November 23, 2015

Ex Parte

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278

Dear Ms. Dortch:

The Edison Electric Institute (“EEI”) has a pending petition asking the Commission to declare on an expedited basis that providing a telephone number to an energy utility constitutes “prior express consent” under the Telephone Consumer Protection Act (“TCPA”) to receive non-telemarketing, informational calls at that number related to the customer’s utility service.\(^1\)

Winter is, of course, almost upon us. In many parts of the country, there is no more important time of the year for energy utilities to provide notifications to consumers regarding their service. Not surprisingly, the record in this proceeding recognizes that notifications during extreme weather months have significant public safety implications for consumers across the country.\(^2\)

On November 20, 2015, I briefly spoke to Edward (“Smitty”) Smith, advisor to Chairman Wheeler, and urged the Commission to act quickly on the EEI Petition in order to ensure that energy utilities can provide customers with important information regarding their energy service during the quickly approaching winter months.

If you require any additional information please contact the undersigned.

Sincerely,

Scott Blake Harris
Counsel for Edison Electric Institute

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\(^1\) Petition for Expedited Declaratory Ruling of Edison Electric Institute and American Gas Association, CG Docket No. 02-278 (filed Feb. 12, 2015) (“EEI Petition”); Letter from Scott Blake Harris, Counsel, EEI, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 02-278 (filed June 9, 2015).

\(^2\) Letter from Margot Saunders, National Consumer Law Center, to Marlene H. Dortch, Secretary, FCC, at 5-6, CG Docket No. 02-278 (filed Sept. 22, 2015); Letter from L. Douglas Petitt, Vectren Corporation, to Marlene H. Dortch, Secretary, FCC, at 2, CG Docket No. 02-278 (filed Mar. 26, 2015).