

FCC Chairman Circulates Proposal to Address TCPA Violations

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Last week, ***Federal Communications Commission*** (FCC) Chairman *Tom Wheeler* circulated proposed declaratory rulings to provide clarity for consumers and businesses regarding the Telephone Consumer Protection Act (TCPA). The proposal addresses two dozen petitions that sought clarity on how the FCC enforced the TCPA. In addition to circulating his proposal to the other FCC commissioners for their consideration, Chairman Wheeler also issued [a fact sheet to the public](#) concerning the proposal.

As highlighted by Chairman Wheeler, unwanted calls and texts are the number one consumer complaint to the FCC, including 215,000 TCPA complaints in 2014.

The proposed rulings would include:

- Giving consumers the right to revoke their consent to receive robocalls and robotexts in any way at any time.
- Allowing carriers to implement market-based solutions to block robocalls.
- Making clear that a reassigned number would not permit a barrage of robocalls which the previous subscriber consented to, and instead require calls to stop after one call.
- Defining an “autodialer” as any technology with the *capacity* to dial random or sequential numbers.
- Allowing very limited and specific exceptions to urgent circumstances which would be exempt from TCPA liability and permitting consumers to opt out of these calls and texts as well.

In addition, the proposal would leave in place many existing protections which exist under the TCPA including, but not limited to, the Do-Not-Call List, limits on Telemarketing Robocalls, and no exception for Political Calls. Notably, the proposal would also stress the FCC’s strong enforcement of the TCPA.

The proposal will be voted on at the FCC’s Open Meeting on June 18, 2015 and if approved, would be considered in effect immediately upon release.

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