**Date**: March 6, 2017

**To:** CG Docket No. 02-278

**From:** Kurt A. Schroeder, Chief, Consumer Policy Division, Consumer and Governmental Affairs Bureau, FCC

**Subject:** Joint Motion to Withdraw – Expedited Petition for Declaratory Ruling filed by Paul Armbruster

On January 23, 2017, Paul Armbruster (Petitioner) filed a petition for declaratory ruling or rulemaking.[[1]](#footnote-1) Petitioner asked the Commission to clarify that a common carrier must act on its customer’s request to revoke consent to receive the carrier’s autodialed, prerecorded-voice, and artificial voice calls, despite a common carrier’s ability under the Telephone Consumer Protection (TCPA) to make such calls without the prior express consent of its customer. Alternatively, Petitioner asked the Commission to initiate a rulemaking to address this question in a rule. The Consumer and Governmental Affairs Bureau sought comment on the Petition.[[2]](#footnote-2)

On February 17, 2017, Petitioner and T-Mobile filed a joint motion to withdraw the petition.

Pursuant to sections 1.2 and 1.401-.407 of the Commission’s rules, 47 CFR §§ 1.2, 1.401-.407, and the authority delegated in sections 0.141 and 0.361 of the rules, 47 CFR §§ 0.141, 0.361, we grant the motion to withdraw. Consideration of the Petition is terminated.

1. Paul Armbruster ExpeditedPetition for Declaratory Ruling or Alternatively a Rulemaking, CG Docket No. 02-278 (filed Jan. 20, 2017), *available at*: <https://ecfsapi.fcc.gov/file/1020697984463/P%20Armbruster%20Petition.pdf> (Petition). [↑](#footnote-ref-1)
2. *Consumer and Governmental Affairs Bureau Seeks Comment on Petition for Declaratory Ruling or Rulemaking Regarding Revocation of Consent under the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Public Notice, DA 17-156 (CGB Feb. 9, 2017). [↑](#footnote-ref-2)