



October 16, 2025

The Honorable Brendan Carr, Chairman
Federal Communications Commission
45 L Street NE
Washington, DC 20554 Federal Communications Commission

Re: Further Notice of Proposed Rulemaking and Public Notice – CG Docket Nos. 17-59, 02-278, 25-307, and WC Docket No. 17-97

Dear Chairman Carr:

The **National Consumer Law Center**, on behalf of its low-income clients, and **Consumer Action**, **Consumer Federation of America**, the **Electronic Privacy Information Center**, the **National Association of State Utility Consumer Advocates**, **National Consumers League**, the **National Association of Consumer Advocates**, **Public Knowledge**, and **U.S. PIRG**, write regarding the proposed repeal of two essential protections against unwanted calls that are currently included in regulations under the Telephone Consumer Protection Act (TCPA). We urge the Commission to revise the proposed NPRM that is slated for consideration at the October Open Commission Meeting¹ to delete the proposed repeal of the company-specific do-not-call (DNC) rules² and the requirement that robocallers and telemarketers include an automated opt-out mechanism in all of their prerecorded calls.³

The FCC website notes that United States consumers receive approximately 4 billion robocalls per month, that the FCC is aware that robocalls are a major concern of millions of

¹ The Commission's proposed "deletion" is outlined in ¶¶ 97-101 of the Further Notice of Proposed Rulemaking and Public Notice – CG Docket Nos. 17-59, 02-278, 25-307, and WC Docket No. 17-97 (NPRM), ¶ 97 proposing deletion of 47 C.F.R. §§ 64.1200(b)(3) & (d). available at: <https://www.fcc.gov/document/improving-verification-presentation-caller-id-information>

² 47 C.F.R. § 64.1200(d).

³ 47 C.F.R. § 64.1200(b)(3).

Americans, and that scam calls can result in “real financial losses and serious consumer frustration.”⁴ The FCC therefore commits “to using every tool at our disposal and working closely with private, public, and international partners to combat unlawful robocalls and spoofing.”⁵

The FCC proposal to delete two of its protections is going in the wrong direction. It fails to honor the commitment “to use every tool at its disposal,” and fails to recognize the obligation imposed by Congress on the FCC to prescribe regulations that reduce unwanted robocalls and telemarketing. 47 U.S.C. §§ 227(b)(2), (c).

Deletion of the company-specific DNC rules in 47 C.F.R. §64.1200(d) would repeal critical consumer protections that require telemarketers to maintain a company specific DNC list of persons who ask not to receive further telemarketing calls, and to honor those requests. The requirement to maintain the company specific DNC list is the only mechanism by which subscribers who are not on the National DNC list can enforce their requests to no longer receive telemarketing calls. Similarly, removing the requirement in 47 C.F.R. §64.1200(b)(3) that robocalls must include an automated opt-out eradicates the best, most immediate way for subscribers to tell robocallers that their calls should stop.

If adopted, the Commission’s proposals will *unleash unstoppable telemarketing calls* as well as unwanted robocalls such as unasked-for reminders, survey robocalls, and customer satisfaction robocalls. All of these calls are unwanted; they all invade subscribers’ privacy and undermine the value of the telephone system. As is evident from multiple comments from individuals and small businesses⁶ to the FCC in recent years, *more* protections are needed against unwanted and illegal calls, not fewer.

The Commission’s suggestion that these protections are unnecessary because the National DNC Registry and the Commission’s general anti-robocall rules provide sufficient protection is unequivocally mistaken. The Commission’s rules prohibit making “Telephone Solicitations” to residential telephone subscribers who have registered their number on the National DNC Registry.⁷ However, a “Telephone Solicitation” does not include a call or message made to any person with whom the caller has an established business relationship—defined to include any business from which the consumer has made a purchase within the past 18 months. It also excludes any call or message sent by or on behalf of a tax-exempt nonprofit organization.⁸ Even if consumers have registered their numbers on the National DNC Registry, without the company specific DNC rules, they will face *unstoppable telemarketing calls* for eighteen months after the consumer’s last purchase or

⁴ <https://www.fcc.gov/spoofed-robocalls#:~:text=U.S.consumersreceiveapproximately4billionrobocallspermonth,accordingtoprivatelanalyses.Unfortunatelly,advancementsintechnologymakeitcheapandeasytomakemassivenumbersofrobocallsandto>

⁵ *Id.*

⁶ *See, e.g.* this list of express filings by almost 400 small businesses pleading with the FCC for more support to help stop unwanted telemarketing and other robocalls filed in the first three months of 2024:

[https://www.fcc.gov/ecfs/search/search-filings/results?q=\(express+comment:\(%221%22\)+AND+proceedings.name:\(%2202-278%22\)+AND+date+received:%5b2023-12-18%20TO%202024-03-11%5d\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(express+comment:(%221%22)+AND+proceedings.name:(%2202-278%22)+AND+date+received:%5b2023-12-18%20TO%202024-03-11%5d))

⁷ 47 C.F.R. § 64.1200(c)(2)

⁸ 47 C.F.R. § 64.1200(f)(15)

transaction with the caller, and calls from non-profits and their telemarketers. We urge the Commission not to strip consumers of their only ability to stop these intrusive calls.

Additionally, deleting § 64.1200(b)(3) would remove several of the already scant protections *small business subscribers* currently have from unwanted calls. The proposed repeal of this subsection would remove the requirement that prerecorded calls to businesses or non-business cell phones include a simple automated way to stop the calls, that the call be terminated immediately if the called party invokes the opt-out mechanism, and that the caller automatically record the opt-out to its internal do-not-call list.

With the proposed NPRM, the Commission fails to recognize that—

1. The requirement to maintain the company specific DNC list is the only mechanism by which subscribers who are not on the National DNC list can enforce their requests to no longer receive telemarketing calls.
2. The Federal Trade Commission's Telemarketing Sales Rule (TSR) does not apply to multiple types of sellers (for example insurance companies). The TCPA is one of the only checks on these companies' aggressive telemarketing.
3. The requirement in § 64.1200(b)(3) that callers provide a toll-free number is an important way for those enforcing the FCC rules to distinguish between legitimate telemarketing campaigns and illegal or scam campaigns. If telemarketing robocalls need not provide toll-free numbers for consumers to make a do-not-call request, the ability to determine the legality of a telemarketing campaign will be compromised.

We urge the Commission to add meaningful, additional protections against unwanted and illegal robocalls, not to repeal currently effective regulations. Subscribers should never be subjected to unstoppable telemarketing and other robocalls. These proposals will harm consumers and small businesses and make it easier for fraudsters to make scam calls.

Thank you for your attention to subscribers' concerns. We would be happy to discuss these issues with you or your staff.

Sincerely,

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