



**National
Consumer Law
Center**
*Fighting Together
for Economic Justice*

NATIONAL HEADQUARTERS
7 Winthrop Square, Boston, MA 02110
(617) 542-8010

WASHINGTON OFFICE
Spanogle Institute for Consumer Advocacy
1001 Connecticut Avenue, NW, Suite 510
Washington, DC 20036
202) 452-6252 **NCLC.ORG**

October 20, 2025

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, CG Docket No. 02-278

Dear Ms. Dortch:

This *ex parte* notice relates to an October 17th meeting between myself – Patrick Crotty – and my colleague Margot Saunders, and Commissioner Anna M. Gomez and two members of her staff: Edyael Casaperalta and Jocelyn Brooks. The subject of our meeting was the proposed repeal of two essential protections against unwanted calls that are currently included in regulations under the Telephone Consumer Protection Act (TCPA). This proposal is included in a draft NPRM slated for consideration at the October Open Commission Meeting.¹ The draft NPRM includes a 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

On October 17th, we had sent a letter to Chairman Carr on behalf of the low-income clients of the **National Consumer Law Center**, as well as **Consumer Action**, **Consumer Federation of America**, the **Electronic Privacy Information Center**, the **National Association of Consumer Advocates**, **National Association of State Utility Consumer Advocates**, **National Consumer League**, **Public Knowledge**, **U.S. PIRG**, urging the Commission to remove the proposal to repeal these two consumer protections from the NPRM.⁴

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).

⁴ <https://www.fcc.gov/ecfs/filing/status/detail/confirmation/20251016438911294> (A copy of this filing is attached below).

In the meeting with Commissioner Gomez and her staff, we discussed the reasons that deleting these provisions of the FCC's TCPA regulations would substantially increase unwanted robocalls and telemarketing calls to subscribers in the United States.

The regulations proposed for deletion are critical consumer protections. 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 list of people 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 way that subscribers can stop telemarketing calls from an entity from which the subscriber made a purchase within the past 18 months. It is also 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 mechanism eradicates the best, most immediate way for subscribers to tell robocallers that their calls should stop.

Repeal of the company-specific DNC rule will allow unstoppable telemarketing calls from any company from which the subscriber has made a purchase within the past 18 months.

The Commission's rules prohibit making "telephone solicitations" to residential telephone subscribers who have registered their number on the National DNC Registry.⁵ 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, or an inquiry or application within the last three months.⁶ It also excludes any call or message sent by or on behalf of a tax-exempt nonprofit organization.⁷ 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 transaction with the caller, and calls from non-profits and their telemarketers. Thus, we urge the Commission not to strip consumers of their only ability to stop these intrusive calls.

Other FCC regulations will not fill in the gaps created by repealing these regulations. 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.

Small businesses will be impacted. 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 business cell phones (or non-business phones) include a simple automated way to stop the calls, that the call

⁵ 47 C.F.R. § 64.1200(c)(2)

⁶ 47 C.F.R. § 64.1200(f)(5)

⁷ 47 C.F.R. § 64.1200(f)(15)

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. As is evident from multiple comments from individuals and small businesses⁸ to the FCC in recent years, *more* protections are needed against unwanted and illegal calls, not fewer.

Enforcement will be undermined. The requirement in § 64.1200(b)(3) that telemarketers provide a toll-free number is a valuable tool for state and federal law enforcement to distinguish between legal telemarketers and illegal telemarketers. Telemarketers who are striving to comply with the law will comply with this regulation and provide a toll-free number in their messages. Telemarketers calling without the required consent and those soliciting for scams often cannot provide a toll-free number because toll free numbers require proof of a legitimate business. As a result, the absence of toll-free numbers in telemarketing messages is useful to the Industry Traceback Group and other enforcement mechanisms to show that calls are illegal.

When forty-nine state attorneys general sued Avid Telecom for transmitting billions of fraudulent calls to consumers, the company claimed that calls it transmitted on behalf of its customer Urth Access were legal because consumers had provided consent. However, allegedly Avid should still have known that the calls were illegal because they failed to include the required toll-free number.⁹ The FCC subsequently ordered voice service providers to block all robocall traffic from Urth Access because it was responsible for a “flood” of student loan scam calls.¹⁰ Deleting the requirement to include a toll-free number would compromise efforts to stop illegal calls by eliminating one of the best ways that law enforcement can tell whether a telemarketing call is illegal based only on a recording.

The FTC’s rules would not fill the gaps left by deleting these FCC regulations. 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.

Repeal will trigger a torrent of robocalls. 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.

⁸ 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))

⁹ The Attorneys General’s allegations can be found in paragraph 121 of the Complaint filed against Avid Telecom, available at: https://www.myfloridalegal.com/sites/default/files/2023-05/conformed-complaint_avid.pdf

¹⁰ The FCC’s press release and order are available at: <https://www.fcc.gov/document/fcc-orders-blocking-student-loan-scam-robocall-campaign>

Wrong direction. The FCC’s 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,”¹¹ 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).

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.

Additionally, we responded to a question regarding the draft NPRM’s proposal to conduct further rulemaking on consumers’ ability to revoke consent under the TCPA. We stated that the Commission should establish clear rules that require callers to set forth effective revocation methods in any communication in which the caller seeks to limit a consumer’s ability to revoke consent, and those methods should be easy and automated.

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

Thank you very much for your consideration.

Sincerely,

Patrick Crotty
Senior Attorney
PCrotty@nclc.org

Margot Saunders
Senior Attorney
MSaunders@nclc.org

National Consumer Law Center
1001 Connecticut Ave, NW
Washington, D.C. 20036

¹¹ <https://www.fcc.gov/spoofed-robocalls>



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 Americans, and that scam calls can result in “real financial losses and serious consumer frustration.”⁴

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).

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

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 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

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:\(%22202-278%22\)+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:(%22202-278%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)

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,

Patrick Crotty
Senior Attorney
PCrotty@NCLC.org

Margot Saunders
Senior Attorney
MSaunders@NCLC.org

1001 Connecticut Ave, NW
Washington, D.C. 20036
www.nclc.org

Copies to: Commissioners Gomez and Trusty