

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

**RE: In the Matter of Rules and Regulations Implementing the
Telephone Consumer Protection Act of 1991, Notice of
Proposed Rulemaking, CG Docket No. 02-278**

I commend the Chairman and his staff for their work on updating the Federal Communications Commission's rules on robocalls. I also thank the Chairman for reinstating the practice of including actual text of the proposed rules in the notice of proposed rulemaking (NPRM). As I have stated many times before, the American public and Congress could greatly benefit from such transparency.

In short, this notice of proposed rulemaking (NPRM) updates and harmonizes our rules with the Federal Trade Commission's (FTC) counterpart rules and, in effect, would reduce consumer confusion for those who wonder why they are receiving unsolicited robocalls from some entities but not from others.

Over the years, consumers have complained about unsolicited telemarketing calls - especially robocalls - interrupting their lives, especially around dinnertime and other important moments in their lives. There are two areas where this NPRM proposes to empower consumers to control what calls they receive. First, a consumer would only receive such calls if prior express written consent has been given by the consumer to the telemarketer. For convenience sake, such consent could be given electronically. Second, robocalls would have to include an automated message that allows a consumer to "opt out" of receiving future calls. The proposal requires this message to be interactive so the consumer can elect to use the "opt out" feature immediately. This NPRM raises important questions regarding matters such as established business relationships, and I look forward to reviewing the record as we move forward.

Finally, I note that these rules apply only to commercial calls and do not apply to political calls, non-profit calls and, most importantly, emergency calls – all which are held to higher standards of protection. On that topic, I thank the staff for working with my office to ensure that the exemption for emergency calls includes calls that are permitted under the Warning, Alert, and Response Network Act (WARN Act) WARN Act and the Commercial Mobile Alert System (CMAS).