

Look Who's Calling: FCC Includes Proposals to Roll Back Several TCPA Rules As Part of "Call Branding" Initiative

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Despite the ongoing government shutdown, the Federal Communications Commission (FCC) held its regularly scheduled monthly open meeting on October 28. At the meeting, the three Commissioners unanimously approved a [Notice of Proposed Rulemaking](#) (NPRM) that includes proposals to "simplify, streamline, or eliminate" several existing rules pursuant to the Telephone Consumer Protection Act (TCPA) that the Commission believes are outdated or might harm consumers. In particular, the FCC is considering deleting its call abandonment rule and amending the phone number disclosure requirement for prerecorded message calls. The NPRM also seeks comment on modifying the new consent revocation rule. In addition, it outlines new caller ID requirements for voice service providers aimed at enhancing the reliability of information that consumers see when receiving calls. For businesses that have long grappled with TCPA compliance, these changes could have a significant impact on outbound call and text campaigns.

We summarize below the key proposals in the NPRM. Interested parties will have an opportunity to submit comments to the FCC - initial comments will be due 30 days after the NPRM is published in the Federal Register, and reply comments will be due 30 days thereafter.

Call Abandonment (47 C.F.R. § 1200(a)(6), (7))

The NPRM proposes to delete the FCC's rules that prohibit callers from disconnecting an unanswered telemarketing call prior to at least 15 seconds or four rings, and from abandoning more than three percent of all telemarketing calls. The FCC explains that these rules, adopted more than 20 years ago, were intended "to ensure consumers do not answer calls only to get silence, or to be hung up on, largely as a result of the predictive dialers callers used at the time." However, the NPRM suggests that such rules may no longer be necessary due to advances in technology, including artificial intelligence, as well as "marketers' incentives to avoid negative consumer impressions via dead air and abandoned calls." It notes, however, that the FTC's Telemarketing Sales Rule contains "comparable provisions" and asks whether a disparity in the rules could "result in potential confusion among callers and consumers regarding the applicable standard for call abandonment."

Consent Revocation (47 C.F.R. § 64.1200(a)(10))

The NPRM seeks comment on ways the Commission could modify the new consent revocation rule, particularly the so-called "revoke all" mandate. Our readers will recall that this requirement was originally slated to take effect in April 2025, but was [extended by one year](#) to allow businesses more time to update their operations to comply. In this new NPRM, the Commission asks whether this rule

unduly restricts consumers' ability to receive wanted calls. The FCC also acknowledges that the rule may place an undue burden on businesses, and seeks comment on whether to amend the rule to "permit callers to designate the exclusive means by which consumers may revoke prior express consent rather than requiring callers to honor all revocation requests made using 'reasonable means.'"

Artificial/Prerecorded Voice Caller Identification (47 C.F.R. § 1200(b)(2))

The NPRM proposes to relax the rule that requires calls that deliver artificial or prerecorded voice messages to include a phone number for the caller. Currently, the rule specifies that the phone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges, and if the call is for telemarketing purposes or placed to a residential line pursuant to an enumerated consent exemption, the number must permit any individual to make a do-not-call request during regular business hours. The FCC seeks comment on modernizing the rule "to require only that such callers identify themselves with their telephone number to enable called consumers to know who is calling."

New Caller ID and Authentication Requirements

The bulk of the NPRM is focused on enhanced call authentication requirements, including the following proposals:

- Requiring terminating voice service providers to transmit verified caller name information to the called party whenever they transmit call authentication information indicating that the originating number is unlikely to be spoofed.
- Requiring originating voice service providers that transmit caller identity information to employ reasonable measures to verify the accuracy of the information transmitted.
- Requiring providers to identify calls that originate from outside the United States, to transmit that information over the entire call path, and to transmit to consumer handsets an indicator that the call originated from outside of the United States whenever they know or have a reasonable basis to know about such non-U.S. origination.
- Requiring voice service providers that use reasonable analytics to block calls to include whether a call originated from outside of the United States as a factor in their analytics.

If such requirements are adopted by the FCC, businesses throughout the calling ecosystem could be affected as carriers work to implement them. This could mean increased scrutiny of callers and campaigns, similar to efforts to oversee text message campaigns by mobile messaging platforms and vendors.