

**CONCURRING STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

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

Consumers are fed up with robocalls. They are irritated when their phones buzz with services that sound like scams and they are troubled by the difficulty they have distinguishing them from calls about debts honestly owed and services actually rendered.

Twenty-five years ago Congress passed the Telephone Consumer Protection Act to help consumers get the calls they need and avoid the ones they do not. But this law is showing its age. The years since its passage have brought a mix of technological advances and legal developments, creating new complications for both callers and those who receive calls. It's no wonder that robocalls represent the single largest category of complaints the Commission receives.

As a result, last year, in the Bipartisan Budget Act, Congress updated the Telephone Consumer Protection Act. Specifically, Congress authorized the Commission to develop policies for calls made to wireless phones for the collection of government debt.

Today's order responds to this charge by adopting reasonable limits on government debt collection calls, making clear that consumers have a right to stop robocalls, and clarifying who may be called to seek repayment of an outstanding debt obligation. This is a fair effort to respond to our legislative charge under the law.

Nonetheless, I concur because this result—however warranted by the Bipartisan Budget Act—creates a legal landscape that is undeniably messy. It is difficult to reconcile the result here with the Commission's recent *Broadnet* Declaratory Ruling which finds that the federal government and its agents are not "persons" under the Telephone Consumer Protection Act and hence fall outside of the Act's reach. It may be harder still to harmonize both decisions with the Supreme Court's opinion in *Campbell-Ewald v. Gomez*, which holds that no derivative immunity exists under the Telephone Consumer Protection Act when a contractor of the federal government acts outside of the scope of its authority. Simply put, the legal calisthenics required to navigate this series of decisions are exhausting. Moreover, the result for consumers is uneven. It may unfortunately yield more, rather than fewer robocalls—and if it does, consumers will be justifiably angry.