

# Telephone Consumer Protection Act (TCPA) Services

## Data & Analytics

Digital transformation is having an impact on every aspect of business as corporations take advantage of the benefits that new technologies have to offer. This impact includes the step up from unsolicited marketing phone calls made by people from call centers to sophisticated technologies that are programmed to perform robocalls – automated telephone calls that deliver a recorded message, which is often unwanted and therefore unsolicited.



To counteract this new trend, the Telephone Consumer Protection Act (TCPA) has increased efforts with respect to enforcement actions. Recent multimillion-dollar settlements, and the inclusion of soundboard technology into the Telemarketing Sales Rule (TSR) by the Federal Trade Commission (FTC), are clear indicators of the potential damage that negligence in this area can cause.<sup>1,2,3,4,5,6</sup> Many companies now face the question of how to navigate compliance while continuing to effectively communicate with their customers.

### Our Data & Analytic Services at a Glance

FTI Consulting has extensive experience in defense of TCPA class actions and in the litigation that is resulting from the dynamic regulatory landscape. Our team is highly skilled in the areas of Information Systems and e-Discovery, Customer Contact Analysis, Statistics, Class Identification, and developing proactive or responsive compliance programs. Our experts regularly perform analyses and provide expert witness testimony across a broad spectrum of TCPA claims.

### Data Identification and Collection

FTI Consulting can provide clients and counsel with an understanding of the true scope of the problem early on in the matter by working to identify and collect relevant data from often disparate data sources. By rapidly targeting and analyzing a company's call-related data, we create a holistic view of the potential data universe.

### Data Normalization and Analysis

Our experience is that the majority of our client's data sources exist in production formats only, with hundreds of millions of records or loose files. Each of these is likely to require its own strategy for extraction, migration, and transfer and loading in order to ensure accurate identification and to enable analysis of case-specific issues such as consent and 'Do Not Call' violations.

FTI Consulting is the leader in unlocking information stored across the enterprise. FTI Consulting has long been the premier provider of traditional discovery services for the legal and compliance marketplace. FTI Consulting's Data & Analytics practice has leveraged this expertise to understand and analyze information stored in transactional databases throughout the enterprise.

### — SERVICE OVERVIEW

We routinely assist clients with the following tasks:

- Conduct collection and analysis of company data sources
- Data normalization (restructuring a relational database to reduce data redundancy and improve data integrity)
- Detailed transaction-level analytics to determine event sequencing and calculate metrics and exposure
- Creation of web-based custom applications to assist counsel in detailed review of targeted customer contact information
- Expert testimony on facts, and/or expert witness support

### Custom Applications for Counsel and Third-Party Review

Complex disputes typically involve multifaceted sets of transactions requiring sophisticated applications to simplify data interaction. Once the data has been collected, FTI Consulting leverages the most powerful platforms, coding languages, and technical tools to extract value from data and provide clarity by mapping mission-critical data sources.

FTI Consulting works with counsel to develop web-based third-party tools for attorneys and clients to identify, analyze, review and produce potentially responsive data in structured, logical formats.

### To learn more contact:

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### Class Damages and Settlement Assistance

FTI Consulting commonly assists counsel in determining the overall class size and financial exposure, which includes modeling “what if” scenarios to measure the impact of various legal positions.

FTI Consulting also provides expert consulting throughout the matter with respect to:

- Developing alternative exposure scenarios
  - Rebutting expert reports and/or opinions
- In addition, FTI Consulting provides analytical support during settlement talks, including:
- Quantifying the various settlement alternatives
  - Estimating expected claim rates

### TCPA Regulatory Experience

Our team of risk and compliance specialists, former executives, former regulators and industry participants have assisted with a wide range of projects covering regulations and issues such as the TCPA. We provide practical TCPA regulatory compliance insights and recommendations for businesses to implement.

We can provide a roadmap to successfully manage TCPA compliance responsibilities and self-identify problem scenarios and risk areas for remediation in advance of regulatory examinations and litigation.

Our experience partnering with clients allows us to understand the operational concerns and business strategy implications of TCPA.

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- 1 Brian Fung, "FCC votes to ban scam robocalls that use AI-generated voices," CNN (Feb. 9, 2024), <https://www.cnn.com/2024/02/08/tech/fcc-scam-robocalls-ai-generated-voices/index.html>
  - 2 Brian Fung and Chandelis Duster, "FCC proposes \$5 million robocall fine against right-wing operatives Jacob Wohl and Jack Burkman," CNN (Aug. 25, 2021), <https://www.cnn.com/2021/08/25/politics/fcc-fines-jacob-wohl-jack-burkman/index.html>
  - 3 Will Wiquist, "Major Lifeline Program Provider Agrees to \$13.4 Million Settlement and Comprehensive Lifeline Compliance Plan," Federal Communications Commission, FC News (April 4, 2022), <https://docs.fcc.gov/public/attachments/DOC-382046A1.pdf>
  - 4 "Notice of Apparent Liability for Forfeiture," Federal Communications Commission FCC 24-60, (May 28, 2024), <https://docs.fcc.gov/public/attachments/FCC-24-60A1.pdf>
  - 5 "FCC Proposes \$6 Million Fine for Illegal Robocalls that use Biden Deepfake Generative AI Voice Message," Federal Communications Commission, FC News (May 23, 2024), <https://docs.fcc.gov/public/attachments/DOC-402762A1.pdf>
  - 6 Lois C. Greisman, "RE: September 11, 2009 Staff Opinion Letter on Soundboard Technology," Federal Trade Commission, (Nov. 10, 2016), [https://www.ftc.gov/system/files/documents/advisory\\_opinions/letter-lois-greisman-associate-director-division-marketing-practices-michael-bills/161110staffopsoundboarding.pdf](https://www.ftc.gov/system/files/documents/advisory_opinions/letter-lois-greisman-associate-director-division-marketing-practices-michael-bills/161110staffopsoundboarding.pdf)