March 26, 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 March 24, 2024, Jonathan Thessin of the American Bankers Association; James Akin of America's Credit Unions; Philip Bohi of the American Financial Services Association; Michael Pryor of Brownstein Hyatt Farber Schreck, LLP, on behalf of ACA International; Alisha Sears of the Mortgage Bankers Association; and Joshua Smith of the Bank Policy Institute (collectively, the Associations) met with Danielle Thumann, Senior Counsel to Chairman Brendan Carr.[1]

In the Report and Order (Order) released by the Federal Communications Commission (Commission) on February 16, 2024, the Commission stated that, once a consumer revokes consent to receive autodialed or prerecorded voice calls or text messages under the Telephone Consumer Protection Act, the caller may no longer send the consumer any calls or text messages that require consent.[2] The effective date for this provision in the Order – April 11, 2025 – was set on October 11, 2024, providing only a six-month period to implement the Order.[3] During the meeting, the Associations stated that, for the reasons set forth below, the Commission has "good cause" under 47 C.F.R. § 1.3 to waive the revocation rules established by the Order for a period of one year, to April 11, 2026.[4]

The Associations' members respect and carry out customer requests to opt out of receiving autodialed or prerecorded voice calls or text messages. However, the Order could be read to require a consumer who replies "stop" to revoke consent to receive one type of message – for example, future autodialed past-due text messages – to stop receiving all future communications from that financial institution by phone or text on unrelated matters, such as low-balance alerts, multi-factor authentication messages, or warnings about unusual credit card transactions[5] – even if that was not the consumer's intent.[6] Without an extension of the Order's effective date, the

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[1] A description of each Association is provided in the Appendix.
[2] *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, ¶ 29 (2024).
[3] Strengthening the Ability of Consumers To Stop Robocalls, 89 Fed. Reg. 82,518 (Oct. 11, 2024).
[4] *See* 47 C.F.R. § 1.3 (providing the Commission with authority to suspend, revoke, amend, or waive provisions in the TCPA "for good cause shown").
[5] Fraud alerts may be exempt from the TCPA's prior express consent requirement. However, the Commission has imposed a number of conditions that institutions must meet to place calls or texts under the exemption. Consequently, the exemption may be of limited value, and institutions may feel compelled to place fraud alerts only with the prior express consent of the called party.
[6] 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*

Commission will not have an opportunity to reconsider this "revoke all" provision of the Order under the "Delete, Delete, Delete" rulemaking that the Commission initiated on March 13, 2025.[7]

The Associations also have shown "good cause" for an extension of the April 11 effective date because of the significant challenges institutions face with implementing the "revoke all" provision. To comply with the Order, an institution is required to process a revocation sent in response to one business unit's call or text so that all business units cease placing calls or texts to the consumer. This conversion involves substantial work, particularly for large institutions with many business units with separate calling systems. Moreover, callers often outsource to third parties responsibility to communicate with customers for specific issues, which requires coordination to ensure that all communications stop. Smaller providers face numerous challenges too, as modifications to their communications systems often require extensive manual work. The Commission provided no cost-benefit analysis of the work institutions would perform to comply with the "revoke all" provision of the Order.[8] In addition to challenges with coming into technical compliance with the Order, institutions face significant challenges designing a system that allows the institution, when receiving a consumer's revocation, to clarify the scope of revocation, so that the institution does not apply a customer's revocation to a broader category of messages than the customer intended.

The Associations observed that mPulse, a vendor in the healthcare industry, similarly stated that an extension is needed because healthcare organizations contact consumers "across different business units or vendors" and a "substantial amount of work across multiple systems" is needed to bring calling systems into compliance with the "revoke all" provision.[9] If the Commission does not extend the effective date, consumers may "unknowingly opt[] out of important communications about healthcare topics" or "businesses may pause or stop their outreach programs entirely in order to minimize TCPA risk."[10] Similarly, customers of financial institutions will be harmed if they stop receiving important communications from their financial institution because they unknowingly revoked consent to receive all consented-to messages by replying "stop" to an unrelated message from the institution.

Sincerely,

American Bankers Association
ACA International
American Financial Services Association
America's Credit Unions
Bank Policy Institute
Mortgage Bankers Association

Protection Act of 1991, CG Docket No. 02-278, *Ex Parte* Letter of ACA Int'l *et al.*, 7-9 (filed Feb. 7, 2024), https://www.fcc.gov/ecfs/document/102071094130635/1; *id.*, Comments of Am. Bankers Ass'n *et al.*, 11-13 (filed July 31, 2023), https://www.fcc.gov/ecfs/document/108011664508910/1.

[7] *In re: Delete, Delete, Delete*, Public Notice, GN Docket No. 25-133 (Mar. 12, 2025).

[8] *See Order, supra* note 2 (App. B, Final Regulatory Flexibility Analysis, ¶ 17).

[9] *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Letter from Steven A. Augustino, Counsel to MPulse, to Marlene Dortch, Sec., Fed. Commc'ns Comm'n, 2 (Mar. 21, 2025), https://www.fcc.gov/ecfs/document/10321253473521/1.

[10] *Id.*

APPENDIX

The American Bankers Association is the voice of the nation's $24.1 trillion banking industry, which is composed of small, regional and large banks that together employ approximately 2.1 million people, safeguard $19.2 trillion in deposits and extend $12.7 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 Bank Policy Institute is a nonpartisan public policy, research and advocacy group that represents universal banks, regional banks, and the major foreign banks doing business in the United States. The Institute produces academic research and analysis on regulatory and monetary policy topics, analyzes and comments on proposed regulations, and represents the financial services industry with respect to cybersecurity, fraud, and other information security issues.

The Mortgage Bankers Association (MBA) is a national association representing the real-estate finance industry. It has over 2,200 members comprised of real-estate finance companies, mortgage companies, mortgage brokers, commercial banks, thrifts, life-insurance companies, and others in the mortgage-lending field. MBA seeks to ensure the continued strength of the nation's residential and commercial real-estate markets, to expand homeownership, and to extend access to affordable housing to all Americans. It promotes fair and ethical lending practices and fosters professional excellence among real-estate finance employees through a range of educational programs and publications.