

**STATEMENT OF
CHAIRMAN JULIUS GENACHOWSKI**

Re: *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG
Docket No. 02-278

Today, we take action to further empower consumers to avoid unwanted “robocalls.”

For decades, Congress and the Commission have recognized that consumers should have control over the telemarketing calls that come to their homes and mobile devices, and be able to stop the ones that they don’t want to receive. The Commission and the FTC have long had rules to put consumers in control. But despite these clear ground rules, too many telemarketers, aided by autodialers and prerecorded messages, have continued to call consumers who don’t want to hear from them. Consumers by the thousands have complained to us, letting us know that they remain unhappy with having their privacy invaded and their time wasted by these unwanted calls.

Today, we respond to those consumers, providing consumers greater protection from unwanted robocalls. First, before robocalling any consumer, telemarketers will now have to get that consumer’s *written* consent, which may be electronic. Second, telemarketers will no longer be able to robocall a consumer simply because he or she has previously done business with that telemarketer – something our data and the FTC’s record show frustrates many consumers. Now, written consent will be necessary for *all* telemarketing robocalls.

And to ensure that the consumer can easily change his or her mind even when written consent has been given, our new rules give consumers instant control: each and every telemarketing robocall will have to include an automated, interactive opt-out mechanism, so that a consumer can revoke consent by pressing just a few keys during the call. The telemarketer will have to automatically add the consumer to the company’s do-not-call list and immediately disconnect the call. We are also closing a loophole so that every single telemarketing campaign will have to comply with strict limits on the “dead-air” telemarketing calls that are so frustrating to consumers when they interrupt their dinners or other activities to answer the phone, only to hear nothing on the other end.

At the same time that we help consumers avoid unwanted robocalls, we do so in a manner that is minimally burdensome to businesses, including small businesses. Because our rules largely mirror those the FTC applies to telemarketers in its jurisdiction, we have consistent rules applying to all telemarketers, and we avoid confusion for those telemarketers subject to both the Commission’s and the FTC’s rules. In addition, we leave unchanged our rules for robocalls that are informational and that consumers may have come to rely on. Some of these informational robocalls include automated calls that update consumers on airline flights, provide school notifications, or even warn them about fraudulent activity in their bank accounts.

I thank the staff from the Bureaus involved in this item for their diligent efforts, particularly the Consumer and Governmental Affairs Bureau, which worked closely with our Enforcement Bureau, Office of General Counsel, and the Wireline and Wireless Bureaus – and for their great work to empower and protect consumers.