

FCC Must Protect Consumers from Unwanted Telemarketing and Debt Collection Voicemails

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WASHINGTON, D.C. – Consumer advocates urged the Federal Communications Commission (FCC) today to reject a request by All About the Message LLC to exempt the use of ringless voicemail technology from the Telephone Consumer Protection Act (TCPA), which prohibits most unwanted calls and texts to cell phones. The new technology enables telemarketers and debt collectors to flood unwanted messages directly into a consumers' cell phone voice mailbox. Under the TCPA, non-emergency calls or texts to cell phones are barred without consent and consumers are allowed to register their numbers on the nationwide do-not-call list so they do not receive telemarketing calls.

In a strongly worded comment letter filed today with the FCC, national and state consumer and legal aid organizations urged the FCC to protect consumers from voicemail messages that are just as invasive, expensive, and annoying as calls and texts to cell phones. If left unregulated by the TCPA, telemarketing and debt collection messages could easily overwhelm the voicemail boxes of consumers.

"The FCC's regulations of these pre-recorded, direct-to-voicemail calls must remain consistent with the purposes of the TCPA, to restrict unwanted and aggressive automated calls," **said Margot Saunders, senior counsel at the National Consumer Law Center.** "This commonsense law has enjoyed decades of bipartisan support since it was signed into law in 1991 by President George H.W. Bush."

The technology at issue—called ringless voicemail (RVM)—works to deliver deliberately targeted, pre-recorded telemarketing and debt collection voice messages en masse to the voicemail boxes of cellular subscribers.

"This technology is essentially a perverted use of the standard voicemail system," **said Susan Grant, director of consumer protection and privacy at the Consumer Federation of America.** "It delivers a pre-recorded message without ever giving the consumer the opportunity to answer—or to block—the incoming call."

Accessing voicemail systems can be more time-consuming for consumers than answering a call. Moreover, approximately 25 percent of the population in the United States has cell phone plans with limited minutes. Every call for these consumers, even those to their own voice mail, counts against those precious minutes, reducing the available minutes for essential life tasks.

"Americans are already fed up with unwanted calls to their cellphones, which have become increasingly common in recent years," **said Maureen Mahoney, policy analyst for Consumers Union, the policy and mobilization division of Consumer Reports.** "The FCC shouldn't make this problem even worse by weakening consumer protections and opening the door to unwanted voicemail messages from telemarketers and debt collectors."

Conventional rob calls are already a growing problem for consumers. In 2016, there were more 3.4 million complaints about rob calls made to the Federal Trade Commission triple the level of complaints in 2010. More than half of those complaints were about calls that occurred after the consumer requested that the company stop calling, violating the law.

Consumers can file complaints with the FCC by entering 02-278 for the proceedings and urge the FCC to deny the request from All about Messages, LLC.

The National Consumer Law Center filed the petition on behalf of its low-income clients and more than a dozen other national and state advocacy organizations.

Related link

NCLC's body of work on the TCPA, robocalls and telemarketing