

Are Robot Calls Robocalls?

Prolific robocaller Yodel Technologies seeks exemption for making over 77 million unwanted and illegal telemarketing calls using AI and prerecorded voice messages.

WASHINGTON - Yodel Technologies (Yodel) seeks to escape liability by petitioning the Federal Communications Commission (FCC) for an exemption for its "robot calls." Using its "soundboard" technology to mimic a consumer's interaction with a live caller, Yodel "leverages Artificial Intelligence to surface the best responses at the appropriate time." After Yodel's technology was used to assist NorthStar Alarm Systems in making nearly 78 million robot calls to sell home security systems, a federal district court in Oklahoma found Yodel and NorthStar liable for making these calls without the required consent from the called parties. Yodel is now petitioning the FCC for an exemption.

"If the FCC were to grant the petition in this case, the result would undoubtedly be an astonishing escalation in unwanted, unconsented-to telemarketing calls to the American public," said Margot Saunders, senior counsel at the National Consumer Law Center. Saunders submitted comments to the FCC in opposition to Yodel's petition on behalf of NCLC's low-income clients and: Consumer Action, Consumer Federation of America, Consumer Reports, Public Knowledge, Public Citizen, and the National Association of Consumer Advocates.

Yodel Technologies LLC (Yodel) requests in its petition that any calls made with separate snippets of prerecorded voice, as distinguished from one continuous message with a prerecorded voice, should not be governed by the requirement for prior express consent for calls with a prerecorded voice under the Telephone Consumer Protection Act (TCPA). Yodel's petition repeatedly maintains that the TCPA regulates only calls which are "entirely prerecorded."

"As much as Yodel might wish it to be otherwise, the TCPA does not just regulate calls with one continuous prerecorded voice message, it regulates any telephone call which uses a prerecorded voice," said Saunders. "Congress was quite clear in requiring that all calls with a prerecorded voice are only permitted with consent."

The FCC has noted repeatedly that unwanted calls - including illegal and spoofed robocalls - are the top consumer complaint and its top consumer protection priority. Yet, if the FCC were to grant Yodel's petition in this case, telemarketing calls made using soundboard technology would plague our landlines, further invading our privacy. "We strongly urge the FCC to deny Yodel's requests," said Saunders.

More information on NCLC's extensive work on illegal robocalls is available at:
<http://www.nclc.org/issues/robocalls-and-telemarketing.html>