

November 9, 2023

**VIA ECFS**

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

Michael H. Pryor  
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Re: *Notice of Ex Parte Meeting in Re: WC Docket No. 17-97;  
CG Dockets 17-59; 21-402 & 02-278*

Dear Ms. Dortch:

On Tuesday, November 7, 2023, Elizabeth Sullivan, Senior Director of Advocacy and Counsel, Credit Union National Association; Amanda Smith, Senior Regulatory Affairs Counsel, National Association of Federally-Insured Credit Unions; Celia Winslow, Senior Vice President, American Financial Services Association; Alisha Sears, Director, Regulatory Counsel, Mortgage Bankers Association; Leah Dempsey, Counsel for ACA International, Brownstein, Hyatt Farber Schreck; and the undersigned, counsel for the Credit Union National Association, met separately with Hannah Lepow, Legal Advisor for Media and Consumer Protection, Office of Commissioner Geoffrey Starks, and with Marco Peraza, Wireline Advisor, Office of Commissioner Nathan Simington.

During the meeting, the participants discussed the Federal Communications Commission's ongoing proceedings regarding revocation of consent under the Telephone Consumer Protection Act (TCPA) and certain of the Commission's proposals regarding call blocking, labeling and notification of blocking consistent with the comments filed by the aforementioned associations.<sup>1</sup>

We reiterated our strong support for actions to remove bad actors and illegal traffic from the network. We noted that banks, credit unions, and other financial services providers make informational calls to their customers, often providing critical information such as fraud alerts, overdraft notices, and payment reminders. These calls are often erroneously blocked or mislabeled by terminating carriers and their analytic engine partners.

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<sup>1</sup> See, e.g., Comments of ACA International and the Credit Union National Association, CG Docket No. 02-278, filed July 31, 2023; Comments of the American Bankers Association, et al, CG Docket No. 02-278, filed July 31, 2023.

With respect to the Commission's proceeding regarding revocation of consent, we explained that our members respect and carry out customer requests to opt out of receiving autodialed or prerecorded voice calls or text messages, and rarely use these technologies for marketing purposes. Customers may hold several accounts with a financial institution or business —e.g., a deposit account, mortgage, and credit card—and they consent to receive different types of informational messages related to each account. To avoid consumer harm, it is critical that businesses not be compelled to apply a customer's revocation request to a broader category of messages than the customer intends. We explained that consumers are unlikely to expect that their request to stop receiving communications about a discrete matter would result in the elimination of all communications from their financial institution, such as fraud alerts or text messages required to be sent for the consumer to access the account under two-factor authentication.

We also discussed our practical concerns, consistent with filed comments, regarding the Commission's proposal to require callers to honor revocation requests within 24 hours. Financial institutions and other companies may find it infeasible to implement a 24-hour requirement for processing these requests because companies receive revocation requests through multiple channels; may not be able to process all revocations through automated means; and may manage customer numbers by line of business, and not in a centralized manner. Implementing a revocation request this quickly is particularly impracticable if businesses are not able to require the use of standardized language.

We also urged the Commission to require entities blocking calls based on analytics to use SIP Code 608 and/or SIP Code 603+ once tested, and no other codes, and to require prompt implementation. We also noted our support for extending, to mislabeled calls, the notification and redress requirements currently in place for blocked calls.

Please contact the undersigned if you have any questions.

Sincerely,

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Michael H. Pryor