

Banks, Mortgage Servicers, Student Lenders, and Auto Dealers Push FCC to Weaken Consumer Protections from Unwanted Robocalls

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U.S. Chamber, Consumer Bankers Association, Student Loan Servicing Alliance and Others Propose Changes to Key Consumer Protection Law that Would Expose Consumers to Even More Robocalls

WASHINGTON – Comments are due this Thursday, June 28, to the Federal Communications Commission (FCC) regarding an inquiry that will determine the fate of the Telephone Consumer Protection Act (TCPA)'s protections against robocalls and robotexts to cell phones. Industry trade groups, including the U.S. Chamber of Commerce, the National Automobile Dealers Association, and the National Mortgage Servicing Association, and large businesses, including Quicken Loans, Navient and Nelnet, Sirius XM Radio, and ADT Security, have urged the FCC to effectively unravel the TCPA -opening the floodgates to unwanted robocalls and texts.

"The Telephone Consumer Protection Act exists to protect consumers' privacy rights by limiting unwanted and invasive robocalls," **said Margot Saunders, senior attorney at the National Consumer Law Center.** "Consumers need to tell the FCC not to leave them powerless in their efforts to end the deluge of robocalls."

The three main questions on which the FCC has requested comment are:

The definition of "autodialer" (technically known as an automatic telephone dialing system).

Under current law, autodialed calls and texts are allowed only if the consumer consents to receive them. Without a broad definition of autodialer, consumers will be unable to stop these calls. The Consumer Bankers Association and others have asked the FCC to narrow the "autodialer" definition in a way that would allow devices to flood consumers with invasive phone calls.

"Industry lobbyists want the FCC to define autodialer so narrowly that virtually nothing will be considered an autodialer," **said Saunders.**

The right to revoke consent. In 2015, the FCC ruled that a consumer who has consented to receive robocalls has the right to revoke that consent. But now large businesses and their lobbyists are asking the FCC to back away from that position. Industry lobbyists are also asking the FCC to rule that, if consent to receive robocalls is part of the fine print of a contract, it can never be revoked.

Wrong number calls. Industry lobbyists want the FCC to allow robocallers to call wrong numbers with impunity, as long as someone to whom that phone number was once assigned consented to receive robocalls. The Student Loan Servicing Alliance, among others, argues that the intended recipient of the call should have the right to revoke consent.

"Put simply, if the caller is calling for Michael and I inform them I am not Michael and ask them to stop calling, the caller could continue making the calls because consent had not been revoked by Michael," **added Saunders**. "It creates a scenario in which it becomes impossible to revoke consent."

According to the call-blocking app YouMail's Robocall Index, more than 4 billion robocalls were made to U.S. numbers in the month of May alone, the highest one-month total on record. Capital One, Wells Fargo, Comcast, and Santander Bank represented four of the top five sources of robocalls.

As the number of calls soars, lawsuits holding robocallers accountable remain few and far between. In 2017, a year that saw an estimated 30 billion robocalls, just 4,392 lawsuits were filed against robocallers. This represents a 9 percent decrease from 2016 and provides a direct contradiction to the repeated attempts to justify weakening the TCPA by claiming the vital consumer protection law leads to frivolous lawsuits.

To file comments with the FCC, go to <https://www.fcc.gov/ecfs/filings/express> and direct comments to docket number 02-278.

For more information, including tips for consumers to reduce robocalls, visit NCLC's Robocalls & Telemarketing page.