

FCC Consumer Advisory Committee
Recommendation Regarding Text Spam

The increase in text spam is proving to be both an annoyance for users of wireless devices and a burden on service providers. The Federal Communications Commission (FCC) is the logical place in many consumers' minds to file their complaints regarding text spam. Currently the Telephone Consumer Protection Act, which prohibits auto dialer generated calls and texts, is the only enforceable regulation the FCC can use to combat text spam. It is difficult to prove an auto dialer was used to send a spam text message and fines can only be imposed beginning with the second occurrence.

Several U.S. wireless carriers and GSMA have worked with Cloudmark to create a database of known text spam messages and their possible origination points. This database will help the providers to better filter out future text spam. It may also allow them to block attempts from known offenders. The short code 7726 or "SPAM" has been set up so that text spam recipients can forward those messages for inclusion in the database. This effort would be greatly enhanced by additional consumer participation.

In addition, U.S. wireless carriers and mobile marketers, working together in coordination with CTIA – The Wireless Association® and the Mobile Marketing Association, have developed guidelines, monitoring, and enforcement mechanisms to combat SMS spam associated with short codes and have recently adopted best practices to combat SMS spam from 10 digit numbers.

The Consumer Advisory Committee encourages the Commission to:

- Coordinate with other agencies that may have enforcement capabilities. The Federal Trade Commission has the ability to take action when text spam violates the Do Not Call list or when the advertising is false or misleading.
- Educate consumers about the Cloudmark–Wireless Carrier database. This could include telling consumers that file a text spam complaint with the FCC how to forward the spam message to the database.
- Educate consumers about industry efforts to combat text spamming, including the industry-approved opt-in standard for text based programs using 10-digit numbers.
- Work with consumer groups and the wireless carriers to promote the database project and other safe texting practices, such as not providing personal information or clicking on links in text spam messages.

Adopted: September 21, 2012

Abstentions: NCTA, Time Warner Cable

Respectfully Submitted

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FCC Consumer Advisory Committee