

June 30, 2025

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street, NE  
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation, *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 1988 (2024)

Dear Ms. Dortch,

On June 26, 2025, Jonathan Thessin of the American Bankers Association; Michael Pryor of Brownstein Hyatt Farber Schreck, LLP, on behalf of ACA International; Philip Bohi of the American Financial Services Association; James Akin of America's Credit Unions; and Aryeh Fishman of the Edison Electric Institute (collectively, the Associations)<sup>1</sup> met with Danielle Thumann, Senior Counsel to Chairman Brendan Carr, and Callie Coker, Legal Advisor to Chairman Carr, to discuss the Report and Order (Order) released by the Federal Communications Commission (Commission) on February 16, 2024 regarding revocation of consent under the Telephone Consumer Protection Act (TCPA).<sup>2</sup>

The Associations' members respect and carry out customer requests to opt out of receiving autodialed or prerecorded voice calls or text messages under the TCPA. But two aspects of the Order harm consumers – and contravene Congress' intent when it passed the TCPA – by creating a “barrier to the normal, expected or desired communications between businesses and their customers.”<sup>3</sup> The Commission should rescind these provisions.

First, the Order requires a consumer who replies “stop” to revoke consent to receive one type of message to stop receiving all future communications from that financial institution by phone or text on unrelated matters – even if that was not the consumer's intent.<sup>4</sup> Thus, a consumer's “stop” text message sent in response to an autodialed past-due message could lead the financial institution to opt the customer out of all consented-to messages from the institution, including fraud alerts. This could result in increased fraud perpetrated against the consumer. The same risk

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<sup>1</sup> A description of each Association is provided in the Appendix.

<sup>2</sup> *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 1988 (2024) [hereinafter, *Order*].

<sup>3</sup> H.R. Rep. No. 102-317, at 17 (1991).

<sup>4</sup> *Order*, *supra* note 2, ¶¶ 29-32. The Associations raised these concerns on numerous occasions during the rulemaking process that led to the issuance of the Order. See, e.g., *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, *Ex Parte* Letter of ACA Int'l *et al.*, 6 (filed Feb. 7, 2024), <https://www.fcc.gov/ecfs/document/102071094130635/1>; *id.*, Comments of Am. Bankers Ass'n *et al.*, 13-15 (filed July 31, 2023), <https://www.fcc.gov/ecfs/document/108011664508910/1>. In addition, the Associations, along with three other financial trade associations, urged the Commission this past April to rescind the two provisions described in this letter. See *In re: Delete, Delete, Delete*, GN Docket No. 25-133, Comments of Am. Bankers Ass'n *et al.*, 6-12 (filed Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/104122423211014/1>.

applies to electric utility customers because the rule could prevent essential safety and service-related messages such as outage notifications, safety alerts, and billing and payment reminders, if a customer revokes consent to one type of communication. The record demonstrates strong support for rescinding the “revoke all” provision, with healthcare,<sup>5</sup> taxpayer,<sup>6</sup> and industry<sup>7</sup> stakeholders all expressing strong concern over the detrimental impact this provision (or the Commission’s broader revocation framework) would have on their company or members.

In a separate provision in the Order, the Commission stated that a revocation request made using the words “stop,” “quit,” “end,” “revoke,” “opt out,” “cancel,” or “unsubscribe” that is sent in reply to an incoming text message constitutes a revocation.<sup>8</sup> We support this provision. Establishing a standardized set of words that, if used, would create a presumption that the revocation attempt is reasonable provides clarity to both consumers and businesses. However, the Commission also stated in the Order that if a consumer uses words other than those listed above, the caller must treat the reply text message as a valid revocation request “if a reasonable person would understand those words to have conveyed a request to revoke consent.”<sup>9</sup> This provision may lead consumers to send messages with non-standard text (e.g., “I do not want to receive any more texts”) that cannot be read by automated processes, as a means to revoke consent. This would frustrate consumers—whose revocation requests may not be immediately processed—and text senders, who would need to use non-automated processes to process consumers’ revocations of consent.

Thank you for your consideration of these views.

Sincerely,

American Bankers Association  
ACA International  
American Financial Services Association  
America’s Credit Unions  
Edison Electric Institute

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<sup>5</sup> See Letter from Steven A. Augustino et. al, Counsel to mPulse, to Marlene Dortch, Sec., Fed. Commc’ns Comm’n (Mar. 21, 2025), <https://www.fcc.gov/ecfs/document/10321253473521/1>.

<sup>6</sup> See *In re: Delete, Delete, Delete*, GN Docket No. 25-133, Reply Comments of Nat’l Taxpayers Union Found., (filed Apr. 28, 2025), <https://www.fcc.gov/ecfs/document/104292975819871/1>.

<sup>7</sup> See Letter from Matt Furlow, Sr. Director & Policy Counsel, U.S. Chamber of Commerce, to Marlene H. Dortch, Sec., Fed. Commc’ns Comm’n 11 (Apr. 11, 2025), <https://www.fcc.gov/ecfs/document/10411184024497/1>; Letter from Heather Novitsky, Gen. Counsel, LendingTree, to Marlene Dortch, Sec., Fed. Commc’ns Comm’n (Apr. 4, 2025), <https://www.fcc.gov/ecfs/document/104071779707968/1>.

<sup>8</sup> *Order*, *supra* note 2, at 20 (Appx. A) (codified at 47 C.F.R. § 64.1200(a)(10)).

<sup>9</sup> *Id.* (Appx. A) (codified at 47 C.F.R. § 64.1200(a)(10)).

## **APPENDIX**

The American Bankers Association is the voice of the nation's \$24.5 trillion banking industry, which is composed of small, regional and large banks that together employ approximately 2.1 million people, safeguard \$19.5 trillion in deposits and extend \$12.8 trillion in loans.

ACA International represents approximately 1,700 members, including credit grantors, third-party collection agencies, asset buyers, attorneys, and vendor affiliates, in an industry that employs more than 113,00 people worldwide. Most ACA member debt collection companies are small businesses. The debt collection workforce is ethnically diverse, and 70% of employees are women. ACA members play a critical role in protecting both consumers and lenders. ACA members work with consumers to resolve their past debts, which in turn saves every American household more than \$700 year after year. The ARM industry is instrumental in keeping America's credit-based economy functioning with access to credit at the lowest possible cost.

The American Financial Services Association (AFSA) is the national trade association for the consumer credit industry, protecting access to credit and consumer choice. AFSA members provide consumers with closed-end and open-end credit products including traditional installment loans, mortgages, direct and indirect vehicle financing, payment cards, and retail sales finance.

America's Credit Unions is the national trade association for consumers' best option for financial services: credit unions. America's Credit Unions advocates for policies that allow credit unions to effectively meet the needs of their over 142 million members nationwide.

The Edison Electric Institute is the association that represents U.S. investor-owned electric companies, which provide electricity to nearly 250 million Americans across all 50 states and the District of Columbia.