

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Delete, Delete, Delete) GN Docket No. 25-133
)
)

Relating to the
Public Notice
Issued March 12, 2025

Reply Comments

National Consumer Law Center on behalf of its low-income clients
and
Consumer Action
Consumer Federation of America
Electronic Privacy Information Center
National Association of Consumer Advocates
National Consumers League
Public Knowledge
U.S. PIRG
Utility Reform Network (TURN)

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Comments

Summary and Introduction

The **National Consumer Law Center** (NCLC), on behalf of its low-income clients, files these Reply Comments along with **Consumer Action, Consumer Federation of America, , National Association of Consumer Advocates, Public Knowledge, Utility Action Network (TURN),** and **U.S. PIRG**,¹ in response to the docket initiated solely by Chairman Carr entitled “Delete, Delete, Delete.”² We urge the Federal Communications Commission (Commission or FCC) to prioritize protecting consumers from widescale fraud and invasion of privacy facilitated through unwanted and illegal calls and text messages placed through the U.S. telephone network.

As of the date we file these Reply Comments, there are over 520 standard filings submitted in the “Delete, Delete, Delete” docket, almost all of which are submitted by industry commenters mesmerized by the possibilities of enlarging their business income through the eradication of current consumer protections. These comments seek to repeal or weaken regulations related to unwanted telephone calls and texts, protections against scams and frauds, and affordable communication services for incarcerated people and their families. However, it is the job of the Commission to protect consumers and small businesses relying on access to communications services.

In these Reply Comments, we urge the FCC *not* to weaken any of the protections in its regulations or declaratory rulings with respect to unwanted telephone calls or texts. Unwanted robocalls invade the privacy of Americans, diminish the usefulness of telephones, and threaten public safety by tying up telephone lines. We also address ancillary regulations which are targeted for deletion by the businesses that hope to evade current Commission requirements for prudent and fair business practices in the communications arena.

As Justice Kavanaugh stated:

Americans passionately disagree about many things. But they are largely united in their disdain for robocalls.³

¹ Descriptions of all organizations signing on to these comments are provided in the Appendix.

² Public Notice, Federal Commc’ns Comm’n, *In re* Delete, Delete, Delete, GN Docket No. 25-133 (F.C.C. Mar. 4, 2025), <https://docs.fcc.gov/public/attachments/DA-25-219A1.pdf> [hereinafter FCC Delete, Delete Notice].

³ *Barr v. Am. Ass’n of Political Consultants, Inc.*, 591 U.S. 610, 613, 140 S. Ct. 2335, 207 L. Ed. 2d 784 (2020).

U.S. consumers received nearly 52.8 billion robocalls in 2024.⁴ “On a monthly basis, December averaged 140.6 million robocalls/day and 1,627 robocalls/second.”⁵ The FCC has recognized that this avalanche of unwanted robocalls reduces the value of the telephone system “to anyone who makes or receives calls.”⁶ Chairman Carr has promised that “[c]racking down on illegal robocalls will be a top priority at the FCC.”⁷

The complaints made by commenters in this docket about the regulations issued pursuant to the Telephone Consumer Protection Act (TCPA)⁸ come from callers who want to be free to bombard subscribers—both individual consumers and small businesses—with unwanted calls without cost or consequence. If these commenters are successful in weakening the FCC’s regulatory protections, everyone will suffer, as the value of the telephone system will be further weakened, and people will resort to other methods of communications.

These Reply Comments have five parts in addition to this Summary and Introduction:

1. **Section I** describes the congressional mandate imposed on the Commission to protect subscribers and the telephone system from unwanted robocalls. This section describes the congressional findings that were the basis for the TCPA, the regulatory requirements imposed on the FCC, the impact of unwanted automated calls on small business, and the need for the FCC to step up efforts to stop scam calls and texts.
2. **Section II** explains that the FCC must use full Administrative Procedures Act procedures before regulations or interpretive rulings can be changed.

⁴ YouMail, Inc., U.S. Consumers Received Nearly 4.4 Billion Robocalls in December, 52.8 Billion in All of 2024, According to YouMail Robocall Index, PR Newswire (Jan. 13, 2025), <https://www.prnewswire.com/news-releases/us-consumers-received-nearly-4-4-billion-robocalls-in-december-52-8-billion-in-all-of-2024--according-to-youmail-robocall-index-302348867.html>.

⁵ *Id.*

⁶ *In re* Advanced Methods to Target and Eliminate Unlawful Robocalls, Second Report and Order, CG Docket No. 17-59, at ¶ 4 (F.C.C. Dec. 13, 2018), <https://docs.fcc.gov/public/attachments/fcc-18-177a1.pdf>.

⁷ Press Release, Federal Commc’ns Comm’n, First Commission-Level Vote Under Chairman Carr Proposes a Nearly \$4.5 Million Fine Stemming from Apparently Illegal Robocall Scheme (Feb. 4, 2025), <https://docs.fcc.gov/public/attachments/DOC-409354A1.pdf>.

⁸ 47 U.S.C. § 227.

3. **Section III** responds point by point to the numerous requests by callers to delete regulations protecting consumers and small businesses from unwanted calls and texts.
4. **Section IV** explains why the FCC should reject all the suggestions for changes in regulations regarding access to numbering resources, SIM Swap fraud, and the ability of incarcerated people to communicate with their loved ones on the outside.
5. **Section V** explains why federal preemption of state regulations exercising police power over VoIP providers is unwise and unlawful.

I. Congress has required the FCC to protect telephone subscribers from unwanted and illegal automated calls.

A. The purpose of the TCPA is to protect subscribers from unwanted automated calls.

When it enacted the TCPA,⁹ Congress made findings that automated calls and prerecorded messages are a “nuisance,” an “invasion of privacy,” and, “when an emergency or medical assistance telephone line is seized, a risk to public safety.”¹⁰

The congressional findings accompanying the TCPA repeatedly stress the purpose of protecting consumers’ privacy:

- (5) Unrestricted telemarketing, however, can be an *intrusive invasion of privacy* and, when an emergency or medical assistance telephone line is seized, a risk to public safety.
- (6) Many consumers are outraged over the proliferation of *intrusive, nuisance calls* to their homes from telemarketers.

* * *

- (9) Individuals’ *privacy rights*, public safety interests, and commercial freedoms of speech and trade must be balanced in a way that *protects the privacy of individuals* and permits legitimate telemarketing practices.
- (10) Evidence compiled by the Congress indicates that residential telephone subscribers consider automated or prerecorded telephone calls, regardless of the content or the initiator of the message, to be a *nuisance and an invasion of privacy*.

* * *

⁹ Pub. L. No. 102–243, 105 Stat. 2394 (1991).

¹⁰ See Pub. L. No. 102–243, § 2, at ¶¶ 5–6, 9–10, 13–14, 105 Stat. 2394 (1991) (congressional findings); 137 Cong. Rec. S16206 (1991) (statement of Sen. Warner in support of the TCPA) (“Indeed the most important thing we have in this country is our freedom and our privacy, and this is clearly an invasion of that....”); S. Rep. No. 102-178, at 5 (1991), reprinted in 1991 U.S.C.C.A.N. 1968, 1972–1973 (“The Committee believes that Federal legislation is necessary to protect the public from automated telephone calls. These calls can be an invasion of privacy, an impediment to interstate commerce, and a disruption to essential public safety services.”).

- (12) Banning such automated or prerecorded telephone calls to the home, except when the receiving party consents to receiving the call or when such calls are necessary in an emergency situation affecting the health and safety of the consumer, is the only effective means of protecting telephone consumers from this *nuisance and privacy invasion*.
- (13) While the evidence presented to the Congress indicates that automated or prerecorded calls are *a nuisance and an invasion of privacy*, regardless of the type of call, the Federal Communications Commission should have the flexibility to design different rules for those types of automated or prerecorded calls that it finds are not considered a nuisance or invasion of privacy, or for noncommercial calls, consistent with the free speech protections embodied in the First Amendment of the Constitution.
- (14) Businesses also have complained to the Congress and the Federal Communications Commission that automated or prerecorded telephone calls *are a nuisance, are an invasion of privacy*, and interfere with interstate commerce.¹¹

As was forcefully stated by Senator Hollings, the Act’s sponsor, “[c]omputerized calls are the scourge of modern civilization. They wake us up in the morning; they interrupt our dinner at night; they force the sick and elderly out of bed; they hound us until we want to rip the telephone right out of the wall.”¹²

The Supreme Court has repeatedly recognized this legislative intent. In a 2012 decision, it observed that the TCPA “bans certain practices invasive of privacy.”¹³ And in *Barr v. Am. Ass’n of Political Consultants, Inc.*, the Court noted that Congress’s enactment of the TCPA followed “a torrent of vociferous complaints about intrusive robocalls. . . . Consumers were ‘outraged’ and considered robocalls an invasion of privacy. . . . In enacting the TCPA, Congress found that banning robocalls was ‘the only effective means of protecting telephone consumers from this nuisance and privacy invasion.’”¹⁴

¹¹ Pub. L. No. 102–243, § 2, 105 Stat. 2394 (1991) (emphasis added) (found as a note to 47 U.S.C. § 227).

¹² 137 Cong. Rec. 30,821–30,822 (1991) (also quoting Justice Brandeis that “the right to be left alone is the most comprehensive of rights and the one most valued by civilized man”). *See also* S. Rep. 102-178, at 5 (1991), reprinted in 1991 U.S.C.C.A.N. 1968, 1972–1973 (“The Committee believes that Federal legislation is necessary to protect the public from automated telephone calls. These calls can be an invasion of privacy, an impediment to interstate commerce, and a disruption to essential public safety services.”); 137 Cong. Rec. S18781-02 (1991) (quoting Sen. Hollings as stating “These calls are a nuisance and an invasion of our privacy.”).

¹³ *Mims v. Arrow Fin. Servs., L.L.C.*, 565 U.S. 368, 371, 132 S. Ct. 740, 181 L. Ed. 2d 881 (2012). *See also* *Krakauer v. Dish Network, L.L.C.*, 925 F.3d 643, 650 (4th Cir. 2019) (“Congress enacted the law to protect against invasions of privacy that were harming people.”).

¹⁴ 591 U.S. 610, 614-615, 140 S. Ct. 2335, 207 L. Ed. 2d 784 (2020).

Given this legislative history, it is no surprise that courts have uniformly held that the TCPA is a remedial statute entitled to a liberal construction in order to protect subscribers from unwanted calls.¹⁵ In any proceedings in this docket or otherwise, the FCC must keep the goal of protecting subscribers from unwanted calls at the forefront.

B. The TCPA leverages the concept of prior express consent to ensure that subscribers have control over their telephones.

The TCPA provides three specific prohibitions against telephone calls:

- **Cell phones.** Section (b) of the TCPA states that it is unlawful for any person to make any call except those made “for emergency purposes or made with the *prior express consent of the called party*” using an automated telephone dialing system or an artificial or prerecorded voice to cell phones, and other protected lines.¹⁶

¹⁵ *Craftwood II, Inc. v. Generac Power Sys., Inc.*, 63 F.4th 1121, 1126 (7th Cir. 2023) (TCPA is interpreted in favor of consumer protection); *Physicians Healthsource, Inc. v. A-S Medication Solutions, L.L.C.*, 950 F.3d 959, 967 (7th Cir. 2020 (“The TCPA is a remedial statute that we must liberally construe in favor of consumer protection.”)); *Breda v. Cellco P’ship*, 934 F.3d 1, 10 (1st Cir. 2019) (citing requirement of liberal construction and declining to read a limitation into the statute); *Krakauer v. Dish Network, L.L.C.*, 925 F.3d 643, 656 (4th Cir. 2019) (TCPA is a remedial statute); *Parchman v. SLM Corp.*, 896 F.3d 728, 739–740 (6th Cir. 2018); *Daubert v. NRA Grp., L.L.C.*, 861 F.3d 382, 390 (3d Cir. 2017); *Van Patten v. Vertical Fitness Grp.*, 847 F.3d 1037, 1047–1049 (9th Cir. 2017); *Leyse v. Bank of Am.*, 804 F.3d 316, 327 (3d Cir. 2015); *Gager v. Dell Fin. Servs., L.L.C.*, 727 F.3d 265, 271 (3d Cir. 2013) (“Because the TCPA is a remedial statute, it should be construed to benefit consumers.”); *Heard v. Nationstar Mortg. L.L.C.*, 2018 WL 4028116, at *6 (N.D. Ala. Aug. 23, 2018); *Ginwright v. Exeter Fin. Corp.*, 280 F. Supp. 3d 674, 683 (D. Md. 2017) (“as a remedial statute, the TCPA should be construed to benefit consumers”); *Mey v. Patriot Payment Grp., L.L.C.*, 2016 WL 11501451 (N.D. W. Va. July 26, 2016); *Stewart v. T-Mobile USA, Inc.*, 124 F. Supp. 3d 729, 732 (D.S.C. 2015); *Hossfeld v. Gov’t Employees Ins. Co.*, 88 F. Supp. 3d 504, 509 (D. Md. 2015); *Mey v. Monitronics Int’l, Inc.*, 959 F. Supp. 2d 927, 930 (N.D. W. Va. 2013) (“The TCPA is a remedial statute and thus entitled to a broad construction.”); *Hartford Ins. Co. v. Meecorp Capital Mkts., L.L.C.*, 2012 WL 12905847, at *5 (D.N.J. Dec. 27, 2012) (TCPA is remedial); *Jemiola v. XYZ Corp.*, 802 N.E.2d 745 (Ohio Ct. Com. Pl. 2003). *See also* *Sharp v. Ally Fin., Inc.*, 328 F. Supp. 3d 81, 89–95 (W.D.N.Y. 2018) (TCPA serves both remedial and penal purposes, but primary purpose is remedial); *Hooters of Augusta, Inc. v. Am. Glob. Ins. Co.*, 272 F. Supp. 2d 1365, 1375–1376 (S.D. Ga. 2003) (TCPA is remedial statute), *aff’d on other grounds*, 157 Fed. Appx. 201 (11th Cir. 2005); *Standard Mut. Ins. Co. v. Lay*, 989 N.E.2d 591 (Ill. 2013) (“The manifest purpose of the TCPA is remedial and not penal.”); *Terra Nova Ins. Co. v. Fray-Witzer*, 869 N.E.2d 565, 575 (Mass. 2007) (TCPA is remedial statute).

¹⁶ 47 U.S.C. § 227(b)(1)(A) (emphasis added).

- **Residential lines.** Section (b) also mandates that it is unlawful to initiate any call to a “residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes.”¹⁷
- **Telemarketing calls.** In section (c), the FCC was instructed by Congress to initiate a rulemaking to develop regulations to protect residential lines from “telephone solicitations.”¹⁸ The FCC’s rules provide protections from telemarketing calls to residential lines registered on the Do Not Call Registry unless the caller has obtained prior express invitation or consent.¹⁹

Both sections (b) and (c) of the TCPA provide robust private rights of action. Violations for automated calls prohibited under section (b)(1) lead to “\$500 in damages for each such violation,” and “[i]f the court finds that the defendant willfully or knowingly violated [section (b)] *or the regulations prescribed* under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times” the \$500 award.²⁰

Similarly, violations of the regulations established by the FCC to protect subscribers from telephone solicitation calls as required in section (c) of the statute also lead to statutory damages. That section requires there to be at least two calls in any twelve-month period in order for the subscriber to recover damages equal to the actual monetary loss or \$500 in damages for each violation, and awards may be trebled for willful or knowing violations.²¹ However, unlike in section (b), callers can avoid paying damages by proving the affirmative defense that the caller “has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of the regulations prescribed under this subsection.”²²

¹⁷ 47 U.S.C. § 227(b)(1)(B).

¹⁸ A telephone solicitation is defined in 47 U.S.C. § 227(a)(4): “The term ‘telephone solicitation’ means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message (A) to any person with that person’s prior express invitation or permission, (B) to any person with whom the caller has an established business relationship, or (C) by a tax exempt nonprofit organization.”

¹⁹ 47 C.F.R. § 64.1200(c)(2)(ii).

²⁰ 47 U.S.C. § 227(b)(3) (emphasis added).

²¹ 47 U.S.C. § 227(c)(5)(B) and (C).

²² 47 U.S.C. § 227(c)(5)(C).

The TCPA is a powerful statute with the statutory remedies Congress has provided for violations of the statute and the regulations. However, given the continually escalating number of automated calls, telemarketing calls, and scam calls, the mechanisms to enforce the TCPA’s proscriptions need to be strengthened, not weakened. According to the YouMail Robocall Index, the number of robocalls continues to exceed 50 billion a year.²³ There were over 1.1 million complaints about unwanted calls made to the Federal Trade Commission in 2024.²⁴

C. It is the FCC’s job to protect subscribers from unwanted calls.

Congress’s mandate to the FCC in section 227(b)(2) is that it “shall prescribe regulations to implement the requirements” dealing with automated calls.²⁵ With this language, Congress did not just provide the FCC with *authority* to add definitions and other requirements to accomplish the goals of the TCPA but, by using the word “shall,” Congress *required* the FCC to do so. The extent to which Congress intended the FCC to exercise its regulatory discretion in accomplishing this task is also evident in section 227(b)(3), which mandates the award of statutory damages for violations of the FCC’s regulations, as well as violations of the statute.

Similarly, while leaving the details regarding how residential subscribers should be protected from unwanted telemarketing calls up to the FCC, Congress explicitly mandated that the FCC adopt rules that would protect subscribers’ privacy. In section (c) of the TCPA, Congress directed that “the Commission *shall* initiate a rulemaking proceeding concerning the need to protect residential subscribers’ privacy rights to avoid receiving telephone solicitations to which they object.”²⁶ And to hammer home the job Congress expected the FCC to do, it required the FCC to—

²³ YouMail Inc., U.S. Consumers Received Nearly 4.4 Billion Robocalls in December, 52.8 Billion in All of 2024, According to YouMail Robocall Index, PR Newswire (Jan. 13, 2025), <https://www.prnewswire.com/news-releases/us-consumers-received-nearly-4-4-billion-robocalls-in-december-52-8-billion-in-all-of-2024--according-to-youmail-robocall-index-302348867.html>.

²⁴ Press Release, Federal Trade Comm’n, Reports of Unwanted Telemarketing Calls Down More Than 50 Percent Since 2021 (Nov. 15, 2024), <https://www.ftc.gov/news-events/news/press-releases/2024/11/reports-unwanted-telemarketing-calls-down-more-50-percent-2021>.

²⁵ 47 U.S.C. § 227(b)(2).

²⁶ 47 U.S.C. § 227(c)(1) (emphasis added).

develop proposed regulations to implement the methods and procedures that the Commission determines are most effective and efficient to accomplish the purposes of this section.²⁷

These mandates mean that any rules the FCC adopts or amends—whether identified in this proceeding or otherwise—must serve the purpose of protecting subscribers from unwanted calls. Amendments to rules adopted under section 227(c) must *increase*, not *reduce*, the “effective[ness] and efficien[cy]” of the protections against unwanted telemarketing calls. Rollbacks of TCPA rules that currently protect subscribers from unwanted calls would be inconsistent with these mandates. The FCC’s mandate from Congress is to protect the privacy of telephone subscribers, not the business opportunities of robocallers.

D. Small businesses, as well as consumers, are suffering from the proliferation of unwanted automated calls and texts.

After the FCC asked for comments from small business on the impact of the proposed One-to-One Consent Rule,²⁸ 345 small business owners or managers filed comments with the FCC explaining the need for the Commission’s order.²⁹ These commenters routinely noted that telemarketing calls are burdensome, bad for business, and costly. As repeatedly illustrated by these small businesses, the “economic consequences” of the flood of telemarketing calls to which these callers are routinely subjected are significant. The comments repeatedly noted that telemarketing messages to their telephones cost them—in money, time, and missed calls. Below are just a few of the hundreds of comments filed by small businesses explaining the costly problems caused by these unwanted calls:

²⁷ 47 U.S.C. § 227(c)(1)(E).

²⁸ *In re* Targeting and Eliminating Unlawful Text Messages; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Advanced Methods to Target and Eliminate Unlawful Robocalls, Second Report and Order, Second Further Notice of Proposed Rulemaking in CG Docket Nos. 02-278 and 21-402, and Waiver Order in CG Docket No. 17-59, CG Docket Nos. 21-402, 02-278, & 17-59, at ¶ 87 (Rel. Dec. 18, 2023), <https://docs.fcc.gov/public/attachments/FCC-23-107A1.pdf>.

²⁹ This link provides a list of Express Filings in Docket 02-278 on the FCC’s electronic website that were filed between December 28, 2023 and March 11, 2024 (the date comments were due to the Commission on the impact of the One-to-One consent rule on small businesses): [https://www.fcc.gov/ecfs/search/search-filings/results?q=\(express_comment:\(%221%22\)+AND+proceedings.name:\(%2202-278%22\)+AND+date_received:\[2023-12-18%20TO%202024-03-11\]\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(express_comment:(%221%22)+AND+proceedings.name:(%2202-278%22)+AND+date_received:[2023-12-18%20TO%202024-03-11])).

- I work in mortgage. I rely on my cell phone to communicate with clients and the amount of telemarketing calls is horrible. I have to answer each one as it MIGHT be a client. This ties up SO MUCH of my time and is so annoying. **And even more so, when I pull credit for my clients, they can get upward of SIXTY calls from telemarketing.** It's INSANE and crippling for them. We need to get rid of telemarketing AND trigger leads.³⁰
- I am a small business owner (Real estate). My phone is my lifeline. All of my business is either generated or facilitated on my phone. **In the current climate, I get more spam calls in a day than I get business calls.** The spammers have begun spoofing numbers to use local numbers. As a real estate professional, I have to answer these calls for fear of it being a lead or customer call. In the recent past, I've left calls unanswered. Were they spammers, or was it a legit business call? Did I lose business and therefore money from unanswered calls? I would venture to say, yes. I did, and many others are doing the same. As a sales professional, I understand the need for free-market practices, but this has gotten out of hand. There is no regard for people and their lives. Calls at all times of the morning and night. Please help the small business owners of the nation from this plague.³¹
- I own a small locksmith business. We provide an "express service" that primarily helps people locked out of car, home or business. These persons need fast help so they don't wait for a callback if you miss their call. The customer loses, my business loses... and even the obnoxious telemarketer has wasted his time because I never buy anything from them. That they have the legal right to call without my explicit permission makes little sense to me. Neither putting my phone number on the internet, nor giving it to any other company, is an invitation for calls from just anyone. It's almost like a thousand people overheard you telling your number to someone and they figure it's ok for them to call too. It isn't ok at all. Please stop whatever the telemarketers are doing to get my number. I consider all telemarketer calls to be harassment.³²
- I am the owner of a small business. We rely on our phone lines to communicate with customers, suppliers and others. When telemarketers call, they tie up the phone lines, preventing us from doing business and from receiving other important calls. For 10 years, our company was proud of our record of having a live person answer every call within 3 rings. Three years ago, we were forced by the telemarketing calls to use an "auto-attendant" phone tree to weed out the robo-calls. These calls cost us time, and time is money for small businesses. They are also incredibly annoying, and **damage the morale and attitudes of our employees.** The problem on our company cell phones is worse. We are unable to put an auto attendant on the cell phones, and as a business, we can't just ignore phone calls from numbers we don't recognize. **The telemarketing calls and robo-calls have made our cell**

³⁰ Comment of Donna Miller, CG Docket No. 02-078 (Mar. 8, 2024), <https://www.fcc.gov/ecfs/search/search-filings/filing/103081094124655> (emphasis added).

³¹ Comment of David A. Bramblett, CG Docket No. 02-278 (Mar. 7, 2024), <https://www.fcc.gov/ecfs/search/search-filings/filing/1030748480268> (emphasis added).

³² Comment of Chris Robinson, CG Docket No. 02-278 (Mar. 11, 2024), <https://www.fcc.gov/ecfs/search/search-filings/filing/10308034167226>.

phones nearly useless for business purposes. The FCC must close the lead generator loophole and stop telemarketers from harassing small business owners and cell phone users.³³

- I am the chief executive of a small business that collects input from experts and influencers around the world on behalf of our clientele. To do our work, we must be in rapid contact with hundreds of individuals each month by mobile phone. Typically, we do not have their phone numbers in our phones before they call, meaning that we are not able to white-list them in advance. This means we must answer almost every unknown call that we receive. **Because we have to answer all calls, the increasing number of telemarketing calls that we are receiving are [a] severe economic burden on our business.** Each telemarketing call requires one of our small staff to interrupt what they are doing, answer the call, waste time listening long enough to determine that it is telemarketing call, hang [up], and refocus on the task they were doing. There is also the possibility that they will miss an important call while dealing with the telemarketing call. Lately, we are becoming so burdened by telemarketing calls that some of our employees are resorting to ignoring calls from unknown numbers out of sheer frustration. When such a call comes from a genuine contact, this impairs our productivity at best and risks us losing a source of knowledge. A crucial aspect is the economic asymmetry of telemarketing calls. The telemarketer uses a robocaller that costs them virtually nothing per call. But we have to spend actual human staff time dealing with each telemarketing call. **Robocalls cause [telemarketers] not merely to transfer economic value from small businesses to telemarketers, but actually to inflict costs on small businesses far out of proportion to whatever economic gains they themselves receive.** They are huge net value-destroying mechanism for the national economy and especially for small businesses.³⁴

Even some of the small businesses that use leads bought from lead generators said that they would benefit from the FCC’s One-to-One consent rule because it would likely force lead generators to be more circumspect with the sale of their leads. As explained by one small business, lead generators currently “artificially inflate the cost per click figures by selling the lead to multiple buyers. The business will win [with the new requirements] because the current model almost demands immediate follow-up before the customer is saturated. The consumer will win by knowing exactly who and how many people will be contacting them.”³⁵

³³ Comment of Martha White, CG Docket No. 02-078 (Mar. 7, 2024), <https://www.fcc.gov/ecfs/search/search-filings/filing/10306101225033> (emphasis added).

³⁴ Comment of William Messenger, Theology of Work Project, Inc., CG Docket No. 02-278 (Mar. 11, 2024), <https://www.fcc.gov/ecfs/search/search-filings/filing/10309038626825> (emphasis added).

³⁵ Comment of Mark Aussieker, CG Docket Nos. 21-402, 02-278 (Jan. 30, 2024), <https://www.fcc.gov/ecfs/document/101302326222135/>.

The FCC has an ongoing obligation to work to stem the rising tides of unwanted automated and telemarketing calls. Protecting the TCPA is essential to protect the privacy of individual consumers and the time and money of small businesses.

E. The Commission should resist all proposals that will undermine efforts to stop scam call and texts.

Alarming, the cost to individuals from losses caused by scam calls and texts continues to increase: In 2024, consumers reported losing \$470 million to text message scams, an almost fivefold increase from the \$100 million reported just a few years earlier, in 2020.³⁶ (And these figures are likely a gross underestimate, as they include just *reported losses*, and many consumers do not report their losses.) These exploding losses from scam calls and texts show that the Commission needs to take stronger actions and ensure that all enforcement mechanisms (including through state attorneys general and private attorneys representing consumers) are supported. We need as many cops on the beat patrolling against scam communications as possible.

II. The FCC must follow Administrative Procedures Act notice and comment requirements to change its regulations or interpretative rulings.

The request for comments in this Public Notice was not adopted by vote of the Commission, nor by staff under identified delegated authority. It is not a Notice of Proposed Rulemaking and does not on its own justify amendment or repeal of any regulation.³⁷ Any steps the Commission might take in response to commenters' filings must be adopted pursuant to FCC rules and the Administrative Procedure Act (APA).³⁸

³⁶ Press Release, Federal Trade Comm'n, New FTC Data Show Top Text Message Scams of 2024; Overall Losses to Text Scams Hit \$470 Million (Apr. 16, 2025), [https://www.ftc.gov/news-events/news/press-releases/2025/04/new-ftc-data-show-top-text-message-scams-2024-overall-losses-text-scams-hit-470-million#:~:text=New%20data%20from%20the%20Federal,the%20number%20of%20reports%20declined](https://www.ftc.gov/news-events/news/press-releases/2025/04/new-ftc-data-show-top-text-message-scams-2024-overall-losses-text-scams-hit-470-million#:~:text=New%20data%20from%20the%20Federal,the%20number%20of%20reports%20declined.). See also National Consumer Law Center & Electronic Privacy Information Center, Scam Robocalls: Telecom Providers Profit 10 (June 2022), https://www.nclc.org/wp-content/uploads/2022/09/Rpt_Scam_Robocalls.pdf.

³⁷ See 5 U.S.C. § 551(5) (“rule making’ means agency process for formulating, *amending, or repealing* a rule” (emphasis added)); *Alaska Prof'l Hunters Ass'n v. FAA*, 177 F.3d 1030, 1034 (D.C. Cir. 1999) (rulemaking under the APA “includes not only the agency’s process of formulating a rule, but also the agency’s process of modifying a rule”).

³⁸ Other commenters have offered similar observations. See, e.g., Comment of Berin Szóka, TechFreedom, GN Docket. No. 25-133 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/104111580520766/1> (“TechFreedom cautions the FCC to adhere to the Administrative Procedure Act (APA)”).

The President’s statements in a recent Presidential Memorandum³⁹ referencing a prior Executive Order⁴⁰ do not change the requirements of the APA. Although the Memorandum cited the “good cause” exception in the APA at 5 U.S.C. § 553(b)(4)(D), there is no basis to find that good cause exists to delete or undermine the regulations or declaratory orders relating to the subjects addressed in these comments (protections against robocalls, scams, fraud losses from telephone providers’ security failure, and access to reasonably priced calls for prison inmates). There is no emergency, and no reason to omit the statutory requirements for notice and public participation. As explained by the Congressional Research Service, the APA’s “good cause” exception “permits agencies to forgo Section 553’s notice and comment requirement [only] if ‘the agency for good cause finds’ that compliance would be ‘impracticable, unnecessary, or contrary to the public interest’ and to bypass its requirement that rules be published 30 days before implementation [only] if good cause exists.”⁴¹

Many of the longstanding TCPA pronouncements that the commenters have targeted have been found time and time again to be lawful; and while the commenters may complain about the inconvenience and costs imposed on their industries by complying with the regulations they seek to unwind, none have articulated a sound argument that the regulations are illegal.

The Presidential Memorandum instructs: “In effectuating repeals of facially unlawful regulations, agency heads shall finalize rules without notice and comment, where doing so is consistent with the ‘good cause’ exception in the [APA]”⁴² However, courts determine the legality of regulations—not the President. Unless and until a regulation has been judicially determined to be unlawful, the good cause exception does not automatically provide a basis for dispensing with notice and comment rulemaking.

³⁹ President Donald J. Trump, Presidential Memorandum, Directing the Repeal of Unlawful Regulations (Apr. 9, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/>.

⁴⁰ Exec. Order No. 14,219, 90 Fed. Reg. 10,583 (Feb. 19, 2025).

⁴¹ Congressional Research Service, The Good Cause Exception to Notice and Comment Rulemaking: Judicial Review of Agency Action 1 (Jan. 29, 2016), https://www.everycrsreport.com/files/20160129_R44356_ee63117dd20f0bb2ce2bc3d3daa427f2875edf03.pdf.

⁴² Presidential Memorandum (Apr. 9, 2025).

As the Congressional Research Service has explained, the good cause exception to compliance with the notice and comment requirements of the APA comes into play in three categories: “(1) emergencies; (2) contexts where prior notice would subvert the underlying statutory scheme; and (3) situations where Congress intends to waive Section 553's requirements.”⁴³ Not one of these exceptions applies to the issues addressed in these comments.

The APA's requirement of notice and comment is “‘designed to assure due deliberation’ of agency regulations and ‘foster the fairness and deliberation of a pronouncement of such force.’”⁴⁴ Furthermore, “it is well established that the good cause exception to notice-and-comment should be read narrowly in order to avoid providing agencies with an ‘escape clause’ from the requirements Congress prescribed.”⁴⁵ While the comments solicited through this Public Notice may identify regulations for further discussion, additional proceedings are legally required before the FCC can take any action pursuant to these requests.

Judicial review of agency actions post-*Loper Bright Enterprises v. Raimondo*⁴⁶ works both ways. The standards articulated by the Supreme Court to review regulations are measured against congressional intent and the articulation of that intent in the statute. Given Congress’s mandate in the TCPA to the FCC to protect telephone subscribers from automated calls, any deletion or significant change to those consumer protection rules can also be challenged as not authorized by Congress.

Moreover, as a practical matter, regulatory changes that amount to merely “deleting” existing regulation create uncertainty in the marketplace which unfairly benefits the companies that never expended the resources on full compliance in the first place. We agree that clarity on the Commission’s rules is helpful to all economic actors involved, as regulation—not deregulation—provides further clarity for all involved.

⁴³ Congressional Research Service, *The Good Cause Exception to Notice and Comment Rulemaking: Judicial Review of Agency Action* 4-5 (Jan. 29, 2016).

⁴⁴ *East Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 745 (9th Cir. 2018) (quoting *United States v. Mead Corp.*, 533 U.S. 218, 230 (2001)).

⁴⁵ *United States v. Johnson*, 632 F.3d 912, 928 (5th Cir. 2011).

⁴⁶ 603 U.S. 369, 144 S. Ct. 2244, 219 L. Ed. 2d 832 (2024).

III. The Commission should not grant any of the requests from callers and their attorneys to unwind regulatory protections under the TCPA.

A number of commenters call for the repeal or substantial modification of the Commission's regulations implementing the TCPA. In particular, commenters request that the Commission (1) reconsider its determination that text messages are calls within the scope of the TCPA; (2) remove non-telemarketing calls from the purview of the statute altogether; (3) remove consumer protection requirements for calls the Commission has allowed under its exemption authority; (4) exempt all debt collection calls from the TCPA's requirement for prior express consent; (5) restore the established business relationship exemption for prerecorded calls;⁴⁷ and (6) rescind the FCC's February 2024 TCPA Consent Revocation Order⁴⁸ in whole or in part.⁴⁹ Almost every one of the proposed changes is ill-advised, and would require the Commission to ignore its statutory obligation under the TCPA to protect subscribers from unwanted automated calls.

A. The TCPA applies to text messages.

Commenters urge the Commission to repeal or revise regulations which hold that text messages are subject to the TCPA.⁵⁰ This position is contrary to the language of the statute and the courts' interpretation of the statute. Most importantly, it would significantly undercut Congress's intention that the TCPA be used to protect subscribers from invasive automated messages and unwanted telemarketing calls and texts.

⁴⁷ See, e.g., Comment of Illinois Credit Union League, GN Docket No. 25-133, at 4 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/104112132213375/1>.

⁴⁸ *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 02-278 (Rel. Feb. 16, 2024) [hereinafter Consent Revocation Order].

⁴⁹ See, e.g., Comments of ACA International, GN Docket No. 25-133 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/1041181591094/1> [hereinafter ACA Comments]; Comment of Retail Industry Leaders Association, GN Docket No. 25-133 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/10410952728695/1>.

⁵⁰ See, e.g., Comment of the Institute for Free Speech, GN Docket No. 25-133, <https://www.fcc.gov/ecfs/document/104111913510472/1>; Comment of U.S. Chamber of Commerce, GN Docket No. 25-133 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/10411184024497/1>; Comment of National Automobile Dealers Association, GN Docket No. 25-133 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/10411591630201/1>.

The FCC has consistently articulated that texts are considered calls under the TCPA. In 2003, it ruled that the TCPA’s restriction on autodialed or prerecorded voice calls “encompasses both voice calls and text calls to wireless numbers including, for example, short message service (SMS) calls.”⁵¹ It has reiterated this ruling many times.⁵² In late 2023, the FCC amended its TCPA rule to codify the position that the rule’s Do-Not-Call requirements apply to text messages.⁵³ Additionally, many courts have held—with respect to both section 227(b)⁵⁴ and the Do-Not-Call

⁵¹ *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order, CG Docket No. 02-278, 18 F.C.C. Rcd. 14014, at ¶ 165 (F.C.C. July 3, 2003).

⁵² See Consent Revocation Order, *supra* note 48 (requirement of prior express consent applies to both voice calls and texts); *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling, 38 F.C.C. Rcd. 404, at ¶ 3 (F.C.C. Jan. 23, 2023) (“The prohibition on using an autodialer to call a wireless number also applies to text messages sent using an autodialer.”); *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling and Order, CG Docket No. 02-278, at ¶¶ 6–20 (F.C.C. Nov. 21, 2022); *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling and Order 30 F.C.C. Rcd. 7961, at ¶¶ 27, 107–108, 111–115 (F.C.C. July 10, 2015), *appeal resolved*, ACA Int’l v. Fed. Comm’n, 885 F.3d 687 (D.C. Cir. 2018) (setting aside two parts of 2015 Declaratory Ruling, but leaving this portion undisturbed) [hereinafter 2015 Declaratory Ruling]; *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order, 27 F.C.C. Rcd. 1830, at ¶ 4 (F.C.C. Feb. 15, 2012); *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order, 18 F.C.C. Rcd. 14014, at ¶ 165 (F.C.C. July 3, 2003) (“We affirm that under the TCPA, it is unlawful to make *any* call using an automatic telephone dialing system or an artificial or prerecorded message to any wireless telephone number. . . . This encompasses both voice calls and text calls to wireless numbers including, for example, short message service (SMS) calls, provided the call is made to a telephone number assigned to such service.”) (footnotes omitted).

⁵³ 47 C.F.R. § 64.1200(e), as amended by Second Further Notice of Proposed Rulemaking in CG Docket Nos. 02-278 and 21-402, and Waiver Order in CG Docket No. 17-59, *In re* Targeting and Eliminating Unlawful Text Messages Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991: Advanced Methods to Target and Eliminate Unlawful Robocalls (F.C.C. Dec. 18, 2023).

⁵⁴ *Duran v. La Boom Disco, Inc.*, 955 F.3d 279, 280 (2d Cir. 2020), *cert. granted, judgment vacated on other grounds by* 141 S. Ct. 2509 (2021) (remanding for further consideration in light of *Facebook, Inc. v. Duguid*, 141 S. Ct. 1163 (2021), which interpreted definition of autodialer); *Warcia v. Subway Rests., Inc.*, 949 F.3d 354, 356 (7th Cir. 2020); *Dominguez v. Yahoo, Inc.*, 894 F.3d 116, 117 n.3 (3d Cir. 2018); *Van Patten v. Vertical Fitness Grp.*, 847 F.3d 1037, 1041–1042 (9th Cir. 2017); *Keating v. Peterson’s Nelnet, L.L.C.*, 615 Fed. Appx. 365 (6th Cir. 2015); *Gager v. Dell Fin. Servs., L.L.C.*, 727 F.3d 265, 269 n.2 (3d Cir. 2013); *Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946, 952 (9th Cir. 2009) (“a text message is a ‘call’ within the meaning of the TCPA”); *Visco v. Creditors Relief, L.L.C.*, 2022 WL 488495 (D. Mass. Feb. 17, 2022); *Gulden v. Liberty Home Guard L.L.C.*, 2021 WL 689912 (D. Ariz. Feb. 23, 2021) (Mag.); *Agbim v. Zip Capital Grp., L.L.C.*, 2021 WL 4125874 (C.D. Cal. Feb. 2, 2021); *Williams v. Myler Disability, L.L.C.*, 2020 WL 6693134, at *5 (W.D.N.C. Nov. 12, 2020); *Griffith v. ContextMedia, Inc.*, 235 F. Supp. 3d 1032 (N.D. Ill. 2016) (unwanted text messages encroach on consumers’ freedom to choose how their telephones are used just as much as unwanted calls do; recipients have Article III standing even though text messaging did not exist when TCPA was passed); *Reardon v. Uber Techs., Inc.*, 115 F. Supp. 3d 1090 (N.D. Cal. 2015); *Scott v. Merchs. Ass’n Collection Servs.*, 2012 WL 4896175 (S.D. Fla. Oct. 15, 2012); *Connelly v. Hilton Grand Vacations Co.*, 2012

rule authorized by section 227(c)⁵⁵—that a text message sent to a cell phone is a “call.” In 2016, the Supreme Court unequivocally endorsed this view, holding that “[a] text message to a cellular telephone, it is undisputed, qualifies as a ‘call’ within the compass of § 227(b)(1)(A)(iii).”⁵⁶ There is no requirement that a call allow real-time two-way communication⁵⁷ or that the consumer be charged for the text message.⁵⁸

The TCPA’s applicability to text messages is particularly clear since, in section 227(b)(1)(A)(iii), Congress specifically restricted calls to pagers, treating them exactly like cell

WL 2129364 (S.D. Cal. June 11, 2012); *Buslepp v. Improv Miami, Inc.*, 2012 WL 1560408 (S.D. Fla. May 4, 2012); *Buslepp v. B&B Entm’t, L.L.C.*, 2012 WL 1571410 (S.D. Fla. May 3, 2012); *Pimental v. Google Inc.*, 2012 WL 691784 (N.D. Cal. Mar. 2, 2012); *Lo v. Oxnard European Motors, L.L.C.*, 2011 WL 6300050 (S.D. Cal. Dec. 15, 2011); *Kramer v. Autobytel*, 759 F. Supp. 2d 1165 (N.D. Cal. 2010); *Lozano v. Twentieth Century Fox Film Corp.*, 702 F. Supp. 2d 999 (N.D. Ill. 2010); *Kazemi v. Payless Shoesource, Inc.*, 2010 WL 963225 (N.D. Cal. Mar. 12, 2010); *Abbas v. Selling Source, L.L.C.*, 2009 WL 4884471 (N.D. Ill. Dec. 14, 2009); *Joffe v. Acacia Mortg. Corp.*, 121 P.3d 831 (Ariz. Ct. App. 2005). *See also* *Drazen v. Pinto*, 74 F.4th 1336, 1343 n.5 (11th Cir. 2023) (*en banc*) (“GoDaddy contends that Congress has been silent on 47 U.S.C. § 227(b)(1)(a)(iii)’s applicability to text messages. For the purposes of assessing our jurisdiction and without deciding the merits of the TCPA claim, we disagree and conclude that Congress appears to have targeted unwanted text messages (as well as unwanted phone messages) with the TCPA.”); *In re Jiffy Lube Int’l, Inc., Text Spam Litig.*, 847 F. Supp. 2d 1253 (S.D. Cal. 2012); Daniel L. Hadjinian, *Reach Out and Text Someone: How Text Message Spam May Be a Call Under the TCPA*, 4 *Shidler J. L. Com. & Tech.* 3 (2007).

⁵⁵ *Pepper v. GVG Capital L.L.C.*, 677 F. Supp. 3d 638, 642–643 (S.D. Tex. 2023); *Reimer v. Kohl’s, Inc.*, 2023 WL 6161780 (E.D. Wis. Sept. 21, 2023) (rejecting argument that FCC’s proposal to “clarify” that nationwide Do-Not-Call rule applies to text messages means that it currently does not); *Myrick v. Adapthealth, L.L.C.*, 2023 WL 5162396 (E.D. Tex. June 26, 2023) (Mag.), *adopted*, 2023 WL 4488848 (E.D. Tex. July 12, 2023); *Eagle v. GVG Capital, L.L.C.*, 2023 WL 1415615 (W.D. Mo. Jan. 31, 2023) (requirement that telemarketing call include caller’s contact information applies to text messages); *Pariseau v. Built USA, L.L.C.*, 2022 WL 3139243 (M.D. Fla. Aug. 5, 2022) (text message is a call for purposes of Do-Not-Call rule); *Mantha v. Quotewizard.com, L.L.C.*, 2021 WL 6061919, at *4 (D. Mass. Dec. 13, 2021) (“Calls and texts to numbers listed on the DNC registry violate the TCPA.”), *adopted*, 2022 WL 325722 (D. Mass. Feb. 3, 2022). *See also* *Gill v. Align Tech.*, 2022 WL 1540016 (E.D. Wis. May 16, 2022) (applying company-specific do-not-call rule to text message without discussion); *Visco v. Creditors Relief, L.L.C.*, 2022 WL 488495 (D. Mass. Feb. 17, 2022) (applying Do-Not-Call rule and other TCPA prohibitions to text messages); *Barton v. Temescal Wellness, L.L.C.*, 525 F. Supp. 3d 195, 198–199 (D. Mass. 2021); *Sagar v. Kelly Auto. Grp., Inc.*, 2021 WL 5567408 (D. Mass. Nov. 29, 2021) (text message is a call for purpose of Do-Not-Call rule).

⁵⁶ *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 156, 136 S. Ct. 663, 193 L. Ed. 2d 571 (2016) (referring to the TCPA’s restriction on autodialed or prerecorded calls to cell phones), *aff’g* 768 F.3d 871 (9th Cir. 2014). *Accord* *Barr v. Am. Ass’n of Political Consultants, Inc.*, 591 U.S. 610, 615 n.1, 140 S. Ct. 2335, 207 L. Ed. 2d 784 (2020) (the robocall restriction “bars both automated voice calls and automated text messages”).

⁵⁷ *See* *Joffe v. Acacia Mortg. Corp.*, 121 P.3d 831 (Ariz. Ct. App. 2005).

⁵⁸ *See* *Agne v. Papa John’s Int’l, Inc.*, 286 F.R.D. 559, 570 (W.D. Wash. 2012); *Buslepp v. Improv Miami, Inc.*, 2012 WL 1560408 (S.D. Fla. May 4, 2012); *Lozano v. Twentieth Century Fox Film Corp.*, 702 F. Supp. 2d 999 (N.D. Ill. 2010); *Abbas v. Selling Source, L.L.C.*, 2009 WL 4884471 (N.D. Ill. Dec. 14, 2009).

phones. Pagers, now obsolete, functioned exactly like a very limited, primitive text messaging system; they enabled a message, originally consisting of just a telephone number, to be sent through a telephone line to the recipient.⁵⁹ By 1990, the year before the TCPA was enacted, a pager could receive up to four lines of alphanumeric text and was “a prototype for text messaging.”⁶⁰ By including pagers in the autodialed call prohibition, Congress unambiguously expressed concern about text messages as well as voice calls. If the term “call” did not encompass delivery of a message consisting of alphanumeric characters, Congress’s prohibition of “any call . . . to a telephone number assigned to a paging service”⁶¹ would be meaningless.

In 2019, when passing the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, Congress unambiguously endorsed the FCC’s inclusion of text messages as calls restricted under section 227(b). The TRACED Act added a new subsection to the TCPA requiring the FCC to issue regulations to facilitate information-sharing to address unwanted robocalls and spoofed calls. The new subsection explicitly extends to both calls and text messages sent in violation of the statute:

Sec. 10. Stop Robocalls.

(a) Information Sharing Regarding Robocall and Spoofing Violations.—Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

(i) Information Sharing.—

(1) In general.—Not later than 18 months after the date of the enactment of this subsection, the Commission shall prescribe regulations to establish a process that streamlines the ways in which a private entity may voluntarily share with the Commission information relating to—

(A) a call made or a text message sent in violation of subsection (b); . . . ⁶²

⁵⁹ Mary Bellis, ThoughtCo., *History of Pagers and Beepers* (Sept. 10, 2018), www.thoughtco.com.

⁶⁰ Brian Santo, IEEE Spectrum, *The Consumer Electronics Hall of Fame: Motorola Advisor Pager* (Jan. 3, 2019), <https://spectrum.ieee.org>.

⁶¹ 47 U.S.C. § 227(b)(A)(3).

⁶² Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, Pub. L. No. 116-105, § 10(a), 133 Stat. 3274 (2019).

As “subsection (b)” applies only to “calls” (and faxes), text messages can be sent “in violation of subsection (b)” only if they are considered calls. It is therefore clear that Congress continues to treat text messages as calls under the TCPA.

The TRACED Act is also corroborative because it follows the FCC’s repeated rulings that the TCPA applies to text messages. As the Commission’s statutory construction has been fully brought to the attention of the public and Congress—and Congress has not sought to alter that interpretation, despite amending the statute in other respects—the Commission should presume that it correctly discerned Congress’s intent.⁶³

A 2019 Eleventh Circuit opinion⁶⁴ dealing with Article III standing expressed some doubt about whether Congress intended the TCPA to apply to text messages, but it ignored the statute’s explicit application to pagers. It also portrayed Congress’s concerns as primarily calls to the home, failing to note that Congress created stronger protections for calls to cell phones than calls to residential lines.⁶⁵ The Eleventh Circuit, sitting *en banc*, overruled this decision in 2023.⁶⁶ Text messages are a major vector for fraud, and if telemarketing text messages were permitted without restraint they could easily overwhelm many subscribers’ phones, significantly reducing their functionality.

Congress mandated that the Commission “shall prescribe regulations to implement” the TCPA’s prohibitions against automated and prerecorded calls as well as protect subscribers’ privacy

⁶³ *North Haven Bd. of Educ. v. Bell*, 456 U.S. 512, 536, 102 S. Ct. 1912, 72 L. Ed. 2d 299 (1982). *See also Texas Dept. of Hous. & Cmty. Affairs v. Inclusive Cmty. Project, Inc.*, 576 U.S. 519, 536-537, 135 S. Ct. 2507, 192 L. Ed. 2d 514 (2015).

⁶⁴ *Salcedo v. Hanna*, 936 F.3d 1162 (11th Cir. 2019).

⁶⁵ *Compare* § 227(b)(1)(A) (restricting both autodialed and prerecorded calls to cell phones), *with* § 227(b)(1)(B) (restricting only prerecorded calls to residential lines), *and* § 227(b)(2)(B) (giving FCC broad authority to create exemptions to the restrictions on prerecorded calls to residential lines), *with* § 227(b)(2)(C) (giving FCC authority to create exemptions to the restrictions on calls to cell phones only for calls that are free to the end user and subject to conditions deemed necessary to protect privacy rights), *and* § 227(c)(5) (allowing suit for calls to residential lines in violation of Do-Not-Call rules only if called party has received more than one call in a 12-month period), *with* § 227(b)(3) (authorizing suit for a single violation of the restrictions on calls to cell phones). *See generally* Brief of Amici Curiae National Consumer Law Center, Consumer Federation of America & Consumer Reports in Support of Respondent Duguid, *Facebook, Inc. v. Duguid*, No. 19-511 (U.S. Oct. 23, 2020), www.nclc.org; Amicus Brief in Support of Plaintiff-Appellee’s Petition for Rehearing En Banc, *Salcedo v. Hanna*, No. 17-14077 (11th Cir. Sept. 25, 2019), www.nclc.org.

⁶⁶ *Drazen v. Pinto*, 74 F.4th 1336 (11th Cir. 2023) (*en banc*).

rights to avoid receiving telephone solicitations to which they object.⁶⁷ The Commission should not derogate its duty and undercut Congress’s goals by excluding text messages from the purview of the TCPA.

B. The TCPA clearly applies to non-telemarketing calls.

Several commenters imply, if not outright declare, that the TCPA was enacted only to combat unsolicited telemarketing.⁶⁸ This revisionist history is, quite simply, false. “Voluminous consumer complaints about abuses of telephone technology—for example, computerized calls dispatched to private homes—prompted Congress to pass the TCPA.”⁶⁹ When it enacted the statute, Congress made findings that automated calls and prerecorded messages are a “nuisance,” an “invasion of privacy,” and, “when an emergency or medical assistance telephone line is seized, a risk to public safety.”⁷⁰ The legislative history also shows a strong concern by Congress to provide a means of individual redress for wrongs inflicted by the undesirable business practices at issue.⁷¹

⁶⁷ 47 U.S.C. § 227(b)(2) and (c).

⁶⁸ See Comments of Kompato AI, GN Docket No. 25-133 (Apr. 11, 2025) <https://www.fcc.gov/ecfs/document/1041132628452/1>; Comment of Suncoast Credit Union, GN Docket No. 25-133 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/104112305318938/1>.

⁶⁹ *Mims v. Arrow Fin. Servs., L.L.C.*, 565 U.S. 368, 370–71, 132 S. Ct. 740, 181 L. Ed. 2d 881 (2012).

⁷⁰ Pub. L. No. 102–243, § 2, at ¶¶ 5–6, 9–10, 13–14, 105 Stat. 2394 (1991); 137 Cong. Rec. S16206 (1991) (statement of Sen. Warner in support of the TCPA) (“Indeed the most important thing we have in this country is our freedom and our privacy, and this is clearly an invasion of that”); S. Rep. No. 102-178, at 5 (1991), reprinted in 1991 U.S.C.C.A.N. 1968, 1972–1973 (“The Committee believes that Federal legislation is necessary to protect the public from automated telephone calls. These calls can be an invasion of privacy, an impediment to interstate commerce, and a disruption to essential public safety services.”). See also *Barr v. Am. Ass’n of Political Consultants, Inc.*, 591 U.S. 610, 614–615, 140 S. Ct. 2335, 207 L. Ed. 2d 784 (2020) (Congress’s enactment of the TCPA followed “a torrent of vociferous complaints about intrusive robocalls. . . . Consumers were ‘outraged’ and considered robocalls an invasion of privacy. . . . In enacting the TCPA, Congress found that banning robocalls was ‘the only effective means of protecting telephone consumers from this nuisance and privacy invasion.’”); *Krakauer v. Dish Network, L.L.C.*, 925 F.3d 643, 650 (4th Cir. 2019) (“Congress enacted the law to protect against invasions of privacy that were harming people.”).

⁷¹ *Sharp v. Ally Fin., Inc.*, 328 F. Supp. 3d 81, 89–90 (W.D.N.Y. 2018).

The TCPA addresses non-telemarketing calls generally while still recognizing that many Americans find unsolicited telemarketing particularly offensive. Attempting to revise the nature of the TCPA to shield certain callers will diminish this important goal.⁷²

C. The Commission should maintain all the current requirements for exempt calls.

Commenters request elimination of several of the requirements the Commission has put in place with respect to exemptions to the TCPA's consent requirements, including the limitation to three calls in any thirty-day period for exempted informational, prerecorded or artificial voice calls to a residential number ("3-in-30-Days Rule"),⁷³ the requirement that exempt calls by financial institutions which deliver time sensitive messages concerning suspected fraud and data breaches be made only to numbers provided by the customer,⁷⁴ and the requirement for all exemptions that the called party not be charged for the call.⁷⁵ Each of these requirements is essential to effectuate the purpose of the TCPA, and to satisfy the requirements that Congress mandated for these calls. The Commission cannot eliminate them while maintaining its congressionally mandated responsibility to implement the statute.

First, commenters incorrectly maintain that Congress did not intend to address informational calls through the TCPA. This is patently absurd. The authority granted to the FCC to exempt calls that otherwise require prior express consent to residential lines is expressly limited to non-telemarketing calls.⁷⁶ Clearly, Congress intended to combat the nuisance and invasion of privacy caused by non-telemarketing, automated, commercial calls. The 3-in-30 Days restriction for exempt calls⁷⁷ to residential lines does just that. By limiting the frequency of automated informational calls to residential lines, the 3-in-30 Days restriction directly effectuates Congress's purpose in enacting the

⁷² See, e.g., *Nunes v. Twitter, Inc.*, 194 F. Supp. 3d 959, 967 (N.D. Cal. 2016) (holding that § 230 of the Communications Decency Act did not shield defendant from TCPA liability, in part because liability did not arise from the content of the call where the TCPA "merely seeks to stop the nuisance").

⁷³ See Comments of American Bankers Association et al., CG Docket No. 02-278, GN Docket No. 25-133 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/104122423211014/1>; ACA Comments, *supra* note 49.

⁷⁴ See Comments of American Bankers Association et al., CG Docket No. 02-278, GN Docket No. 25-133 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/104122423211014/1>; ACA Comments, *supra* note 49.

⁷⁵ See ACA Comments, *supra* note 49.

⁷⁶ 47 U.S.C. § 227(b)(2)(B)(ii)(II).

⁷⁷ 47 C.F.R. § 64.1200(a)(3)(iii).

TCPA. The rule also allows callers to make more than three calls in 30 days with the called party's prior express consent.⁷⁸ Businesses have a multitude of options to communicate with their customers, including, mail, email, and non-automated, live-voiced calls. Businesses should be wary of communicating important information through intrusive, automated and prerecorded messages, and the 3-in-30-Days Rule rightly discourages this.

Next, the requirement that financial institutions can send exempt messages to cell phones only to customer-provided numbers ensures that fraud alerts and data breach notifications actually reach only the intended recipient. This requirement poses no barrier to financial institutions that routinely ask their customers to verify their contact information, a common practice which should be adopted by all financial institutions. Permitting financial institutions to send automated messages to phone numbers of unknown provenance will lead to urgent notifications not reaching their intended recipients, and providing incorrect—and potentially alarming—information to people who have no relation to the bank. The Commission should maintain this important requirement.

Lastly, commenters' request to dispense with the provision stating that exempted calls to cell phones not be required to be free to the end user. The Commission is not at liberty to dispense with this explicit command from Congress that limits exemptions for calls to cell phones only when the calls are free to the end user.⁷⁹ Further, this requirement protects subscribers. While many cell phone users have unlimited plans that do not create charges for each call or text, not all do. Many low-income users using pre-paid phones still pay for each call or text.⁸⁰

⁷⁸ See prefatory language in 47 C.F.R. § 64.1200(a)(3).

⁷⁹ 47 U.S.C. § 227(b)(2)(C).

⁸⁰ Tello offers customizable plans in which one can choose limited minutes, starting from 100 minutes per month. The flexibility to adjust minutes and data makes it a popular choice for budget-conscious users. See Tello, Build Your Own Plan, https://tello.com/buy/custom_plans?plan=10GB-unlimited (last accessed Apr. 25, 2025). Tracfone offers low-cost prepaid plans with limited minutes. See TracFone, Phone Service Plans, <https://www.tracfone.com/phone-service-plans> (last accessed Apr. 25, 2025). Page Plus Cellular, running on Verizon's network, offers a \$10 plan that includes 100 minutes of talk. See Page Plus Cellular, <https://www.pagepluscellular.com/plans/> (last accessed Apr. 25, 2025).

D. Debt collection calls made with an artificial or prerecorded voice without prior express consent are prohibited by the TCPA.

Several comments in this proceeding include suggestions to make it easier for debt collectors to use automated calls for debt collection purposes without prior express consent. All would be illegal under the TCPA, and all should be rejected.

ACA International wants the rules for TCPA-covered calls to be the same as those applied by the Fair Debt Collection Practices Act, and for these calls to be allowed without consent to cell phones.⁸¹ The Fair Debt Collection Practices Act does not apply to all debt collection calls; it applies only to calls made by debt collectors collecting debts owed to others.⁸² Most states do not have separate state laws protecting consumers from harassing debt collection efforts by creditors. As a result, if the Commission were to consider such a proposal, it would mean that there would be no protections whatsoever protecting consumers from receiving unstoppable debt collection calls from creditors collecting their own debts. Yet, of the 4.8 billion robocalls made in the United States in March 2025 alone, 16% of those—768 million—were robocalls collecting debt.⁸³ Many of these calls were undoubtedly unwelcome intrusions into the privacy of the consumers receiving them. The TCPA provides essential protections against unwanted debt collection calls.

We also oppose the request by Commenter Kompato AI⁸⁴ to exempt debt collectors from the TCPA and to rescind the Commission's 2024 Declaratory Ruling that AI-generated calls are covered by the TCPA's restrictions.⁸⁵ In the TCPA, Congress required prior express consent for all calls to cell phones when an artificial or prerecorded voice is used, unless the calls involve an emergency.⁸⁶ The FCC's 2024 ruling on AI really added nothing new, except a clarification. AI-generated calls produce artificial voices that are used on calls. In 47 U.S.C. § 227(b)(1), the TCPA explicitly requires prior express consent for calls using an artificial voice. Kompato AI's requests are

⁸¹ See ACA Comments, *supra* note 49.

⁸² 15 U.S.C. § 1692a(6); Reg. F, 12 C.F.R. § 1006.2(j)(1).

⁸³ YouMail Robocall Index, <https://robocallindex.com/> (last accessed Apr. 26, 2025).

⁸⁴ Comments of Kompato AI, GN Docket No. 25-133 (Apr. 11, 2025) <https://www.fcc.gov/ecfs/document/1041132628452/1>.

⁸⁵ *In re* Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts, Declaratory Ruling, CG Docket No. 23-362 (F.C.C. Feb. 8, 2024), <https://docs.fcc.gov/public/attachments/FCC-24-17A1.pdf>.

⁸⁶ 47 U.S.C. § 227 (b)(1)(A)(iii).

clearly inconsistent with Congress’s command, and adopting these requests would be patently unlawful.

AI-generated debt collection calls have already created a considerable amount of confusion for recipients, many of whom do not understand that they are not talking to a real human being. Whenever interaction is expected between AI and the recipient of the call, it is essential that the recipient has agreed previously to receive AI-generated calls, and a disclosure should be provided at the beginning of the call that the caller is using an AI-generated voice. As we have explained in previous comments, the degree of confusion and misunderstanding can be considerable.⁸⁷

The use of voice AI may significantly increase outbound calls from debt collectors, who will be able to make more calls at a lower cost. One voice AI vendor promises:

100% Account Penetration: A Voice AI solution can initiate and handle millions of calls within minutes, covering an agency’s entire debt portfolio in an impressively short amount of time. This level of automation has never been possible until recently; it’s important to note that over a third of an agency’s files often remain untouched.⁸⁸

Making it easier and cheaper to call all the accounts in a debt collector’s portfolio has the potential to exponentially increase the number of phone calls to consumers, who may face increased stress and anxiety due to harassment through repeated phone calls. The requirement of consent, and consumers’ ability to revoke that consent, is the only thing that stands between consumers and this ever-increasing barrage of automated calls.

Moreover, the U.S. Supreme Court has already explicitly rejected special exemptions for debt collection calls.⁸⁹

⁸⁷ See, e.g., *In re* Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts, Reply Comments of National Consumer Law Center et al., CG Docket No. 23-362 (Nov. 15, 2024), <https://www.fcc.gov/ecfs/document/11151279725073/1>.

⁸⁸ Skit.ai Blog, Entering a New Era of Debt Collections with Conversational Voice AI (Feb. 8, 2023), <https://skit.ai/resource/blog/entering-a-new-era-of-debt-collections-with-conversational-voice-ai/>.

⁸⁹ *Barr v. Am. Ass’n of Political Consultants, Inc.*, 591 U.S. 610, 615 n.1, 140 S. Ct. 2335, 207 L. Ed. 2d 784 (2020) (the robocall restriction “bars both automated voice calls and automated text messages”).

E. The “established business relationship” exemption was properly eliminated as an exception to the restriction on prerecorded calls.

Some commenters urge the Commission to restore the established business relationship (EBR) exemption so that it applies to all prerecorded calls.⁹⁰ Notably, in 2012, the Commission eliminated the EBR as a result of exactly the type of retrospective review it is now undertaking. The Commission found: “Our complaint data show that thousands of consumers remain unhappy with prerecorded telemarketing messages even when they have an established business relationship with the caller. We find these complaints to be a clear indication that many consumers do not consider prerecorded calls made pursuant to an established business relationship either invited or expected.”⁹¹ Consumers’ aversion to prerecorded and artificially voiced calls has not diminished since that time. There is no reason to revisit the Commission’s conclusions from 2012, let alone expand the EBR, in the face of sustained consumer outrage.

F. The FCC’s consent revocation rules should be maintained, but one issue could be refined.

Several commenters take issue with the Commission’s clarifications of existing law regarding the scope of a consumer’s revocation of consent after a revocation request is made.⁹² The Commission’s 2024 regulations on TCPA revocation consent added three new subsections to the TCPA regulations (47 C.F.R. §§ 64.1200(a)(10), (11), and (12)).⁹³

The FCC has also repeatedly reiterated that consumers have the right to revoke consent. In 2015, the FCC issued a declaratory ruling that specifically provides:

[C]onsumers may revoke consent in any manner that clearly expresses a desire not to receive further messages, and . . . callers may not infringe on that ability by designating an exclusive means to revoke. . . .

⁹⁰ ACA Comments, *supra* note 49; Comments of Illinois Credit Union League, GN Docket No. 25-133, at 4 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/104112132213375/1>.

⁹¹ *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order, 27 F.C.C. Rcd. 1830, at ¶ 41 (F.C.C. Feb. 15, 2012).

⁹² *See, e.g.*, ACA Comments, *supra* note 49; Comment of Retail Industry Leaders Association, GN Docket No. 25-133 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/10410952728695/1>.

⁹³ *See* Consent Revocation Order, *supra* note 48.

Consumers have a right to revoke consent, using any reasonable method including orally or in writing. We conclude that callers may not abridge a consumer’s right to revoke consent using any reasonable method.⁹⁴

There is also widespread agreement that consumers have the right to revoke consent at any time, in any reasonable way. The Third,⁹⁵ Ninth,⁹⁶ and Eleventh Circuits,⁹⁷ and many lower court decisions⁹⁸ have all so held. As the Third Circuit’s decision holds, there is no indication in the legislative history that Congress intended the statute to limit a consumer’s rights by imposing a temporal restriction on the right to revoke prior express consent.⁹⁹ Reversing or modifying this core tenet of the TCPA would create inconsistent standards and generate confusion and uncertainty.

Commenters protest the Commission’s statement that “when consent is revoked in any reasonable manner, that revocation extends to both robocalls and robotexts regardless of the medium used to communicate the revocation of consent.”¹⁰⁰ The Commission’s TCPA Consent Revocation Order further reasoned: “Consent is granted from a consumer to a calling party to be contacted at a particular wireless phone number or residential line. Revocation of consent, therefore,

⁹⁴ 2015 Declaratory Ruling, *supra* note 52, at ¶¶ 63, 64. *Accord In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling, 38 F.C.C. Rcd. 404, at ¶ 3 (F.C.C. Jan. 23, 2023).

⁹⁵ *Gager v. Dell Fin. Servs., L.L.C.*, 727 F.3d 265 (3d Cir. 2013), *rev’g* *Gager v. Dell Fin. Servs., L.L.C.*, 2012 WL 1942079 (M.D. Pa. May 29, 2012).

⁹⁶ *Van Patten v. Vertical Fitness Grp.*, 847 F.3d 1037, 1047–1049 (9th Cir. 2017).

⁹⁷ *Osorio v. State Farm Bank*, 746 F.3d 1242 (11th Cir. 2014). *Accord* *Schweitzer v. Comenity Bank*, 866 F.3d 1273 (11th Cir. 2017) (reiterating that consent can be revoked orally and holding that it can be partially revoked).

⁹⁸ *Faucett v. Move, Inc.*, 2023 WL 2563071 (C.D. Cal. Mar. 17, 2023) (denying motion to dismiss; fact that consumer may have given written consent to receive prerecorded telemarketing calls does not preclude him from orally revoking that consent); *Chatman v. Miramed Revenue Grp.*, 2022 WL 832642 (N.D. Ill. Mar. 21, 2022); *Tillman v. Hertz Corp.*, 2018 WL 4144674 (N.D. Ill. Aug. 29, 2018); *Cartrette v. Time Warner Cable, Inc.*, 157 F. Supp. 3d 448 (E.D.N.C. 2016); *King v. Time Warner Cable*, 113 F. Supp. 3d 718, 726 (S.D.N.Y. 2015) (applying FCC’s 2015 Declaratory Ruling; consumer’s revocation, communicated to caller, was effective), *vacated and remanded on other grounds*, 894 F.3d 473 (2d Cir. 2018) (addressing definition of autodialer); *Conklin v. Wells Fargo Bank, N.A.*, 2013 WL 6409731 (M.D. Fla. Dec. 9, 2013); *Munro v. King Broad. Co.*, 2013 WL 6185233 (W.D. Wash. Nov. 26, 2013); *Adamcik v. Credit Control Servs., Inc.*, 832 F. Supp. 2d 744 (W.D. Tex. 2011) (holding that consent is revocable and relying on common law meaning of “consent”). *See also* *Blow v. Bijora, Inc.*, 855 F.3d 793, 803 (7th Cir. 2017) (quoting the FCC’s ruling that consent can be revoked by any reasonable means, but concluding in footnote 3 that consumer had not done so).

⁹⁹ *Gager v. Dell Fin. Servs., L.L.C.*, 727 F.3d 265, 272 (3d Cir. 2013).

¹⁰⁰ Consent Revocation Order, *supra* note 48, at ¶ 32.

is an instruction that the caller no longer contact the consumer at that number. As a result, consent is specific to the called party and not the method of communication used to revoke consent.”¹⁰¹ This is the best reading of the TCPA, and it is consistent with the Commission’s previous interpretations.¹⁰² If the Commission were to do as the commenters ask and burden consumers with revocation requirements that have no basis in the statute, such requirements would likely be found to be unjustified by the TCPA. The TCPA prohibits automated and prerecorded calls to specific types of telephone lines.¹⁰³ Naturally, when consumers revoke consent, the revocation should attach to all communications directed to that line. Under *Loper Bright*, this is the interpretation of the TCPA that courts are most likely to adopt.

Additionally, commenters have expressed concerns that a revocation of consent provided in response to a telemarketing call should not be presumed to revoke consent for further informational calls. Although the Commission’s new regulations allow callers to send a one-time message clarifying the scope of a consumer’s revocation,¹⁰⁴ to the extent that commenters can demonstrate that the regulations are insufficient to prevent consumers from inadvertently opting out of desired informational messages, such as fraud alerts, the Commission may consider further rulemaking to address this issue.

¹⁰¹ *Id.*

¹⁰² 2015 Declaratory Ruling, *supra* note 52, at ¶¶ 63, 64 (“[C]onsumers may revoke consent in any manner that clearly expresses a desire not to receive further messages, and . . . callers may not infringe on that ability by designating an exclusive means to revoke. . . . Consumers have a right to revoke consent, using any reasonable method including orally or in writing. We conclude that callers may not abridge a consumer’s right to revoke consent using any reasonable method.”). *Accord* In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling, 38 F.C.C. Rcd. 404, at ¶ 3 (F.C.C. Jan. 23, 2023).

¹⁰³ 47 U.S.C. § 227(b)(1).

¹⁰⁴ 47 C.F.R. § 64.1200(a)(12).

IV. The FCC should reject all suggestions for changes in regulations on numbering resources, SIM Swap fraud, and regulations protecting the ability of incarcerated people to communicate with their loved ones on the outside.

A. Numbering resources are currently being misused; regulations need to be tightened considerably, not loosened.

We urge the Commission to protect regulations governing the use of numbering resources generally, and to decline to act on comments calling for the repeal of 47 C.F.R. §§ 105 and 107, which prohibit warehousing and hoarding of all phone numbers including toll-free numbers.

Currently, callers making illegal scam and telemarketing calls frequently use a system of rotating outbound numbers that allows them to circumvent congressional and FCC requirements for reliable caller-ID. The callers use the numbers to originate only a few calls from each number to avoid having the numbers identified as the source of illegal calls by downstream providers seeking to block or identify calls as scam, telemarketing, or spam calls. As the numbers used to make the calls are contractually issued to the calling party, providers can apply an “A level” STIR/SHAKEN attestation. Yet, the caller-IDs are misleading to the call recipients, as they are not publicly associated with the callers and they frequently misrepresent the caller’s geographic location by selectively using area codes local to the called party. Also, when callers have not configured their telephone systems to receive return calls from phone numbers in the rotation, consumers cannot call back to request that further automated calls stop.

A primary goal of the TRACED Act was to facilitate the identification of callers so that call recipients would know who was calling them.¹⁰⁵ Yet the practice of rotating through outbound dialing numbers completely obscures both the identity and the actual location of the caller. Similarly, the Commission has long sought to protect consumers from neighbor spoofing.¹⁰⁶ Yet using numbers that are deliberately chosen because they are local to the called parties is tantamount to neighbor spoofing. While STIR/SHAKEN can identify voice service providers who put spoofed calls onto the network, the process is completely unable to detect when a number is being used in this number rotation method just to make the caller *appear* to be local to the call recipient.

¹⁰⁵ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, Pub. L. No. 116-105, § 4(b), 133 Stat. 3274 (2019).

¹⁰⁶ See, e.g., Federal Commc’ns Comm’n, Consumer Alert: Protect Yourself Against ‘Neighbor Spoofing’, Scam Callers Placing Phone Calls that Appear to be Local (Mar. 8, 2018), <https://docs.fcc.gov/public/attachments/DOC-349632A1.pdf>.

There does not appear to be a single legitimate purpose for callers to cycle through a list of rotating numbers in this way. Instead, the entire purpose of using such numbers seems to be only to evade the goals of the TRACED Act, as well as several specific FCC regulations.¹⁰⁷ Commenters who propose eliminating the prohibitions on toll-free number warehousing and hoarding invite the use of toll-free numbers for number rotation schemes.

These commenters seek to encourage the development of a secondary market for toll-free numbers, which will only encourage more calls without meaningful caller IDs appearing to come from toll free numbers.¹⁰⁸ The FCC should tighten—rather than loosen--numbering resource regulations to eliminate the ability of VoIP providers to evade the goals of the TRACED Act.

The Commission should maintain the protections imposed by 47 C.F.R. § 52.105 and § 52.107 to avoid number brokering in toll-free phone numbers. The rules governing numbering resources need to be substantially tightened, not loosened.

B. The Commission should not make it easier to perpetrate SIM Swap scams.

Some commenters call for the FCC to delete regulations on SIM Swap attacks and close the Further Notice of Proposed Rulemaking,¹⁰⁹ claiming that the FCC's authentication, notification, and record-keeping requirements are costly and complex, and that the regulations' costs outweigh their potential benefits. The SBA has asked that the SIM Swap rules not apply to small carriers who have "shared that CPNI procedures have been proven as an adequate mechanism to combat any fraud attempts, so additional requirements are unnecessary." These commenters could not be more wrong.

Cell phone "SIM swap fraud" involves scammers taking control of a consumer's mobile phone account without having possession of the consumer's actual phone. The consumer's mobile

¹⁰⁷ See, e.g., National Consumer Law Center, *Ex Parte* Presentation, WC Docket Nos. 13-97, 07-243, 20-67 (Mar. 25, 2024), <https://www.fcc.gov/ecfs/document/10325387525062/1>.

¹⁰⁸ Comment of Gary Smith, GN Docket No. 25-133 (Apr. 10, 2025), <https://www.fcc.gov/ecfs/document/10410163521076/1>.

¹⁰⁹ Federal Commc'ns Comm'n, SIM Swapping and Port-Out Fraud, Proposed Rules, 86 Fed. Reg. 57,380 (Oct. 15, 2021).

service and phone number are transferred from the consumer's phone to the scammer's device, without the victim's knowledge or permission.¹¹⁰

Once the transfer occurs, the scammer effectively controls the consumer's phone, can access email, texts, and notes, and can intercept calls and texts. The scammer can access the log-in credentials of any of the consumer's accounts, including bank accounts, that use calls or texts as a method of two-factor authentication.¹¹¹ Scammers can even use co-opted SIM cards to defraud third parties by convincing them to transfer money to the scammer.¹¹² Typically, the scammer asks the carrier to activate a new electronic SIM card associated with the consumer's telephone number but located in the third party's phone. The carrier's employee fails to properly verify the identity of the third-party attacker and activates the SIM in the attacker's device, at which point the victim's phone loses connection, and all subsequent calls and texts are rerouted to the scammer's phone.¹¹³

Scammers use different methods to convince carriers to effectuate the SIM transfer. The scammer may bribe or blackmail a mobile phone store employee to conduct the swap.¹¹⁴ Sometimes, current or former employees knowingly abuse their access to the mobile company's data or convince fellow employees at other stores to conduct transfers by claiming to have authenticated the third party's identity.¹¹⁵ Alternatively, the scammer may be able to bypass the mobile store's authentication mechanisms. One study of five prepaid wireless carriers, including the three largest, found that "all five carriers used insecure authentication challenges that could be easily subverted by attackers."¹¹⁶

¹¹⁰ See *In re* Protecting Consumers from SIM Swap and Port-Out Fraud, Report and Order and Further Notice of Proposed Rule Making, 38 F.C.C. Rcd. 11182, at ¶¶ 1-4 (F.C.C. Nov. 16, 2023).

¹¹¹ *Id.* at ¶¶ 2-4.

¹¹² See *Cheng v. T-Mobile USA, Inc.*, 2023 WL 6385989 (S.D.N.Y. Sept. 29, 2023).

¹¹³ See *Bayani v. T-Mobile USA, Inc.*, 2023 WL 6959287, at *1 (W.D. Wash. Oct. 20, 2023); *Williams v. AT&T Mobility, L.L.C.*, 2020 WL 1492803, at *1 (E.D.N.C. Mar. 25, 2020).

¹¹⁴ See, e.g., *Terpin v. AT&T Mobility, L.L.C.*, 664 F. Supp. 3d 1086, 1090 (C.D. Cal. 2023) (scammer bribed AT&T employee to execute SIM swap).

¹¹⁵ See Krebs on Security, *Busting SIM Swappers and SIM Swap Myths* (Nov. 7, 2018), <https://krebsonsecurity.com/2018/11/busting-sim-swappers-and-sim-swap-myths/> (stating that SIM swapping happens in one of three ways: "The first is when the attacker bribes or blackmails a mobile store employee into assisting in the crime. The second involves current and/or former mobile store employees who knowingly abuse their access to customer data and the mobile company's network. Finally, crooked store employees may trick unwitting associates at other stores into swapping a target's existing SIM card with a new one.").

¹¹⁶ Kevin Lee, Benjamin Kaiser, Jonathan Mayer, & Arvind Narayanan, *An Empirical Study of Wireless Carrier Authentication for SIM Swaps*, at 62, USENIX Symposium on Usable Privacy and Security (Aug. 9-

SIM swap fraud can be devastating to consumers. Although millionaires have fallen victim to SIM swap scams,¹¹⁷ most victims “are people who are having their life’s savings or their child’s college savings stolen.”¹¹⁸ Low-income consumers are more likely to face SIM swap fraud because mobile carriers employ less protective standards to authenticate SIM transfers to prepaid mobile phone accounts,¹¹⁹ and low-income consumers are more likely to rely on such less expensive accounts that do not require good credit.

Given the devastating consequences to consumers that results from either the sloppiness of carriers’ authentication methods and security or the malfeasance of their employees, *more* regulation is clearly essential to protect victims from SIM Swap and port-out fraud. The Commission should not act on suggestions to repeal or weaken these regulations.

11, 2020), www.usenix.org. Easily exploitable authentication methods include last payment information; information about recent calls; personal information that hackers can often access; account and device information; and security questions, the answers to which attackers can frequently guess.

¹¹⁷ See, e.g., *Shapiro v. AT&T Mobility, L.L.C.*, 2020 WL 4341778, at *1 (C.D. Cal. May 18, 2020) (alleged theft of \$1.8 million in cryptocurrency); *Terpin v. AT&T Mobility, L.L.C.*, 399 F. Supp. 3d 1035, 1042 (C.D. Cal. 2019) (alleged theft of \$24 million in cryptocurrency). See also Margi Murphy & Drake Bennett, *Teen Gamers Swiped \$24 Million in Crypto, Then Turned on Each Other*, Bloomberg (Aug. 4, 2023), www.bloomberg.com.

¹¹⁸ Krebs on Security, *Busting SIM Swappers and SIM Swap Myths* (Nov. 7, 2018), <https://krebsonsecurity.com/2018/11/busting-sim-swappers-and-sim-swap-myths/> (quoting Detective Caleb Tuttle). See also *Complaint, Michigan First Credit Union v. T-Mobile USA, Inc.*, 2023 WL 3690462, at ¶ 41 (E.D. Mich. Feb. 3, 2023) (detailing example of SIM swap in which the third party successively withdrew \$240, \$150, \$200, \$201, and \$250 from the victim’s bank account).

¹¹⁹ Kevin Lee, Benjamin Kaiser, Jonathan Mayer, & Arvind Narayanan, *An Empirical Study of Wireless Carrier Authentication for SIM Swaps*, at 68, USENIX Symposium on Usable Privacy and Security (Aug. 9-11, 2020), www.usenix.org. For example, if mobile carriers authenticate customers via information about last payment, third parties can use a refill card for the prepaid account and provide that information to convince the employee to execute the SIM swap. Researchers in the study found that all five major wireless carriers used “insecure authentication challenges that could easily be subverted by the attackers.” *Id.* at 61.

C. The FCC should reject Securus’s and NCIC’s requests to eliminate or modify various IPCS rules.

Securus and NCIC urge the FCC to eliminate or modify various rules related to incarcerated people’s communications services (“IPCS”).¹²⁰ The FCC should decline their requests for myriad reasons,¹²¹ in addition to the procedural reasons discussed earlier in this comment.

First, Securus and NCIC seek to undo rules that were promulgated pursuant to a federal statute. Specifically, Congress passed the Martha Wright-Reed Just and Reasonable Communications Act in 2023, which directed the FCC to issue new IPCS rules on a specified timeline to ensure affordable telecommunications services for incarcerated people and their families.¹²² The FCC’s IPCS rules are necessary to carry out this legislative mandate and therefore may not be eliminated.

Second, several petitions for review of the IPCS rules are currently pending as a consolidated proceeding in the Court of Appeals for the First Circuit. In court, the FCC is vigorously defending

¹²⁰ Securus Technologies, LLC, Comment on FCC Public Notice *In Re: Delete, Delete, Delete* (Apr. 14, 2025) <https://www.fcc.gov/ecfs/search/search-filings/filing/104112389415303> [hereinafter Securus Comment]; NCIC Correctional Services, Comment on FCC Public Notice *In Re: Delete, Delete, Delete* (Apr. 14, 2025), <https://www.fcc.gov/ecfs/search/search-filings/filing/10411934106941>].

¹²¹ The only specific proposal made by the IPCS providers that may warrant consideration is Securus’s suggestion to streamline consumer disclosures made during a call, when the consumer has enrolled in an alternate pricing plan (“APP”). Securus Comment, *supra* note 120, at 24–25. This disclosure requirement relates to the APP rule that the FCC issued in July 2024. Since that rule was issued, Securus has filed comments regarding a petition for reconsideration of the APP rule and filed multiple comments in response to a wide-ranging notice of further proposed rulemaking, yet nowhere in these filings did Securus voice any concern about the APP disclosure requirements. *See* Incarcerated People’s Communications Services, Comments of Securus Technologies on Petitions for Reconsideration, WC Docket No. 23-62, at 11-15 (Nov. 25, 2024); Incarcerated People’s Communications Services, WC Dkt. 23-62, Opening Comments of Securus Technologies on FNPRM (Oct. 21, 2024) and Reply Comments on FNPRM (Dec. 17, 2024). If Securus has identified ways in which to remove redundant in-call disclosures while still ensuring that consumers are adequately apprised of their rights, then it should make a specific proposal as part of the already-open IPCS docket (where interested parties can consider and respond to the proposal), instead of surreptitiously seeking a change in regulation as part of the Delete proceeding.

¹²² Martha Wright-Reed Just and Reasonable Communications Act, Pub. L. 117-338, 136 Stat. 6156 (2023).

the rules as written against challenges by, among others, Securus.¹²³ The FCC has already ably considered and refuted¹²⁴ at least some of Securus’s objections raised in the Delete proceeding.¹²⁵

Third, the IPCS rules remain necessary to address what the FCC has called “a prime example of market failure.”¹²⁶ As the FCC has explained:

Market forces often lead to more competition, lower prices, and better services. Unfortunately, the [IPCS] market, by contrast, is characterized by increasing rates, with no competitive pressures to reduce rates.¹²⁷

Whereas most Americans can benefit from market competition to receive reasonably priced telecommunications service, the same is not true for incarcerated people and their families. IPCS providers—like Securus and NCIC—have a monopoly on telecommunication services in each prison, jail, or detention center in which they operate. Thus, in the absence of regulation, incarcerated people and their families are forced to pay whatever exorbitant price for phone or video calls the company charges. Accordingly, far from being the sort of “unnecessary rules [that] may stand in the way of . . . competition,”¹²⁸ which the FCC deems appropriately the subject of its Delete docket, the IPCS rules are necessary to regulate a failed market bereft of salutary competitive forces.

Finally, the FCC’s Delete docket is focused on identifying outdated rules.¹²⁹ The IPCS rules could hardly be more timely. Congress passed the Martha Wright-Reed Just and Reasonable

¹²³ *In re* MCP 191: Direct Action for Rights and Equality v. FCC, No. 24-8028 (1st Cir. 2024).

¹²⁴ See Brief for Respondents, *In re* MCP 191: Direct Action for Rights and Equality v. FCC, No. 24-8028, 51–61 (1st Cir. Apr. 14, 2025), <https://docs.fcc.gov/public/attachments/DOC-410779A1.pdf> (rejecting IPCS Providers’ argument that the FCC’s “specific application of [the used-and-useful] framework to exclude the costs of many safety and security measures was ‘arbitrary and capricious’”) [hereinafter Brief For Respondents].

¹²⁵ Securus acknowledges that at least some of the IPCS rules it challenges in the Delete docket proceedings are being considered in other proceedings, including in the appeal before the First Circuit. Securus states: “Cognizant that the [FCC’s 2024 order implementing the Martha Wright-Reed Just and Reasonable Communications Act] is on appeal and the existence of petitions for reconsideration, Securus here limits its requested rule eliminations and modifications to a handful of specific items, *many of which* are not addressed in the appeal or reconsideration petitions.” Securus Comment, *supra* note 120, at 5 (emphasis added).

¹²⁶ *In re* Rates for Interstate Inmate Calling Services, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 F.C.C. Rcd. 12763, at ¶ 2 (Rel. Nov. 5, 2015).

¹²⁷ *Id.*

¹²⁸ FCC Delete, Delete Notice, *supra* note 2, at 1.

¹²⁹ The FCC Delete, Delete Notice, *supra* note 2, encourages commenters to consider six policy factors in identifying rules that may be unnecessary. Three of the six factors relate to regulations being outdated: rules may be rendered unnecessary because of (1) “[m]arketplace and technological changes,” (2) “[c]hanges in the broader regulatory context,” or (3) “[c]hanges in, or other implications of, the governing legal framework. *Id.*

Communications Act in 2023 via a bipartisan vote.¹³⁰ The FCC issued its order implementing the Act and issuing the IPCS rules in 2024.¹³¹ The FCC continues to defend the rules before the First Circuit—including as recently as two weeks ago.¹³² And some correctional facilities do not yet need to comply with some of the new IPCS rules.¹³³ The IPCS rules Securus and NCIC seek to eliminate or modify are not the sort of obsolete rules the FCC’s Public Notice contemplates.

In sum, the FCC should reject Securus’s and NCIC’s proposals to eliminate IPCS rules through this proceeding, given that the rules in question were issued less than a year ago, pursuant to congressional directive, and remain essential for ensuring affordable rates for communication services in a failed market.

V. The Commission should not preempt state consumer protection and unfair business practice regulations for VoIP providers.

The Commission has long recognized that states play a “vital role in protecting consumers from fraud, enforcing fair business practices, for example, in advertising and billing, and generally responding to consumer inquiries and complaints.”¹³⁴ We share the Commission’s respect for the important work states do protecting consumers and maintaining fair markets, and therefore urge the

at 3–4. A fourth category—“Experience gained from the implementation of the rule”—requires the rules at issue to be in effect for some meaningful amount of time, such that experience could be gained from their implementation. *Id.* at 3. A seventh catchall category—“Other considerations relevant to the retrospective review of Commission rules”—asks multiple questions related to rules being obsolete: “are there rules that remain in the Code of Federal Regulations that no longer have any operative effect—whether because their self-described effectiveness has passed, or otherwise? Are there rules with a sunset period or for which the Commission committed on its own to undertake further regulatory review, but where that regulatory review has not yet occurred?” *Id.* at 5.

¹³⁰ Martha Wright-Reed Just and Reasonable Communications Act, Pub. L. 117-338, 136 Stat. 6156 (2023).

¹³¹ Implementation of the Martha Wright Reed-Act, Report & Order, Order on Reconsideration, Clarification & Waiver, and Further Notice of Proposed Rulemaking, WC Dkt. Nos. 23-62 & 12-375 (Rel. July 22, 2024).

¹³² See Brief for Respondents, *supra* note 124 (dated April 14, 2025).

¹³³ See United Church of Christ Media Justice Ministry, Guide to New Low Rates and Consumer Protections for Incarcerated People’s Communications Services 1, 3–4 (Apr. 1, 2025), <https://uccmediajustice.org/wp-content/uploads/2025/03/Guide-to-New-Low-Rates-and-Consumer-Protections-for-Incarcerated-People-4-1-2025-Final-1.pdf> (explaining that although most correctional facilities must comply with new rate caps by April 1, 2025, the FCC granted limited extensions for rate caps and site commissions into 2026).

¹³⁴ *In re Vonage Holdings Corp.*, Memorandum Opinion and Order, 19 F.C.C. Rcd. 22404, at ¶ 1 (F.C.C. Nov. 12, 2004) [hereinafter *Vonage Order*].

Commission to reject the Cloud Communication Alliance's (CCA) proposal¹³⁵ to preempt state consumer protection and business practice regulations for VoIP Providers.

In particular, the CCA urges the Commission to find that state regulations requiring VoIP providers disclose “past bankruptcies, regulatory violations, license denials or revocations, criminal convictions, and settlements” as well as disclose technical and management information and submit to environmental reviews are “tantamount to market entry barriers” which should be affirmatively preempted.¹³⁶ However, granting VoIP providers this type of blanket exemption from state regulations encourages the use of VoIP phone services for phone scams and fraud. Without robust oversight, VoIP providers can offer scammers essentially anonymous entry to the United States’ phone network and the ability to conduct fraudulent calling campaigns with impunity. States can and should play a role in policing VoIP providers to protect consumers from fraud and other abuse. Disclosure requirements and reviews are common-sense oversight which states should be free to prescribe for any VoIP provider who seeks entry into a state’s market for communications service. The Commission should encourage such oversight instead of cutting off states’ ability to police these businesses.

The Commission has acknowledged that its legal authority to preempt state regulations is limited to when: “the matter to be regulated has both interstate and intrastate aspects; preemption is necessary to protect a valid federal regulatory objective; and state regulation would negate the exercise by the FCC of its own lawful authority because regulation of the interstate aspects of the matter cannot be unbundled from regulation of the intrastate aspects.”¹³⁷ Courts have confirmed that all three of these factors must be present in order for the FCC to preempt state regulation in this area.¹³⁸ This is the appropriate approach.

CCA is requesting the FCC to preempt state consumer protection and business practice regulations because those state rules interfere with its business practices. The FCC does not have the legal authority to preempt state rules for this reason.

¹³⁵ Comments of the Cloud Communications Alliance, GN Docket No. 25-133, <https://www.fcc.gov/ecfs/document/1041061065540/1>.

¹³⁶ *Id.* at 5.

¹³⁷ Vonage Order, *supra* note 134, at ¶ 19 (internal quotation and modification omitted).

¹³⁸ Pub. Serv. Comm'n of Maryland v. FCC, 909 F.2d 1510, 1515 (D.C. Cir. 1990)

Historically, the Commission has found that it has the authority to preempt “public disclosure of detailed financial information, operational and business plans, and proposed service offerings,” reasoning that such “entry requirements could stifle new and innovative services whereas blanket entry authority, *i.e.*, unconditional entry, would promote competition.”¹³⁹ Information about past misconduct, ownership, and environmental impact are tailored to ensure that only **lawful** competition flourishes, and state laws requiring disclosure of that information should not—and could not legally—be preempted. The Commission cannot preempt states’ ability to keep criminals from exploiting their residents and degrading their natural resources, and any policy that embraces unlawful competition does not serve a valid federal regulatory objective. Additionally, gathering information necessary to exercise their police powers to bring enforcement actions against VoIP providers engaged in unlawful activity does not negate the exercise of the Commission’s lawful powers. To the contrary, as the cooperation between the states and the FCC illustrates, the sharing of this information is helpful to the Commission in its enforcement and regulatory work. States, as well as the Commission, can be cops on the same beat and rein in VoIP providers intent on inundating consumers with fraudulent or otherwise unlawful calls.

Conclusion

We urge the Commission to tread very cautiously in this Delete, Delete, Delete docket, and to maintain—and strengthen—the protections for consumers, small business, and telephone subscribers in general from the abuses that will undoubtedly escalate if the mass deregulation proposed by many is effectuated. The viability of the nation’s telecommunications system is at stake.

Respectfully submitted, this the 28th day of April, 2025,

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¹³⁹ Vonage Order, *supra* note 134, at ¶ 20.

Appendix

Descriptions of the consumer and privacy organizations submitting these comments:

The **National Consumer Law Center** (NCLC) is at the center of a national network of legal aid lawyers, private attorneys, elder advocates, housing counselors, pro-consumer policymakers and enforcement officials, and other allies who use NCLC's expertise to fight for consumers. Together, we use the tools of advocacy, education, and litigation to fight for economic justice for low-income and other vulnerable people who have been abused, deceived, discriminated against, or left behind in our economy. NCLC publishes a library of 21 comprehensive and authoritative legal treatises widely considered to be the nation's preeminent source of consumer law expertise, and regularly cited in judicial opinions by courts across the country. Our treatise *Federal Deception & Abuse Law* (5th ed. 2024), updated at www.nclc.org/library, includes several chapters on the rights of telephone subscribers to be free from unwanted calls. <https://www.nclc.org/>

Consumer Action has championed the rights of underrepresented consumers since 1971. A national, nonprofit 501(c)3 organization, Consumer Action focuses on financial education that empowers low to moderate income and limited-English-speaking consumers to financially prosper. It also advocates for consumers in the media, and before lawmakers and regulators, to advance consumer rights and promote industry-wide change particularly in the fields of consumer protection, credit, banking, housing, privacy, insurance and telecommunications. <https://www.consumer-action.org/>

The **Consumer Federation of America** (CFA) is an association of non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education. Today, nearly 250 of these groups participate in the federation and govern it through their representatives on the organization's Board of Directors. <https://consumerfed.org/about-cfa/>

Electronic Privacy Information Center (EPIC) The Electronic Privacy Information Center (EPIC) is a 501(c)(3) public interest research center established in 1994 to protect privacy, freedom of expression, and democratic values in the information age through advocacy, research, and litigation. EPIC routinely participates in proceedings before the FCC and has consistently advocated for stronger safeguards on America's communications networks to ensure privacy and data security for those who rely on them.. <https://epic.org/>

The **National Association of Consumer Advocates** is a non-profit association of attorneys and consumer advocates whose primary focus is the protection and representation of consumers. NACA's members and their clients are actively engaged in promoting a fair and open marketplace that forcefully protects the rights of consumers, particularly those of modest means. <https://www.consumeradvocates.org/>

Founded in 1899, the **National Consumers League** is a private, non-profit advocacy group representing consumers on marketplace and workplace issues. NCL provides government, businesses, and other organizations with the consumer's perspectives on a range of issues including consumer rights and privacy. NCL advocates on behalf of consumers and victims of unwanted telemarketing and scam calls before the FCC. <https://nclnet.org/>

Public Knowledge promotes freedom of expression, an open internet, and access to affordable communications tools and creative works. We work to shape policy on behalf of the public interest. <https://publicknowledge.org/>

Utility Reform Network (TURN) is a California nonprofit organization that promotes racial and economic equity advancement and accessibility through regulatory and legislative work to achieve affordable and reliable communication services. At several levels of government, either directly or through coalitions, TURN advocates for policies that support the widespread deployment of safe, resilient, and high-quality communications services. <https://www.turn.org/>

Using research, public education and outreach, **Public Interest Research Group** serves as a counterweight to the influence of powerful special interests that threaten our health, safety or financial well-being. <https://pirg.org/>