

June 28, 2019

Ajit Pai  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Pai:

On behalf of the 163,000 members of the American Dental Association (ADA), we are writing to you in regards to the Declaratory Ruling on Advanced Methods to Target and Eliminate Unlawful Robocalls.

The ADA shares the Federal Communication Commission's (FCC) interest in protecting consumers from illegal robocalls. These calls are a nuisance and can lead to consumer fraud and identity theft.

However, the ADA's member dentists feel strongly that calls from dental offices to their patients, including automated calls and voice messages, promote oral health, for example, by reminding the patients to schedule a needed teeth cleaning or other service. These calls can help lead to efficiency in the dental office, for example, by reminding patients of upcoming appointments and helping to ensure fewer "no-shows" and increased access to care because of less unnecessary empty chair time and fewer underutilized dental care providers.

Additionally, the ruling is contrary to Congress' longstanding intent that the FCC work to block only illegal calls and not lawful calls from legitimate businesses like private dental offices. When Congress passed the Telephone Consumer Protection Act in 1991, Congress stated that it did not intend for the law to "be a barrier to the normal, expected or desired communications between businesses and their customers." And last month, the Senate passed a bill, S. 151, the TRACED Act, by a vote of 97-1. The Senate Committee on Commerce, Science, and Transportation's report for this bill directs the Commission not to "support blocking or mislabeling calls from legitimate businesses" and instructs that the "FCC should require voice service providers to unblock improperly blocked calls in as timely and efficient a manner as reasonable."

The ADA is concerned that the declaratory guidance's provisions allowing voice service providers to offer call blocking to consumers through an opt-out process places the burden on consumers. These consumers will likely not realize the effect that this guidance could have on the calls they are used to receiving from their dentist or other medical provider.

In its ruling, the FCC notes several examples of call-blocking programs. For example, such a program might block calls based on large bursts of calls in a short timeframe. However, the

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ruling does not give a definition for large bursts. If a dental office calls 100 patients to remind them to schedule a cleaning that month, would that be considered a large burst? If a dental office has 30 patients scheduled for a particular day, and calls them to remind them about their upcoming appointment, is that considered a large burst? The ADA asks the FCC to issue further guidance that clarifies this and the other definitions mentioned in the ruling.

We also appreciate the FCC's work on white list programs. Given the importance to consumers of receiving calls from their dental offices, the ADA recommends that the primary phone number of dental offices be provided to voice service providers for inclusion in the white list.

Thank you for your attention to this important issue. The ADA supports the FCC's work on protecting consumers. Should you have any questions, please do not hesitate to contact Ms. Natalie Hales at (202) 898-2404 or [halesn@ada.org](mailto:halesn@ada.org).

Sincerely,

/s/

Jeffrey M. Cole, D.D.S., M.B.A.  
President

JMC:KTO:nh

/s/

Kathleen T. O'Loughlin, D.M.D., M.P.H.  
Executive Director