

Congress of the United States

Washington, DC 20515

June 21, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai,

We write to express our strong opposition to proposals allowing for the expanded use of ringless voicemail to communicate with unconsenting consumers. Furthermore, we oppose the request submitted in the Petition for Declaratory Ruling by All About the Message, LLC (AATM) to the FCC (CG Docket No. 02-278). Unsolicited ringless voicemail is a clear-cut attempt at an end-run around legal and technological protections against spam and unwanted phone communications. If approved, AATM's petition would force phone customers to listen to messages that they do not want to hear at the expense of their time, money, and freedom of choice. The FCC should reject this anti-consumer petition.

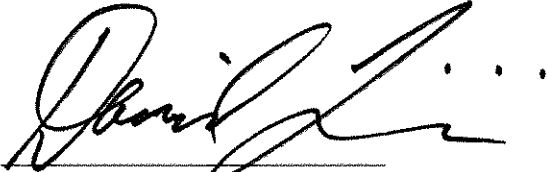
As you know, the Telephone Consumer Protection Act (TCPA) prohibits autodialed or prerecorded calls to cell phone numbers except in cases of emergency, to collect debts owed to or guaranteed by the United States, or when a customer has provided prior express consent for such calls to be made. This law plays a critical role in stemming the flood of unwanted, disruptive robocalls to cell phones.

AATM's technology sends messages directly to a customer's voicemail inbox, thus avoiding the rings that would normally notify the customer about an incoming call. Because of this fact, AATM purports that the communications it facilitates are not actually phone calls and thus are not subject to the TCPA. Furthermore, AATM asserts that delivery of a voicemail doesn't result in charges to the customer, thus rendering worries about cell phone plan costs moot. AATM is seeking affirmative confirmation of this interpretation from the FCC with its petition.

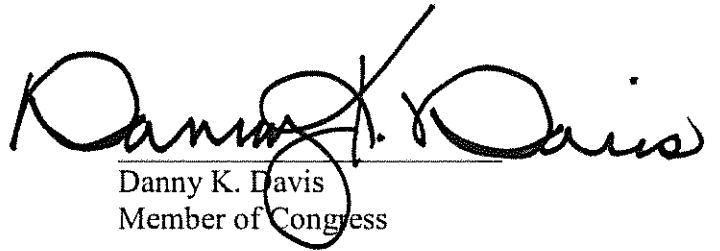
AATM's proposal boils down to the idea that since customers have to take initiative to listen to their voicemails, the company has caused no disruption to their lives. Yet consider that phones will typically still alert users that they have a voicemail, interrupting them as they go about their business. But most importantly, with other phone calls, users have the opportunity to see the number of the party dialing them and permanently block it if they so choose. With ringless voicemail, phone users must expend additional effort to identify the source of the call and have no means of stopping the flow of voicemail if it is unwanted. Without a check on the flow of incoming voicemail, customers are at risk of having to wade through ads, scams, and other unwanted calls in order to hear messages from children's teachers, family members, workplace managers, doctors, and other legitimate callers. In the worst case scenario, legitimate callers will not be able to leave messages at all, as phone providers frequently limit the number of voicemails they will store for customers at any one time. Lastly, millions of phone customers rely on limited-minute or prepaid plans that charge users as they use the service. Families on a budget would be at risk of wasting limited minutes or facing additional charges as they deal with excessive voicemail messages.

Consumers are the owners of their phone. Consumers are responsible for paying for their phone plans. Consumers should be the ones deciding who gets to contact them and how. We urge the FCC to reject AATM's petition.

Sincerely,



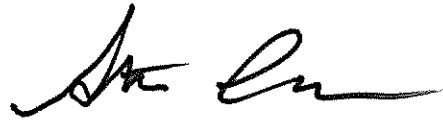
Daniel W. Lipinski
Member of Congress



Danny K. Davis
Member of Congress



Ro Khanna
Member of Congress



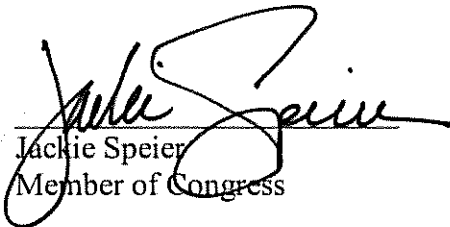
Steve Cohen
Member of Congress



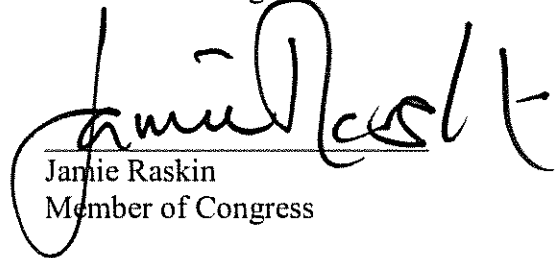
Eleanor Holmes Norton
Member of Congress




Mark Takano
Member of Congress



Jackie Speier
Member of Congress



Jamie Raskin
Member of Congress



Carol Shea-Porter
Member of Congress




Ted W. Lieu
Member of Congress



Robert A. Brady
Member of Congress



Brad Sherman
Member of Congress



James P. McGovern
Member of Congress



Cheri Bustos
Member of Congress