



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Circ 1974).

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News Media Contact:
Rosemary Kimball (202) 418-0511
e-mail: rkimball@fcc.gov

FCC SEEKS COMMENTS ON UPDATING TELEMARKETING RULES

Washington, DC – The FCC has asked for comments on whether it should change its rules that restrict telemarketing calls and, if so, how.

In considering ways in which it might improve the telemarketing rules, the Commission is seeking to enhance consumer privacy protection while avoiding imposing unnecessary burdens on the telemarketing industry and consumers.

In 1992 the Commission adopted rules to implement the Telephone Consumer Protection Act of 1991 (TCPA). In the last ten years telemarketing practices have changed significantly. New technologies have emerged that allow telemarketers to target potential customers better and that make marketing using telephones and facsimile machines more cost-effective. At the same time, the new telemarketing techniques have increased public concern about the impact on consumer privacy.

The Commission has asked for comment on:

- Whether the FCC's rules need to be revised to carry out more effectively Congress' directives in the TCPA that individuals' privacy rights, public safety interests, and commercial freedom of speech and trade be balanced in a way that protects the privacy of individuals and permits legitimate telemarketing practices;
- Whether the Commission should refine its existing rules, or adopt additional rules, on the use of autodialers, prerecorded messages, and unsolicited facsimile advertisements, to account for technological developments in recent years and emerging telemarketing practices;
- The effectiveness of company-specific do-not-call lists; and
- Whether to revisit the option of establishing a national do-not-call list and, if so, how such action might be taken in conjunction with (1) the Federal Trade Commission's (FTC) recent proposal to adopt a national do-not-call list and (2) the various state do-not-call lists.

The Commission noted that, should the FTC take further action on its proposed do-not-call registry or make other revisions to its Telemarketing Sales Rule, the FCC may need to seek additional comment

Action by the Commission September 12, 2002, by Notice of Proposed Rulemaking and Memorandum Opinion and Order (FCC 02-250). Chairman Powell, Commissioners Abernathy, Cops and Martin, with Chairman Powell and Commissioners Abernathy and Martin issuing separate statements.

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CGB Docket 02-278

Consumer & Governmental Affairs Bureau contact: Erica McMahon at (202) 418-2512.