

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*,
CG Docket No. 02-278

Sometimes it seems like there's no escape. The minute you sit down at the family dinner table or settle in to watch your favorite basketball team, the phone rings. And on the other end is not even an offshore telemarketer, but a pre-recorded voice. Today, the FCC is giving American consumers some help to keep a little more peace and serenity in their homes. We are carrying out Congress' intent to ensure that the FCC's rules regarding telemarketing "robocalls" are harmonized with those of the Federal Trade Commission ("FTC"). Such an effort makes good sense because there is no reason for industry and consumers to be confused by an array of inconsistent rules. This effort makes additional good sense because . . . Congress told us to do it!

Our action today enables consumers to: (1) consciously invite these visitors into their homes, if so desired, by requiring telemarketers to obtain written consent from consumers, and (2) ask them to stay away by requiring telemarketers to include a simple and easy to use interactive opt-out function as part of each call. Additionally, we strike a balance between protecting consumers' privacy on the one hand and, on the other hand, making the written consent requirements easy to obtain by electronic means, as contemplated by Congress in 2000 when it enacted the E-SIGN Act.¹

I also recognize that, in an effort to harmonize our rules with the FTC's rules, our Report and Order is appropriately narrow in scope – limited to *telemarketing* robocalls. Our changes today do not affect current requirements regarding informational calls or calls involving charities or political speech.

I am also aware, however, that robocalls trigger debates over many other public policy issues including assisting our public safety colleagues to eliminate robocalls dialed to public safety answering points. As such, I look forward to hearing from all interested parties, especially consumers and public safety, on how we can amend our rules more effectively.

I thank the Chairman, his staff, and the Consumer Bureau staff for their work in this proceeding, and I hope everyone enjoys a quiet night at home tonight.

¹ 15 U.S.C. § 7001, *et seq.*