

FCC Consumer Advisory

Do-Not-Call Rules - What Consumers Can Do

FCC Do-Not-Call home page <http://www.fcc.gov/cgb/donotcall/>

3:00 p.m. October 10, 2003

There have been recent developments since the National Do-Not-Call Registry went into effect on October 1, 2003.

The Federal Communications Commission (FCC) and the Federal Trade Commission (FTC) are now sharing responsibility for enforcing the National Do-Not-Call list. Consumers who have not already registered for the list, may do so beginning Thursday, October 9, 2003, at 8:00 a.m. (EDT) at www.donotcall.gov or by calling 1-888-382-1222 (TTY 1-866-290-4236).

If you are called by telemarketers, you can do the following:

- If you have registered your telephone number on the National Do-Not-Call list, tell the telemarketer that you are on the list. Make a note of the time and date of the call, and the identity of the telemarketer for your records. You will need this information if you elect to file a complaint; OR
- If you are not registered on the National Do-Not-Call list, you can still instruct the telemarketer to place you on its company-specific do-not-call list if you do not want to receive further calls from that company. For your own reference, make a note of the date and time you asked to be put on the company-specific list. Having this information may be helpful if you get called again by the same company and wish to file a complaint with the FCC; OR
- Explore whether your state has its own do-not-call list. Contact your State Attorney General or State office that administers the list for more information.

Filing a Complaint

The FCC and the FTC will both accept complaints and share information, so consumers may file complaints with either agency. In addition to complaints alleging violations of the do-not-call list, you may also file a complaint against a telemarketer who is calling for a commercial purpose (e.g., not charitable organizations) IF;

- The telemarketer calls before 8 AM or after 9 PM; OR
- The telemarketer leaves a message, but fails to leave a phone number that you can call to sign up for their company specific do-not-call list; OR



- You receive a telemarketing call from an organization whom you have previously requested not call you; OR
- The telemarketing firm fails to identify itself; OR
- You receive a pre-recorded commercial message from someone with whom you do not have an established business relationship and to whom you haven't given permission to call you. (Most pre-recorded commercial messages are unlawful, even if no do-not-call request has been made).

How to File a Complaint with the FCC

For consumers who registered their numbers before September 1, 2003, those registrations have taken effect, and consumers may file a complaint with the FCC or FTC at any time if they receive telemarketing calls. For those consumers who registered their telephone numbers after August 31, 2003, the registration takes 90 days to become effective, so those consumers can complain about calls that they receive three months or more after their registration.

Complaints that involve rules other than the Do-Not-Call list (for example, the rule limiting telemarketing calls to 8 am to 9 pm) can be filed at any time.

You can file a complaint by e-mail (donotcall@fcc.gov), telephone 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY, or mail. Your complaint should include:

- name, address, and telephone number where you can be reached during the business day;
- the telephone number involved with the complaint; and
- as much specific information as possible, including the identity of the telemarketer or company contacting you, the date on which you put your number on the national Do-Not-Call registry or made a company-specific do-not-call request, and the date(s) of any subsequent telemarketing call(s) from that telemarketer or company.

If mailing a complaint, send it to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, DC 20554

Consumer Private Right of Action

In addition to filing a complaint with the FCC or FTC, consumers may explore the possibility of filing an action in a state court.



Unsolicited Faxes

The guidance in this Advisory pertains to telephone calls, and not unwanted faxes. The Do Not Call Registry is for registering telephone numbers. If you have questions regarding unwanted faxes, please go to www.fcc.gov/cgb/consumerfacts/unwantedfaxes.html.

For more information about the Telephone Consumer Protection Act (TCPA), go to www.fcc.gov/cgb/consumerfacts/tcpa.html.

###

For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print, or audio) please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on www.fcc.gov/cgb/emailservic.html.

This document is for consumer education purposes only and is not intended to affect any proceeding or cases involving this subject matter or related issues.

030930

