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FCC Proposes Changes to TCPA Regulations

On October 29, the Federal Communications Commission (FCC) released a notice of proposed rulemaking (NPRM), which, among other things, seeks comment on several proposed changes to its rules related to the Telephone Consumer Protection Act (TCPA), which are codified at 47 CFR 64.1200. The most noteworthy proposed TCPA rule changes on which the agency seeks comment are as follows:

- Deletion of the rule (codified at 64.1200(a)(10)) that requires callers to treat an opt-out request from a called party in response to one type of robocall (or robotext) from an entity to be an opt-out for all types of robocalls and robotexts from an entity to that called party (NPRM ¶¶101, 102; Appendix A). In an April 7 order, the agency delayed implementation of this rule until April 11, 2026. In the NPRM, the FCC states that it expects to resolve this issue in a timely fashion and suggests that it may further extend that 2026 deadline if necessary.
- Implementing a rule allowing callers to designate an exclusive means for consumers to revoke consent. The current rule (also at 64.1200(a)(10)) provides that consent can be revoked using any "reasonable means." In the NPRM, the FCC notes the potential ambiguity under that standard and also seeks comment on a potential "middle ground" approach between allowing a caller to prescribe an exclusive means to revoke consent and the any "reasonable means" standard (NPRM ¶103).
- Modification of the identification rules for artificial and prerecorded voice message calling (64.1200(b)(2)) to require only that callers identify themselves and provide a callback telephone number (NPRM ¶100). The FCC's proposed change would delete the requirement to have the telephone number provided in the message to be available during business hours for a do-not-call request.

These proposed rule changes, if implemented, should simplify TCPA compliance for entities that engage in robocalling and robotexting, especially for entities that have multiple communication channels with customers or prospective customers.

Authors



Richard H. Brown
Partner

Parsippany, NJ | (973) 966-8119

New York, NY | (212) 297-5854

rbrown@daypitney.com



Stephen R. Catanzaro
Partner

Parsippany, NJ | (973) 966-8205

scatanzaro@daypitney.com



Andrew R. Ingalls
Partner

Miami, FL | (305) 373-4032

aingalls@daypitney.com