

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS  
APPROVING IN PART AND DISSENTING IN PART**

Re: *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278; Broadnet Teleservices LLC Petition for Declaratory Ruling; National Consumer Law Center Petition for Reconsideration and Request for Stay Pending Reconsideration of Broadnet Teleservices LLC Petition for Declaratory Ruling; Professional Services Council Petition for Reconsideration of Broadnet Teleservices LLC Petition for Declaratory Ruling*

Earlier this year, the Federal Trade Commission reported that robocalls had significantly declined; specifically, robocall complaints were down 68% in April 2020 compared to April 2019 and down 60% in May 2020 compared to May 2019. However, more recent information suggests they are once again on the rise—Americans reportedly received over 4.25 billion robocalls this October, an increase over the previous month of approximately 12%.<sup>1</sup> It is no surprise, then, that robocalls remain the primary source of consumer complaints received at the FCC.

This Order finds that state governments do not fall within the meaning of “person” under the Telephone Consumers Protection Act (TCPA) and thus are not subject to its restrictions against placing unauthorized calls to consumers. Notably, nothing in the language of the TCPA or its legislative history compels this conclusion. In fact, the Order acknowledges as much, relying instead on a presumption that the term “person” as used in section 227(b)(1) does not include state governments because there is no affirmative showing of statutory intent to the contrary. In the absence of clear statutory language or intent, however, the Commission has discretion to interpret the Communications Act’s provisions in a manner consistent with its public policy goals. With regard to state authorities, we should have used that discretion here given the TCPA’s primary goal of protecting consumers from unwanted robocalls, and for this reason, I dissent. In all other respects, I approve. My thanks to the staff for their work on this item.

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<sup>1</sup> PR Newswire, *Over 4.25 Billion Robocalls in October Mark Nearly 12% Monthly Increase, Says YouMail Robocall Index* (Nov. 10, 2020), at <https://www.prnewswire.com/news-releases/over-4-25-billion-robocalls-in-october-mark-nearly-12-monthly-increase-says-youmail-robocall-index-301169783.html>.