



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Tammy Baldwin
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Baldwin:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.¹ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."²

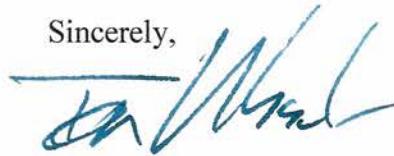
¹ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

² 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler".

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Richard Blumenthal
United States Senate
702 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.³ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."⁴

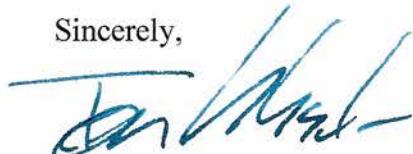
³ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

⁴ 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



A handwritten signature in blue ink, appearing to read "Tom Wheeler".

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Al Franken
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.⁵ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to “not more than three calls over a three-day period.”⁶

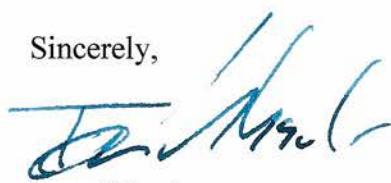
⁵ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, “Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times,” *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

⁶ 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler".

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Amy Klobuchar
United States Senate
302 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.⁷ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."⁸

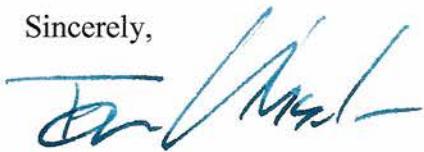
⁷ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

⁸ 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Edward J. Markey
United States Senate
218 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.⁹ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."¹⁰

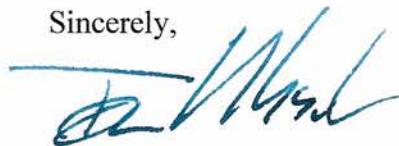
⁹ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

¹⁰ 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Claire McCaskill
United States Senate
SH-506 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator McCaskill:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.¹¹ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to “not more than three calls over a three-day period.”¹²

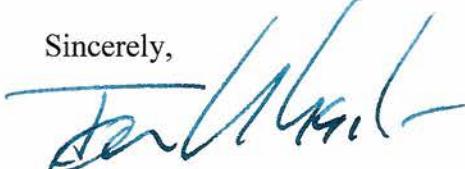
¹¹ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, “Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times,” *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

¹² 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Robert Menendez
United States Senate
528 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Menendez:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.¹³ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."¹⁴

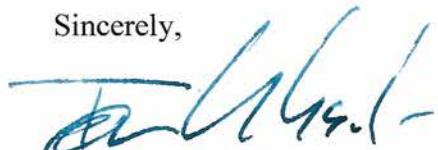
¹³ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

¹⁴ 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



A handwritten signature in blue ink, appearing to read "Tom Wheeler".

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Jeff Merkley
United States Senate
107 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Merkley:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.¹⁵ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."¹⁶

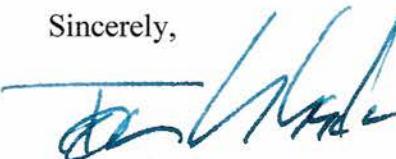
¹⁵ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

¹⁶ 2015 Ruling and Order at ¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Charles E. Schumer
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schumer:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.¹⁷ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."¹⁸

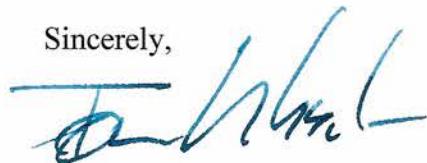
¹⁷ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

¹⁸ 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler".

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Elizabeth Warren
United States Senate
C2 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.¹⁹ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."²⁰

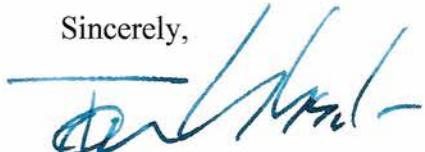
¹⁹ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

²⁰ 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,


Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Ron Wyden
United States Senate
223 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your follow-up letter regarding the petitions for declaratory ruling on the applicability of the Telephone Consumer Protection Act (TCPA) and the Commission's related rules. You strongly urged the Commission to maintain the TCPA's privacy protections and to continue protecting consumers from unwanted calls. At the June Open Meeting, the Commission voted in favor of maintaining and reinforcing the clear focus on consumer protection articulated by Congress when the TCPA was enacted in 1991.

We know consumers value their privacy, regardless of whether unwanted efforts to reach them target their home landlines or wireless phones. Thanks to the TCPA, consumers can choose which calls they want and do not want. In order to maintain those protections, we will continue to close loopholes and empower consumers. That is why I led the Commission to crack down on robocalls, spam texts, and telemarketing calls, which, as you note, are the number one source of consumer complaints at the FCC.

The declaratory ruling which resolved more than 20 petitions reflects the thoughtful policy recommendations detailed in your letter. We made clear that consumers who inherit a phone number will not be subject to a barrage of unwanted robocalls consented to by the previous subscriber to the number. Companies have one opportunity (not three, and certainly not hundreds) to discover that they have contacted the wrong person before liability attaches.²¹ We allowed some very limited and specific exceptions, such as time-sensitive alerts to possible fraud on consumer bank accounts or reminders to refill important medications. But it is significant to note that these narrow exemptions *do not* include practices like debt collection and marketing, and consumers will have the right to opt out of such calls. We limit these calls to "not more than three calls over a three-day period."²²

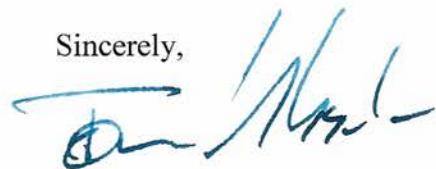
²¹ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled 153 Times," *Reuters* (July 7, 2015), available at <http://reut.rs/1JPaHOZ>.

²² 2015 Ruling and Order at ¶¶ 135, 147.

The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler".

Tom Wheeler