



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).

For Immediate Release:
February 10, 2005

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

FCC CLARIFIES TCPA RULES; ACTS ON SEVERAL RECONSIDERATION PETITIONS

Washington, DC – The Commission has addressed issues raised in petitions for reconsideration of its rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). In so doing, it addressed issues regarding the national do-not-call registry and the FCC's other telemarketing rules.

Specifically, the Commission:

- Clarified that calls made for the purpose of debt collection are not required to identify the caller's state-registered name in prerecorded messages if doing so would conflict with federal or state laws, in accordance with the Fair Debt Collection Practices Act;
- Clarified that bill messages satisfy the requirement on common carriers to provide an annual notice to subscribers of the opportunity to register with the national do-not-call list;
- Clarified application of the "established business relationship" exemption as well as the rules on maintaining company-specific do-not-call lists;
- Declined to reconsider the rules establishing the national do-not-call registry;
- Declined to exempt further certain entities or calls from the do-not-call rules;
- Clarified the company-specific do-not-call requests must be honored for five years from the date any request is made, whether the request was made prior to the effective date of the amended rule or after the rule went into effect.;
- Concluded that an existing business relationship exists between a company and consumer during the time a financial contract is in force (including bank accounts, credit cards, loans and mortgages);
- Reaffirmed that prerecorded messages delivered by radio and television broadcasters are not covered by the ban on such messages, as long as the programming advertised in not programming for which consumers must pay.

The rules become effective 30 days after publication in the Federal Register.

Action by the Commission February 10, 2005, by Second Order on Reconsideration (FCC 05-28). Chairman Powell, Commissioners Abernathy, Copps, Martin and Adelstein, with Chairman Powell issuing a separate statement.

- FCC -

CGB contact: Erica McMahon at (202) 418-0346
CG Docket 02-278

