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## **FCC Announces Proposed Ruling Protecting Consumers from Unwanted Robocalls and Texts to Cell Phones**

**(WASHINGTON)** Despite intense pressure from industry, the Federal Communications Commission (FCC) is poised to maintain and advance consumers' protections against unwanted robocalls and text messages to their cell phones. Attorneys at the National Consumer Law Center (NCLC) and the National Association of Consumer Advocates (NACA) are encouraged by a declaratory ruling proposed by FCC Chairman Tom Wheeler, scheduled for a vote by the full FCC Commission on June 18, that would reject requests made in two dozen industry petitions to allow robocalls and text messages to cell phones without consent.

The proposed ruling reiterates that the types of automated calling devices currently in use fall within the scope of the Telephone Consumer Protection Act's (TCPA) prohibition against robodialing cell phones without consent. It rejects industry's claim that it has the right to make robocalls to a cell phone number that has been reassigned to a new consumer based on the former owner's consent. And it makes it clear that consumers have the right to revoke their consent to receive robocalls at any time and in any reasonable way, rejecting industry arguments that consent to receive robocalls, once given, is permanent and irrevocable.

"We applaud the FCC chairman for upholding the essential consumer protections in the Telephone Consumer Protection Act," said National Consumer Law Center attorney Margot Saunders. "The industry petitions would have gutted this key consumer law and exposed consumers to a tsunami of unwanted robocalls and texts to their cell phones. We urge the FCC to provide even greater protections by tightening a proposed provision allowing as many as nine robodialed calls to cell phones from financial institutions to alert a consumer of a data breach or suspected fraud on a credit card. Even if the calls are free to the end user, one call should be quite sufficient. Similarly, three calls from health care providers for appointment reminders seem excessive, even when free to the end user. The FCC should also require robocallers to process consumers' opt-out requests immediately."

NCLC, on behalf of its low-income clients, and NACA have opposed industry efforts to reduce consumer protections for cell phones, and over 190,000 consumers signed petitions against unwanted robocalls. The Chairman's proposed declaratory ruling indicates that the Commission

is taking action to respond to the needs of consumers. “The proposal would both limit unwanted calls to cell phones and ensure that consumers can enforce the rules requiring consumer consent,” said Ellen Taverna of the National Association of Consumer Advocates. “We look forward to working with the FCC to make sure the declaratory ruling best protects consumers’ rights and privacy and prevents unwanted and intrusive robocalls.”

**FCC fact sheet about the proposed declaratory ruling:**

<https://www.fcc.gov/document/fact-sheet-consumer-protection-proposal>

**NCLC and NACA letter and other materials to the FCC opposing efforts to weaken the TCPA:** <http://www.nclc.org/issues/telecommunications.html>

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Since 1969, the nonprofit **National Consumer Law Center® (NCLC®)** has worked for consumer justice and economic security for low-income and other disadvantaged people, including older adults, in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. **www.nclc.org**

**The National Association of Consumer Advocates (NACA)** is a nonprofit association of more than 1,500 consumer advocates and attorney members who represent hundreds of thousands of consumers victimized by fraudulent, abusive and predatory business practices. As an organization fully committed to promoting justice for 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. **www.consumeradvocates.org**