



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON DC

Mike O'Rielly  
Commissioner

August 22, 2018

The Honorable Richard Blumenthal  
U.S. Senate  
706 Senate Hart Office Building  
Washington, D.C. 20515

Dear Senator Blumenthal:

As follow-up to your question during the recent Senate Committee on Commerce, Science, and Transportation hearing entitled "Oversight of the Federal Communications Commission," I have reviewed the legislation you and your fellow Senators have introduced on the topic of robocalls, namely the Repeated Objectionable Bothering of Consumers on Phones Act, or the "ROBOCOP Act". I write to comply with your request for my specific views within a week of the hearing.

Congress has provided jurisdiction to both the Federal Trade Commission and the Federal Communications Commission (the FCC or Commission) over this issue and both have important roles in protecting consumers from illegal robocalls. The FCC certainly has been very active exploring different means to end such illegal practices, through both our rulemaking authority and in enforcement actions. To the larger point, I have stated that anytime Congress provides the Commission with clear direction via the passage of legislation, I will implement it as required.

I certainly join with you and most consumers in seeking a solution that addresses the consumer problem of illegal robocalls, many of which initiate overseas. Many of these calls are intended to defraud or deceive consumers from their hard-earned income. In taking additional steps to eliminate these types of robocalls, I firmly believe that such efforts must not interfere or harm legitimate companies seeking to use such technology to bring legitimate services to consumers that seek them.

In terms of the specific legislative proposal, I appreciate its general direction, but it raises some questions and issues that would need to be answered before I could provide a more definitive view. Here are just a few of my initial areas of concern:

- The scope of what is considered a text message and the new definition proposed are not abundantly clear;
- The costs that would be incurred by the requirements contained in certain sections and whether they constitute unfunded mandates to providers under the law needs to be understood;
- The likelihood that the call blocking technology would generate false positives for legitimate, legal robocalls and whether the Commission has the ability to conduct a timely and just appeals process; and
- The inclusion of any private right of action, given the extensive abuse by some parties of such provisions in the Telephone Consumer Protection Act.

The Honorable Richard Blumenthal

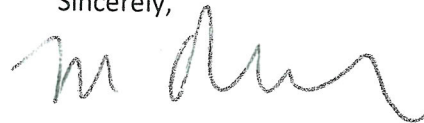
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Without addressing these issues, I worry that the bill, if enacted, could have the unintended consequence of increasing the costs to deliver services by telecommunications providers, text message offerings, and those using the technology for consumer benefit without sufficiently addressing illegal robocalls.

I appreciate the opportunity to review your legislation and stand ready to help you on the matter in any way I can.

Sincerely,

A handwritten signature in black ink, appearing to read "M. O'Rielly", written in a cursive style.

Michael O'Rielly