

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	)	
	)	
Rules and Regulations Implementing the	)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)	)	
	)	
Petition of Broadnet Teleservices, LLC for	)	
Declaratory Ruling	)	

**INITIAL COMMENTS OF THE  
AMERICAN PUBLIC GAS ASSOCIATION**

On September 29, 2015, the Federal Communications Commission (“Commission”) issued notice and requested comments on the September 16, 2015, petition of Broadnet Teleservices, LLC (“Broadnet”) for a declaratory ruling that Telephone Consumer Protection Act (“TCPA”) does not apply “to calls made by or on behalf of federal, state, and local governments when such calls are made for official purposes.”<sup>1</sup> For the reasons discussed in the Broadnet petition, in the comments of the American Public Power Association (“APPA”), and below, the American Public Gas Association (“APGA”) supports Broadnet’s petition.

APGA is the national association for publicly-owned natural gas distribution systems. There are approximately 1000 public gas systems in 37 states, and over 700 of these systems are APGA members. Publicly-owned gas systems are not-for-profit, retail distribution entities owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities. APGA members serve over 5 million consumers, and an essential aspect

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<sup>1</sup> Broadnet Petition at 1.

of serving those consumers safely entails addressing line outages, gas leaks, and other sensitive gas-distribution related issues in a timely fashion. Many APGA member systems rely on automated calls to alert the public regarding these safety concerns; many others are considering the use of automated calling to make their systems even more safe. Thus, APGA has a substantial interest in participating in this proceeding to ensure that the safety and welfare of consumers served by publicly-owned natural gas systems are not compromised.

The Broadnet petition, through an examination of the plain language of the TCPA and relevant court precedents, demonstrates that, since the word “person” as used in the TCPA was not intended to include federal, state, and local governmental entities and their officers acting on official business, calls made by or on behalf of government entities, such as the members of APGA, are not subject to the TCPA and the rules thereunder. That makes perfect sense because the important purposes of the TCPA do not include restricting governmental entities from using automated calling to foster public safety, which is the manner in which APGA’s members use it.

APGA has also reviewed the comments of APPA, which address on the merits the reasons why “person” in the TCPA may not be read to include governmental entities and the adverse safety and other impacts that a contrary reading would have on APPA’s members, which are very similar to APGA’s except the former serve electric consumers and the latter serve natural gas consumers. For APGA, safety is the foremost concern, which, of course, is why it is participating in this proceeding.

For the reasons set forth in the Broadnet petition, in APPA’s comments, and above, APGA urges the Commission to grant Broadnet’s petition for declaratory order.

Respectfully submitted

American Public Gas Association

By: /s/ William T. Miller  
APGA General Counsel

McCarter & English, LLP  
12<sup>th</sup> Floor  
1015 15<sup>th</sup> Street, N.W.  
Washington, D.C., 20005  
[wmiller@mccarter.com](mailto:wmiller@mccarter.com)  
202-753-3420 (phone)  
202-354-4658 (fax)

October 29, 2015