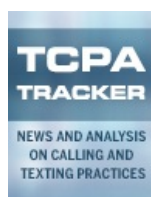


# FCC Commissioner Says “It is Time” for FCC to Act on TCPA Petitions

April 8, 2015



In [remarks before the Association of National Advertisers](#) on April 1, FCC Commissioner Mike O’Rielly expressed sympathy regarding the onslaught of TCPA litigation in recent years against “legitimate” businesses attempting to contact customers with valuable information. He called on the Commission to “provide clear rules of the road” for TCPA enforcement that will allow businesses to make marketing and non-marketing telephone calls to consumers without fear of costly litigation. Commissioner O’Rielly commented that he does “not support companies hounding consumers with incessant or harassing calls,” but that “[w]e can’t paint all legitimate companies with the brush that every call from a private company is a form of harassment” because consumers appreciate calls that provide information that is both timely and relevant.

O’Rielly asserted that “FCC decisions and court rulings have broadened the scope of the TCPA, creating uncertainty and litigation risk for legitimate businesses.” He characterized as “unfounded” consumer group concerns that changes would “gut the TCPA” and argued instead that consumers will be harmed by overly restrictive TCPA rules. He went on to criticize the manual-dialing alternative advocated by some consumer groups as “unrealistic.” Finally, alluding to the current backlog of petitions currently pending before the FCC for clarification of TCPA issues, O’Rielly expressed his belief that “it is time for the FCC to act” on those issues.

The speech came just one week after Commissioner O’Rielly penned a [blog post](#) on the FCC’s website urging the Commission to “follow through on the pending TCPA petitions to make sure that good actors and innovators are not needlessly subjected to enforcement actions or lawsuits, which could discourage them from offering new consumer-friendly communications services.”

Kelley Drye maintains a comprehensive summary of those petitions in our monthly [TCPA Tracker](#). For more information on Kelley Drye’s TCPA practice visit our [TCPA page](#).