

UNITED STATES OF AMERICA  
Federal Trade Commission  
WASHINGTON, D.C. 20580

Office of Commissioner  
Rebecca Kelly Slaughter

COMMENT OF COMMISSIONER  
REBECCA KELLY SLAUGHTER 1

Re: Proposed Rule with Request for Public Comment  
Debt Collection Practices (Regulation F)  
Dkt. No. CFPB-2019-0022; RIN 3170-AA41

September 18, 2019

Dear Director Kraninger:

Thank you for the opportunity to comment on the Consumer Financial Protection Bureau's proposed Regulation F, the first major rulemaking to implement the Fair Debt Collection Practices Act. As a Commissioner of the Federal Trade Commission, which shares enforcement authority with the CFPB under the FDCPA and the proposed Regulation F, I was proud to join my colleagues in a ~~5~~ bipartisan vote in support of the excellent comment filed by our Bureau of Consumer Protection staff. I encourage you and your staff to review it carefully and to continue to collaborate with the FTC benefit from our staff's extensive experience in enforcing the FDCPA.

I write separately to address several facets of the proposed rule that fall outside the ambit of the FTC staff's comment. As you know, of the millions of consumer complaints that the FTC receives annually, abusive debt collection practices are a top category year after year. I believe that a rulemaking under the FDCPA can help curb some of these abuses and bring clarity to consumers and industry. The proposed rule contains some benefits to consumers—and would provide even more benefits if modified in the ways suggested by the FTC's staff comment—but I fear that it will permit a proliferation of novel abuses of consumers if not materially improved in several key aspects.

First, the proposed call volume to be permitted—seven attempted calls per week per debt proposed § 1006.14(b)(2)—is simply too high. The first phone call in a given week reasonably seeks to inform the consumer of the alleged debt, which allows the consumer to pay or contest the debt or make plans to address it. It is important for creditors and debtors to be able to

decreases (because it becomes less likely that the consumer answers and receives the information) and the value to the collector increases (because it causes undue stress to the alleged debtor). By the time a sixth or seventh call comes in, harassing rather than informing seems to be the marginal utility. In light of the fact that many consumers with debts in collection have more than one such debt, the proposed rule may permit some collectors to call some consumers dozens of times in a week, and collectors could place all those calls on one day in that week—a one-