FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Gus Bilirakis
U.S. House of Representatives
2313 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Bilirakis:

Thank you for your letter regarding pending petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. In your letter, you state that some protections created by TCPA need to be modernized to reconcile the law with the modern communications landscape and urge the Commission to implement reforms that provide greater clarity and guidance for callers. In addition, you raise concerns that some new exceptions under consideration could weaken the effectiveness of the current prohibitions on unwanted calls. I agree with both sets of observations, and the item adopted at the Commission's June Open Meeting reflects the careful balance that you detail in your letter.

Let me assure you that the Commission is committed to the TCPA's goal of protecting consumers from unwanted calls and texts. We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. The TCPA makes clear that consumers can choose which calls they want and do not want. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which are the number one source of consumer complaints at the FCC. We took action to resolve more than 20 petitions by providing, as you suggest, much needed clarity on number of TCPA issues to business and other callers. Our actions send one clear message: consumers have the right to control the calls and texts they receive.

In your letter, you raise concerns businesses and other callers are adversely affected because we have not updated the TCPA to reflect modern calling and consumer expectations. To the contrary, our actions provide the clarifications that responsible businesses need to maintain lawful use of robocalling equipment. Indeed, we interpret the TCPA in a common-sense way that benefits both callers and consumers. This includes providing limited exceptions that clear the way for time-sensitive calls about consumer healthcare and bank accounts so that consumers can get the information as quickly as possible. With important conditions on the number of calls and opt-out ability, we prove that both consumers and businesses can win under the TCPA.

With this decision, the Commission empowered consumers in a number of ways. For the first time, the Commission clarified that there is no legal reason carriers should not offer their customers popular robocall-blocking solutions so that consumers can use market-based

approaches to stop unwanted calls. We also make it clear that it should be easy for consumers to say "no more" even when they've given their consent in the past.

We also closed a number of loopholes. For example, we clarified the definition of "autodialers" to include any technology with the potential to dial random or sequential numbers. Our action is true to Congress's intent when passing the law and would ensure that robocallers cannot skirt consent requirements through changes in technology design. We also closed the "reassigned number" loophole, making clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number.

You also expressed concern that some new exceptions could weaken the effectiveness of the current prohibitions on unwanted calls. As noted above, while we will allow some very limited and specific exceptions, such as time-sensitive alerts to customers regarding possible fraud and suspicious activity involving consumer bank accounts, it is important to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt-out of such calls.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Tony Cárdenas
U.S. House of Representatives
1508 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Cárdenas:

Thank you for your letter regarding pending petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. In your letter, you state that some protections created by TCPA need to be modernized to reconcile the law with the modern communications landscape and urge the Commission to implement reforms that provide greater clarity and guidance for callers. In addition, you raise concerns that some new exceptions under consideration could weaken the effectiveness of the current prohibitions on unwanted calls. I agree with both sets of observations, and the item adopted at the Commission's June Open Meeting reflects the careful balance that you detail in your letter.

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Tom Wheeler

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WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Leonard Lance
U.S. House of Representatives
133 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter regarding pending petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. In your letter, you state that some protections created by TCPA need to be modernized to reconcile the law with the modern communications landscape and urge the Commission to implement reforms that provide greater clarity and guidance for callers. In addition, you raise concerns that some new exceptions under consideration could weaken the effectiveness of the current prohibitions on unwanted calls. I agree with both sets of observations, and the item adopted at the Commission's June Open Meeting reflects the careful balance that you detail in your letter.

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WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Jerry McNerney
U.S. House of Representatives
1210 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman McNerney:

Thank you for your letter regarding pending petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. In your letter, you state that some protections created by TCPA need to be modernized to reconcile the law with the modern communications landscape and urge the Commission to implement reforms that provide greater clarity and guidance for callers. In addition, you raise concerns that some new exceptions under consideration could weaken the effectiveness of the current prohibitions on unwanted calls. I agree with both sets of observations, and the item adopted at the Commission's June Open Meeting reflects the careful balance that you detail in your letter.

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