

SEPARATE STATEMENT OF CHAIRMAN MICHAEL K. POWELL

Re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CGB Docket No. 02-XXX, CC Docket No. 92-90

As I have stated on many occasions, maximizing consumer welfare and protecting consumer interests are key Commission priorities. The Commission achieves these ends, in part, by creating market policy that allows innovation to bring new and improved telecommunications products and services to all Americans, while balancing the rights of consumers. We also seek to empower consumers directly by providing them information they can use to make educated decisions in a marketplace where the options can sometimes be daunting.

Today, the Commission takes an important step in adding to its substantial record of consumer-oriented policy and outreach initiatives. Given the number of consumer inquiries and complaints about telemarketing the Commission has received, and in light of technological and market changes, we have determined that it is time to review the rules under the Telephone Consumer Protection Act (TCPA) of 1991 on unsolicited advertising using telephones and facsimile machines. This item also seeks comment on the establishment of a national do-not-call list that would cover most telemarketing calls, an issue that the Commission last considered a decade ago. In particular, the item asks about possible FCC actions that could complement the Federal Trade Commission's proposal to establish and administer a national do-not-call list.

Since the TCPA was adopted, telemarketing practices have changed significantly, the number of telemarketing calls received by consumers has increased exponentially, and the technologies used by telemarketers have become more sophisticated. Therefore, the rulemaking proposed today is timely in considering whether consumers are adequately protected against unlimited unsolicited advertising, as contemplated by the TCPA. In reviewing our rules, we must balance this consumer interest against the burdens on telemarketers and their interest in conducting legitimate telemarketing.

Consumer policy efforts like this one are complemented by the Commission's outreach and [education initiatives](#), which include producing fact sheets, consumer alerts, and consumer forums and making concise, reader-friendly information available on the Commission Web site and through our Consumer Centers. Other recent consumer-related FCC activities include:

- (1) Proposing to extend the Commission's informal complaint rules to encompass all entities we regulate, not just telephone service providers. If this item is adopted, a consumer will be able to file a complaint with the Commission and receive a response from the company in question.
- (2) Permitting reimbursement from the interstate Telecommunication Relay Service (TRS) fund in a way that persons with disabilities who use Internet-based TRS

access can initiate calls from their computers rather than having to purchase TTY (teletypewriter/text telephone) devices.

- (3) Educating consumers through our “Get Connected: Afford-A-Phone” national outreach campaign about Link-Up America and Lifeline Assistance, programs that provide discounts on initial telephone installation and basic monthly telephone service for qualifying low-income consumers.
- (4) Producing a brochure in 13 languages that explains consumer options for saving money on international long distance telephone calls.

Today’s telemarketing item and the initiatives enumerated above are only several of our recent actions designed to serve consumers of telecommunications goods and services. The American public can be confident that the Commission will continue to advance consumer value through its policies and programs.