



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.<sup>11</sup> 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."<sup>12</sup>

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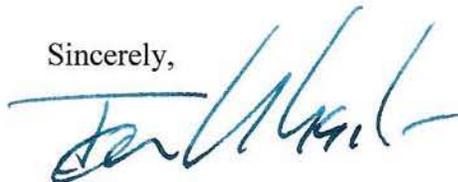
<sup>11</sup> See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015), ¶ 85; see e.g., Jonathan Stempel, "Time Warner Cable Must Pay \$229,500 to Woman It Robocalled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

<sup>12</sup> 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,

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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.

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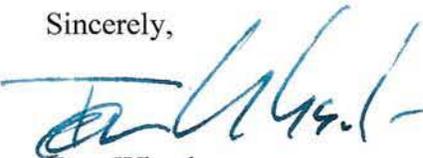
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FEDERAL COMMUNICATIONS COMMISSION  
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OFFICE OF  
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July 15, 2015

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.

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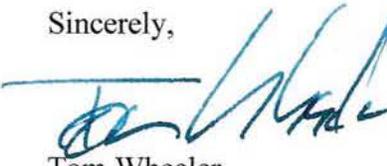
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

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.

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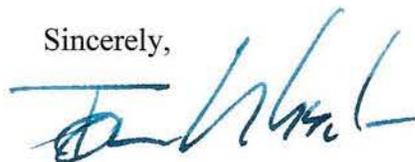
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OFFICE OF  
THE CHAIRMAN

July 15, 2015

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

Dear Senator Warren:

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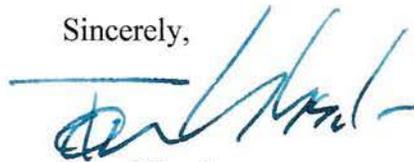
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OFFICE OF  
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July 15, 2015

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

Dear Senator Wyden:

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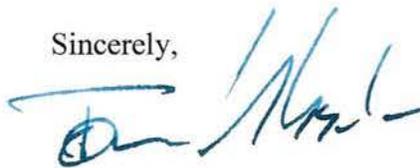
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