

placed to a mobile phone number previously belonging to three of the defendants' patients did not trigger liability under the TCPA because the calls fit within the statute's "emergency purposes" exemption for "calls made necessary in any situation affecting the health and safety of consumers." *Roberts*, 2016 WL 3997071, at *3.

Roberts' holding supports Petitioner's argument that the Federal Communications Commission erred by subjecting HIPAA-protected communications to different regulatory treatment under the TCPA. *See* Pet. Br. at 10; Pet. Reply Br. at 6, n.3. As Petitioner argued, HIPAA-protected communications are not properly subject to regulation under the TCPA because they meet the statutory "emergency purpose" exemption.

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed with the Clerk of Court in the U.S. Court of Appeals for the District of Columbia Circuit this 15th day of September, 2016. All participants are registered users of the CM/ECF system and will be served electronically by the CM/ECF system.

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