

FCC Chairman Wheeler Turns to the FCC Blog to Encourage Robocall Blocking

July 28, 2016

On July 22, FCC Chairman Tom Wheeler penned a [blog post](#) on the Commission's website highlighting the efforts at the agency to prevent unwanted automated and prerecorded message calls restricted under the Telephone Consumer Protection Act (TCPA). In particular, the blog post discussed recent and upcoming rulemakings, declaratory decisions, and enforcement actions, as well as efforts to engage industry stakeholders such as telephone companies and parties that facilitate mass calling, to address what the Chairman deemed "the number one complaint the FCC receives from consumers." At least for the remainder of Chairman Wheeler's tenure at the FCC, the Commission appears focused on consumer protection issues, especially with regard to so-called "robocalls."

Of particular interest was the Chairman's statement that he recently sent letters to the CEOs of major wireless and wireline phone companies, as well as intermediary carriers that connect high volume callers to the consumer's phone company, calling on them to either offer or facilitate the offering of call-blocking technologies that would curb the number of calls consumers receive. He further implored these companies to "accelerate the development and deployment of technical standards that would prevent spoofing of caller ID and thus make blocking technologies more effective, as was done in the battle against spam years ago." The post added "[t]he Commission has done its part, making clear that phone companies face no legal barriers to helping consumers block unwanted calls with the use of robocall blocking technology. Today, we urge carriers to step up to take that responsibility." Chairman Wheeler noted that he asked all recipients of these letters to "respond within 30 days with their concrete, actionable solutions to address these issues." Just three days after the release of the blog post, AT&T responded to the Chairman's request, stating that it would begin offering call blocking services to its customers.

Chairman Wheeler also highlighted recent enforcement actions and rulemakings in response to complaints about particular companies or narrow issues related to calls under the TCPA (such as the current rulemaking to regulate government debt collection calls). He further suggested that additional clarification from the Commission "relating to certain robocalls that utility companies and schools can make" will be coming soon. Presumably this statement refers to declaratory rulings in response to petitions filed by Blackboard, Inc., and the Edison Electric Institute and American Gas Association, which sought clarification on the permissibility of placing non-telemarketing, informational calls on behalf of school districts and utility/electric companies.

The FCC under Chairman Wheeler has been one of the most active consumer enforcement Commissions in recent memory. We expect the Chairman to continue to push this consumer enforcement agenda in the coming months, particularly with respect to TCPA issues. As such, companies that may be subject to the FCC's jurisdiction due to their telemarketing efforts should take precautions in order to avoid being the subject of unwanted FCC attention.