

NCLC Leads Consumer Groups in Urging FCC to Initiate Enforcement Action Against Navient for Violations of the TCPA

FOR IMMEDIATE RELEASE: June 14, 2017 : CONTACTS: Margot Saunders, msaunders(at)nclc.org or 202-595-7844; Stephen Rouzer, srouzer(at)nclc.org 202-595-7847

WASHINGTON, D.C. - In an unprecedented letter to the Federal Communication Commission (FCC), six national consumer groups asked the FCC to initiate an enforcement action against the student loan debt servicer Navient Solutions, LLC., for its multiple and repeated violations of the Telephone Consumer Protection Act's (TCPA's) prohibitions against robocalls to cell phones without consent. The letter cites numerous examples of repeated robocalls by Navient to student loan debtors and others, even after consumers had made multiple requests for the calls to stop. The groups urged the FCC to bring an enforcement action against Navient to stop robocalling consumers who have not provided consent to be called or who have revoked their consent.

"The complaints indicate that Navient has harassed consumers through repeated, unconsented-to robocalls, calling consumers' cell phones hundreds, and—in some cases—thousands of times after being asked to stop. Many of these calls occur multiple times a day," said **Margot Saunders, Senior Counsel at the National Consumer Law Center.**

The letter provides details from a sample of the 599 complaints made by consumers to the Consumer Financial Protection Bureau (CFPB) regarding Navient's communication tactics, along with descriptions of several of the dozens of cases filed in the courts against Navient, including exhibits illustrating these complaints.

"Navient refuses to comply with the TCPA, wrongly citing the 2015 Budget Act amendments to the TCPA as the excuse to make robocalls to cell phones without consent when collecting debts owed to the federal government. However, as was made clear by the FCC when it issued final regulations implementing those amendments, no calls can be made without consent until the consumer protections for those calls required by the FCC are in effect," Ms. Saunders added. (FCC Order, Aug. 11, 2016 Paragraph 60.)

The final regulations—which provide substantial consumer protections against unwanted robocalls from federal debt collectors—are currently under consideration by the Office of Management and Budget, and are not yet effective. Navient, along with other student loan servicers, has said these regulations are too onerous for them to comply with, and have asked that they be reconsidered. NCLC, on behalf of its low-income clients, and 17 other consumer groups, has opposed that request.

Consumers can explain to the FCC how they have been impacted by robocalls from Navient and other servicers of student loan debt, and they can urge the Commission to enforce the law by filing comments through the FCC's website. The proceeding number for TCPA related matters is 02-278.

The National Consumer Law Center filed the petition on behalf of its low-income clients and the Center for Responsible Lending, Consumer Federation of America, Public Citizen, Public Knowledge, and Higher Ed, Not Debt.

Related link

NCLC's body of work on the TCPA, robocalls and telemarketing