do not hesitate to contact the undersigned directly at (202) 552-6381 or [scongdon@consumerbankers.com](mailto:scongdon@consumerbankers.com).

Sincerely,



Stephen Congdon  
Assistant Vice President  
Consumer Bankers Association