

May 2, 2024

***VIA ELECTRONIC FILING***

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

**Re: Petition for Clarification and Declaratory Ruling of Mark. W. Dobronski (CG Docket No. 02-278); Protecting Consumers from SIM Swap and Port-Out Fraud (WC Docket No. 21-341); Promoting Competition in the American Economy: Cable Operator and DBS Provider Billing Practices (MB Docket No. 23-405); Improving Competitive Broadband Access to Multiple Tenant Environments (GN Docket No. 17-142).**

Dear Ms. Dortch:

On May 1<sup>st</sup>, Matt Furlow, Matt Webb, and Rachele Mortimer with the U.S. Chamber of Commerce met with Hannah Lepow, Legal Advisor for Media and Consumer Protection for Commissioner Geoffrey Starks regarding the above referenced proceedings.

First, we provided an overview of the U.S. Chamber's Institute for Legal Reform ("ILR"), including its mission and policy priorities. ILR is a U.S. Chamber of Commerce division dedicated to making our nation's civil legal system simpler, faster, and fairer. Key focus areas include arbitration, the Telephone Consumer Protection Act ("TCPA"), class action litigation, over-enforcement, and private rights of action.

Second, we gave an overview of the Chamber's position on the *In the Matter of Petition for Clarification and Declaratory Ruling of Mark. W. Dobronski* ("Petition"). The overview mirrored our comments where we noted increased activity pertaining to TCPA litigation, the negative effect of litigation on legitimate businesses, and the lack of legal authority to find a private right of action in the Caller ID rule. We further presented the findings of ILR's [recently released report](#) on TCPA litigation since the *Duguid* decision.

Third, we discussed our views on the Further Notice of Proposed Rulemaking ("FNPRM") on *Protecting Consumers from SIM Swap and Port-Out Fraud*, specifically regarding the request for comment on whether the Commission should "require wireless providers to explicitly exclude resolution of SIM change and port-out fraud disputes from arbitration clauses in providers' agreements with customers or abrogate such clauses." As provided in greater detail in our comments, we noted that the Commission lacks the authority to prohibit arbitration per the Federal Arbitration Act as well as discussed the benefits of arbitration agreements for consumers.

Fourth, we also discussed other efforts to address junk fees generally and pricing practices in the communication marketplace. Specifically, we outlined our high-level perspective

on the Notice of Proposed Rulemaking (“NPRM”) on *Promoting Competition in the American Economy: Cable Operator and DBS Provider Billing Practices*. We noted the benefits of early termination fees and billing cycle fees and that the Commission lacked the legal authority to prohibit these pricing practices. Also, we discussed the Chamber’s viewpoint on Chairwoman Rosenworcel’s proposal to prohibit bulk billing arrangements. We noted that bulk billing arrangements provide significant benefits to consumers, enable greater access to broadband, and that a rulemaking at this point is premature.

Please contact the undersigned with any questions regarding this notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew D. Webb". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew D. Webb  
Senior Vice President, Legal Reform Policy  
U.S. Chamber Institute for Legal Reform