CodeBroker, LLC Files Additional Challenge to the FCC's July 10, 2015 Declaratory Ruling and Order

Article By:

John S. Yi

On August 14, 2015, **CodeBroker, LLC** ("CodeBroker") filed a petition for review of the FCC's July 10, 2015 Declaratory Ruling and Order with the United States Court of Appeals for the District of Columbia Circuit.

This petition was consolidated with the previous petitions filed by ACA International, PACE, and Sirius XM Radio, Inc. on August 17, 2015. CodeBroker challenges: (1) the FCC's determination that prior express consent may be revoked through "any reasonable means," (2) the FCC's treatment of prior express written consent with "respect to its requirement that callers obtain new prior express written consent for *each* call or text message made to a wireless number, and (3) the FCC's interpretation of the term "called party" as the current subscriber or customary user of the phone instead of the intended recipient of the call." *Id.* at 2-3.

CodeBroker asks the DC Circuit to vacate the Order or hold unlawful: (1) the FCC's treatment of text messages sent to reassigned wireless telephone numbers, (2) the FCC's determination that prior express consent may be revoked by "any reasonable means," (3) the FCC's determination that callers "seek prior express written consent for each call or text message sent to a wireless number," and (4) the FCC's treatment of reassigned numbers and compel the FCC to define "called party" as the intended recipient of the call or text and establish a viable safe harbor for text messages sent to reassigned numbers. *Id.* at 3-4.

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