



July 31, 2025

Marlene Dortch  
Secretary  
Federal Communications Commission  
45 L St NE  
Washington, D.C. 20002

Re: Notice of *Ex Parte* Presentation, CG Dockets No. 02-278, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 1988 (2024)

Dear Ms. Dortch,

On July 30, 2025, the undersigned attorneys Margot Saunders and Patrick Crotty from the National Consumer Law Center (NCLC) met with Callie Coker, Legal Advisor to Chairman Carr.

During the meeting we discussed our concerns regarding the June 26, 2025, *ex parte* presentation by representatives of the American Bankers Association, ACA International, the American Financial Services Association, America's Credit Unions, and the Edison Electric Institute (collectively, the "Joint Trades").<sup>1</sup>

The Joint Trades requested that the Commission modify its recently enacted, but not yet effective,<sup>2</sup> rules regarding revocation of consent under the Telephone Consumer Protection Act (TCPA). First, they request that the Commission rescind the portion of the rules that require callers to stop all future prerecorded or autodialed communications when a subscriber revokes consent to receive one type of call and does not clarify whether the revocation applies to all other types of calls the caller believes the subscriber has consented to receive.<sup>3</sup>

We understand the Joint Trades' concern that revocation requests with an ambiguous scope may result in some subscribers missing desired communications, such as fraud alerts. However, rescinding this portion of the Commission's TCPA rules will result in confusion, and potentially litigation, when subscribers revoke their consent yet continue to receive automated calls. We believe that there are ways the Commission can address the issues raised by the Joint Trades, while minimizing this confusion to subscribers. We would appreciate the opportunity to provide these suggestions at the appropriate time.

We are particularly troubled by the second suggestion proposed by the Joint Trades. They have requested that the Commission eliminate the portion of its TCPA rules which require callers to treat

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<sup>1</sup> Notice of the *ex parte* presentation was posted on July 1, 2025, and is available at: <https://www.fcc.gov/ecfs/document/1070190647639/1>.

<sup>2</sup> The Commission granted a limited waiver delaying the effective date of the regulations to April 11, 2026. In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Order, CG Docket No. 02-278 (April 7, 2025), available at <https://docs.fcc.gov/public/attachments/DA-25-312A1.pdf>.

<sup>3</sup> *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Notice of Proposed Rulemaking, CG Docket No. 02-278 (Rel. June 9, 2023), available at <https://docs.fcc.gov/public/attachments/FCC-23-49A1.pdf>; Federal Commc'ns Comm'n, Proposed Rule, Prior Express Consent Under the Telephone Consumer Protection Act of 1991, 88 Fed. Reg. 42034 (June 29, 2023), available at <https://www.govinfo.gov/content/pkg/FR-2023-06-29/pdf/2023-13821.pdf>.

a reply to a text message or a voice call as a valid revocation request if a reasonable person would understand the words used to have conveyed a request to revoke consent. Instead, the Joint Trades appear to request that the Commission allow callers and texters to require subscribers to use an established set of words as the exclusive means of revoking consent under the TCPA. This proposed requirement that subscribers use certain “magic words” would seriously undermine the value of subscribers’ right to revoke prior express consent for automated calls and texts. Unless the required words are identified in the call or text, subscribers will have no way to know how to stop the unwanted automated calls and texts. We suggest that the requirement to use certain words to revoke consent only be applicable to those messages which inform, in a reasonable way, the recipients of how to revoke consent.

If callers are permitted to set the exclusive means through which subscribers can revoke consent, the regulations must, at a minimum, ensure that revocation procedures are reasonable and subscribers are fully informed as to what they are and how to use them.

Before the Commission acts on the Joint Trades’ request for modifications to the revocation rules, we urge the Commission to issue a Further Notice of Proposed Rulemaking to solicit ideas from subscribers and others about how to address the Joint Trades’ concerns without undermining the TCPA’s essential principle of requiring prior express consent for automated calls and texts.

We would be happy to answer any questions.

This disclosure is made pursuant to 47 C.F.R. § 1.1206.

Thank you very much for your consideration.

Sincerely,

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