



Edison Electric
INSTITUTE

Power by Association™

February 18, 2021

Via Electronic Filing

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

Re: Notice of *Ex Parte* Presentation, *Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02-278

Dear Ms. Dortch:

On February 16, 2021, the undersigned from Edison Electric Institute (“EEI”), along with Mark W. Brennan from Hogan Lovells US LLP, counsel to EEI, met by telephone with Mark Stone, Kurt Schroeder, Kristi Thornton, and Richard Smith of the Federal Communications Commission’s Consumer and Governmental Affairs Bureau.

EEI is the trade association that represents all U.S. investor-owned electric companies. Its members provide electricity for 220 million Americans and operate in all 50 states and the District of Columbia. The electric power industry supports more than seven million jobs in communities across the United States. In addition to its U.S. members, EEI has more than 60 international electric company members that operate in more than 90 countries as international members, and hundreds of industry suppliers and related organizations that participate as associated members.

EEI and its members have a strong interest in the Commission’s ongoing efforts to protect American consumers, including electricity customers, from illegal robocalls while ensuring that they continue to receive important, time-sensitive communications from legitimate, good-faith callers. As public utilities, EEI members have been requested by their customers – and required in many instances by their regulators – to provide notifications about service interruptions, status of facility repair efforts, service restoration updates, and other similar information.

During the meeting, EEI asked the Commission to issue an Erratum to correct an error in Appendix A to the Report and Order issued on December 30, 2020¹ in the above-referenced docket. Specifically, it appears that the Commission may have inadvertently imposed a prior

¹ *Rules and Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02-278, Report and Order, FCC 20-186, App’x A (rel. Dec. 30, 2020).

express *written* consent requirement on informational prerecorded or artificial voice calls to a residential landline number when such calls fall outside the new three-calls-per-thirty days exemption limit adopted in the Report and Order.

Electric utilities rely heavily on certain TCPA exemptions and prior Commission TCPA decisions specifying the applicable consent requirements for their calls, and the new call limits adopted in the Order are going to be difficult for electric companies to manage in the context of outages and disasters, among other time-sensitive events. These challenges will be made even more difficult unless the Commission issues an Erratum confirming that the consent standard remains unchanged for calls that fall outside the exemption.

In support of the Erratum request, EEI reiterated the arguments and proposals made by a coalition of associations in a January 27, 2021 filing.²

Respectfully submitted,

EDISON ELECTRIC INSTITUTE

/s/ Aryeh Fishman

Aryeh Fishman, Associate General Counsel
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, D.C. 20004
(202) 508-5023

² See *Ex Parte* Letter from Jonathan Thessin, American Bankers Association, CG Docket No. 02-278 (filed Jan. 27, 2021).