



May 1, 2020

**TO:** Members, Assembly Communications and Conveyance Committee

**SUBJECT: AB 3007 – TELECOMMUNICATIONS: AUTOMATIC DIALING-ANNOUNCING DEVICES: CALL MITIGATION TECHNOLOGY.**

The California Chamber of Commerce and the listed organizations respectfully **OPPOSE AB 3007 (Chau)**, as amended May 4, 2020. **AB 3007** aims to address illegal robocalls by shifting accountability from bad actors onto the technology they use. But regulating the use of communications technology does not address robocalls, nor does it create new safeguards for consumers. Instead, **AB 3007** places a virtual prohibition on one of the most accessible and commonplace uses of technology today and frustrates the consumer experience by denying businesses the ability to communicate with their customers.

**AB 3007 is ambiguous and overbroad.**

Any device that “stores telephone numbers and automatically calls, or automatically sends text messages to, telephone numbers taken from those stored telephone numbers, without significant human involvement in the act of calling or sending[,]” is considered a “dialing-announcing device” under **AB 3007**, and therefore subject to its restrictions and penalties. This broad definition applies to virtually all connected devices and related software applications in use today, including computers, mobile phones, and internet-of-thing devices capable of making calls. Further, the term “significant human involvement” is ambiguous because it does not provide any benchmarks for businesses to determine what degree of “human involvement” is sufficient under the statute.

**AB 3007 prohibits businesses from calling and texting their own customers.**

**AB 3007** denies businesses an existing and necessary exception that exists in the current text of the law. In its current form, Section 2872(f) of the Public Utilities Code states that its restrictions do not apply to systems that are used “solely to transmit a message to an established business associate, customer, or other person having an established relationship” with the caller. By removing this exception, businesses, pharmacies, medical professionals, financial institutions, and numerous other industries will be denied an effective and accessible way to communicate timely and often critical information to their consumers. Additionally, **AB 3007**’s application to text messaging technology would diminish the consumer experience by denying the full added convenience that technology brings, including text message updates for everyday tasks including orders, appointments, and shipping. These limitations raise additional concerns with regard to accessibility and ease of use.

**AB 3007 inadvertently raises consumer privacy concerns.**

**AB 3007** authorizes the Public Utilities Commission to “require any person operating an automatic dialing-announcing device” to maintain records of phone calls for which no person, acting as agent or telemarketer, is available” and “may require copies of those records to be submitted to the commission.” By broadly expanding the definition of “automatic dialing-announcing device” **AB 3007** inadvertently authorizes the PUC to collect records of applicable phone calls from any person operating a device that meets its definition.

Though inadvertent, such a broad grant of authority provided specifically by amendment raises privacy concerns that implicate consumer rights.

**AB 3007 mandates “call mitigation technology” but no such technology exists.**

**AB 3007** requires telephone corporations that provide telephone service to customers to create “call mitigation technology” and provide it for free to every customer upon request. It then specifies detailed call filtering features and enhancements that those companies must build into said technology. In addition, this “call mitigation technology” must “identif[y] an incoming call or text message as being, or as probably being, from an automatic dialing-announcing device.” Here, **AB 3007** places an unfair burden on one industry alone by requiring telephone service providers to shoulder the costs and burdens of creating technology that does not yet exist in the manner provided for under **AB 3007**. This is because **AB 3007** does not appreciate the fact that telephone service providers do not know whether calls are being initiated by automatic dialing-announcing devices. But even if they could, **AB 3007**’s overbroad definition of “automatic dialing-announcing device” would nevertheless require any call mitigation technology to block calls from virtually all smart devices.

For the above reasons, CalChamber and the listed organizations **OPPOSE AB 3007 (Chau)**.

Sincerely,



Shoeb Mohammed  
Policy Advocate  
California Chamber of Commerce

Association of National Advertisers  
California Association of Collectors  
California Cable & Telecommunications Association  
California Communications Association  
California Land Title Association  
California Retailers Association  
Civil Justice Association of California  
CompTIA  
Consolidated Communications  
HMS  
Insights Association  
TechNet  
The Association of Magazine Media

Cc: Legislative Affairs, Office of the Governor  
Garret Bzurto, Office of Assemblymember Chau  
Edmond Cheung, Assembly Communications and Conveyance Committee  
Jay Dickenson, Assembly Appropriations Committee  
Daniel Ballon, Assembly Republican Caucus

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