



February 2, 2015

VIA ELECTRONIC DELIVERY TO REGULATIONS.GOV

Consumer Financial Protection Bureau
Attn: PRA Office
1700 G Street NW
Washington, DC 20552

Re: Comments of ACA International on CFPB'S Consumer Complaint Intake System Company Portal Boarding Form Information Collection System, OMB Control Number: 3170-XXXX, Docket No: CFPB-2014-0032

Dear PRA Officer:

ACA International ("ACA") submits these comments in response to the proposal by the Consumer Financial Protection Bureau ("Bureau") to obtain approval of the Office of Management and Budget ("OMB") in accordance with the Paperwork Reduction Act of 1995 ("PRA") for a new Company Portal Boarding Form ("Boarding Form").¹ Overall, ACA is very supportive of the Bureau's efforts to make the consumer complaint handling process more streamlined and efficient to ensure complaints are appropriately routed to the right companies. However, ACA is concerned over the broad information the Bureau proposes to be "required" from companies in order for them to be able to proactively participate in the "voluntary" portal. Not only does some of this information seem to go well beyond what would be necessary to identify and contact a company named in a consumer complaint, but by making the provision of such information mandatory, ACA believes the Bureau may unintentionally dissuade some companies from proactively participating in the portal.

As a result, to ensure maximum company participation, ACA strongly suggests that the Bureau revise the Boarding Form so that only those basic questions that are essential to make the complaint process work are required. While other information, such as state business licenses may be helpful in the company identification process, provision of such detailed information should either be optional or made part of a different information collection request altogether.

¹ "CFPB'S Consumer Complaint Intake System Company Portal Boarding Form Information Collection System," 79 Fed. Reg. 71984 (Dec. 4, 2014)("PRA Request").

I. Background on ACA International

ACA International is the trade association for credit and collection professionals. Founded in 1939, and with offices in Washington, D.C. and Minneapolis, Minnesota, ACA represents nearly 3,700 members, including credit grantors, collection agencies, attorneys, asset buyers, and vendor affiliates, and 230,000 employees worldwide. Given its broad membership, ACA is uniquely positioned to collaborate with the Bureau on how its proposed policies and regulations will impact the collections industry.

ACA company members range in size from small businesses with a few employees to the very largest of national corporations doing business in every state. The large majority of ACA company members, however, are small businesses that maintain less than 25 employees. ACA members play an important role in the American economy by collecting rightfully owed debts that would otherwise constitute losses on the financial statements of businesses. In years past, the combined effort of ACA members has resulted in the annual recovery of billions of dollars – a substantial sum that is returned to and reinvested by businesses. In this way, third party debt collection contributes significantly to the economic viability of businesses and, by extension, the American economy as a whole.

II. Comments of ACA International

In the Comment Request, the Bureau invites comments on four aspects of the collection request in accordance with the requirements of the PRA.² In these comments, ACA focuses on “[w]ays to minimize the burden of the collection of information on respondents.”³

In its Supporting Statement, the Bureau states that given the increasing volume of complaints being received, there is a need to collect information proactively from companies. Specifically, the Bureau states, “By collecting information voluntarily from companies who are subject to the Bureau’s regulatory authority, Consumer Response will gather the data needed to further support a structured, secure, and efficient complaint handling process.”⁴ The Bureau repeats several times the voluntary nature of the Boarding Form throughout the Supporting Statement.⁵

² The four questions posed include: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau’s estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents. *See* PRA Request at 71984.

³ *See id.*

⁴ CFPB, Supporting Statement For CFPB’s Consumer Complaint Intake System Company Portal Boarding Form Information Collection System (Docket No: CFPB–2014–0032), at 2 (“Supporting Statement”)(emphasis added).

⁵ *See, e.g. id.* at 4 (“However, all of the information collections proposed under this request are voluntary and are not anticipated to burden small businesses significantly” and “The submission of company information by companies and their representatives using the Boarding Form will be voluntary”).

Despite all the Bureau's references in its Supporting Statement to the boarding process being "voluntary," the proposed Boarding Form itself makes clear that companies are "required" to provide a broad amount of information in order to actually register on the portal. While ACA certainly understands that certain basic information would be required uniformly from companies to make the complaint process efficient, ACA believes that the broad licensing information that companies will be required to provide in order to register for the portal goes beyond that core information. For example, the Boarding Form as proposed requires a company to list all state business license numbers and the states for which they are valid for the parent company, all affiliates, and all subsidiaries. And for all affiliates and subsidiaries, companies must also provide the entity or individual for which the license is registered. Besides the onerous burden that coordinating and listing such information would clearly place on companies, it is difficult to see why such information would be necessary for a simple registration for access to consumer complaints.

ACA believes that by requiring companies to provide such potentially lengthy and detailed information as a prerequisite to signing up to receive consumer complaint information, the Bureau impermissibly stretches the boundaries of the information collection request. Any OMB approval should balance what information is necessary to be able to appropriately route complaints to companies with the burden that providing such required information will place on companies. Without the right balance, ACA is concerned that the registration process will be so onerous and information-heavy that some companies will view not participating in the portal as a reasonable business decision, take their chances, and forego registration altogether. This, of course, completely undermines the Bureau's objective of maximum company participation and also deprives those companies to timely access to complaint information.⁶

There is, however, a simple solution that allows the Bureau to still request the information that goes beyond basic registration details in a way that will not cause undue burden to potential registrants or dissuade companies from proactive participation: revise the Boarding Form so that information that goes beyond what is necessary to make the complaint process work is categorized as optional instead of required.⁷ In this way, like in the case of the provision of company logos which the Bureau has already made voluntary,⁸ companies will be able to choose whether or not to provide this information. Allowing companies to choose whether to provide the "extra" information that could assist in identification removes the all-or-nothing nature of the proposed Boarding Form that could yield less company participation in the portal, while at the same time leaving the Bureau free to request categories of information from companies on a voluntary basis that could prove useful for identification purposes.

⁶ See *id.* at 4 ("If the proposed Boarding Form collections are not conducted, the CFPB will not be able to maximize the efficiency of complaint handling in partnership with proactive companies").

⁷ To the extent the Bureau chooses to request state licensing information, whether on a voluntary or mandatory basis, ACA requests that the Bureau clarify precisely what it classifies as a state license. For example, is a state license the same as a state registration?

⁸ See *id.* at 3.

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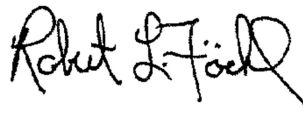
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ACA appreciates the opportunity to provide comments on the proposed Boarding Form and respectfully urges the CFPB to adopt the suggestions made herein. Converting some categories of requested information from required to optional will ensure a more balanced, less burdensome boarding process that will maximize proactive company participation in the portal.

Please feel free to contact me at (952) 259-2103 with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Föehl". The signature is fluid and cursive, with the first name "Robert" and last name "Föehl" clearly distinguishable.

Robert L. Föehl
Vice President and General Counsel
ACA International, the Association of Credit and
Collections Professionals
4040 W. 70th St.
Minneapolis, MN 55435
(952) 259-2103

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