



July 31, 2017

Federal Communications Commission
Commission's Secretary
445 12th St. SW Room
TW-A325
Washington, DC 20554

Re: Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59

To Whom It Concerns:

With a membership comprising more than 80 percent of the mortgage servicing market, the National Mortgage Servicing Association (NMSA) is a nonpartisan organization driven by top-level executive representation from the nation's leading mortgage servicing organizations for the purpose of effecting progress and change on the key challenges that face the mortgage servicing industry. By bringing together decision making executives from across the nation, the NMSA drives the conversation on shaping the American housing industry for the benefit of homeowners.

COMMENTS

The NMSA is sensitive to the concerns of consumers regarding illegal Robocalls and applauds the FCC's interest and proactivity in ensuring that they are protected. Among the steps taken was the request of Chairman Wheeler for the private sector to establish a "Robocall Strike Force" with the intention of recommending processes and technologies that would alleviate the problem. The Strike Force released a report in October 2016. In response to the report, the FCC issued a Notice of Proposed Rule Making and Notice of Inquiry (NPRM/NOI) to elicit further comment. Within the NPRM/NOI, the commission reiterated its desire to work together with the private sector to achieve a mutually desired result.

"We believe that it is in the best interest of achieving the goal of eliminating illegal robocalls to collaborate with industry—government can remove regulatory roadblocks and ensure that industry has the flexibility to use robust tools to address illegal traffic."

We agree and appreciate the opportunity to comment.

Of particular note within the NPRM/NOI was the request for comment on what the Commission rightly described as a “threshold issue”: how to define the term “illegal robocall” for the purposes of this proceeding. They offered the following “tentative” definition supplied to them by the Strike Force:

“...an ‘illegal robocall’ is one that violates the requirements of the Telephone Consumer Protection Act of 1991, the related FCC regulations implementing the Act, or the Telemarketing Sales Rule, as well as any call made for the purpose of defrauding a consumer, as prohibited under a variety of federal and state laws and regulations, including the federal Truth in Caller ID Act.” [Citations Omitted]

While we can appreciate the Commission’s deference to previously enacted legislation, a plain reading of the proposed definition does little to clarify the distinguishing traits of a robocall for the regulated entity and simply refers the reader to existing law, opening up the possibility for inconsistency in understanding and application.

The NMSA respectfully suggests that the language be amended to give a clear definition for the term that avoids confusion and refrains from referring the reader to other sources which would force them to interpret legislative language and subsequent application by the judicial branch. NMSA member Quicken Loans has submitted (under separate cover) a working definition that accomplishes the aforementioned goals.

“Any telephone call to a telephone number using an artificial voice or prerecorded message where a live person is not on the line and available to communicate with the intended recipient of the call at the time of connection to the telephone number called.”

The NMSA endorses this working definition of a “robocall” and urges the Commission to adopt it for the purposes of promulgating further regulation.

CONCLUSION

Thank you for the opportunity to comment on the proposed rulemaking and your commitment to collaboration with the private sector. We look forward to a continued dialogue with the FCC on this and other matters of importance to consumers.

Sincerely,



Ed Delgado
President and CEO
Five Star Institute