



Federal Communications Commission
Washington, D.C. 20554

August 23, 2024

DA 24-859

SMALL ENTITY COMPLIANCE GUIDE

Targeting and Eliminating Unlawful Text Messages, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

FCC 23-21

CG Docket Nos. 02-278, 21-402

Released March 17, 2023

In accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)

Videophone: 1-844-4-FCC-ASL (1-844-432-2275)

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I. OBJECTIVES OF THE PROCEEDING

In the *Targeting and Eliminating Unlawful Text Messages Report and Order (Report and Order)*¹, the Commission required mobile wireless providers to block certain robotext messages that are highly likely to be illegal. The Commission required mobile wireless providers to block texts that purport to be from North American Numbering Plan (NANP) numbers, and that are on a reasonable Do-Not-Originate (DNO) list, at the network level. This may include numbers that purport to be from invalid, unallocated, or unused numbers, and NANP numbers for which the subscriber to the number has requested that texts purporting to originate from that number be blocked. The Commission also took steps to ensure that any erroneous blocking can be quickly remedied by requiring providers and other entities to maintain a point of contact for texters to report erroneously blocked texts.

Mandatory Blocking of Texts that are Highly Likely to be Illegal. In the *Report and Order*, the Commission adopted its proposal to require mobile wireless providers to block text messages purporting to be from numbers on a reasonable DNO list at the network level, without requiring consumer opt in or opt out. As the Commission previously determined with calls, no reasonable consumer would wish to receive text messages that spoof a number that is not in operation or, worse, purports to be from a well-known, trusted organization that does not send text messages and thus is highly likely to be a scam. The Commission's requirement to block texts that purport to be from numbers on a reasonable DNO list does not include text messages from short codes. The Commission adopted the text blocking rule for several reasons: (i) the texts from such numbers are likely to be illegal; (ii) illegal text messages can have links to malware, a problem that voice calls do not have; (iii) the volume of illegal text messages is increasing, particularly since the Commission has adopted measures to block such voice calls; (iv) consumers expect to receive texts from unfamiliar numbers, such as appointment reminders and for double factor authentication, and therefore are more likely to open such messages even when they do not recognize the sending party; and (v) this approach provides benefits to consumers while imposing minimal burden on mobile wireless providers, many of which already take measures to block illegal text messages from reaching their customers' phones.

Point of Contact. In the *Report and Order*, the Commission required each mobile wireless provider to establish a point of contact for text senders, or have providers require their aggregator partners or blocking contractors to establish such a point of contact. This point of contact will enable texters to contact mobile wireless providers, with the goal of swiftly receiving and resolving complaints of unwarranted blocking of text messages. The Commission adopted certain safeguards to protect providers from unscrupulous texters. The Commission required that mobile wireless providers need only accept blocking complaints from senders that can provide documented, objective evidence of blocking. The Commission also has given providers flexibility to either establish their own point of contact or to require their aggregator partners and blocking contractors to establish such a point of contact, which we would expect could resolve the blocking more quickly than the provider.

II. COMPLIANCE REQUIREMENTS

A. Text Blocking Requirements (47 CFR 64.1200(p))

The *Report and Order* amended section 64.1200(p) of the Commission's rules by adding a blocking requirement:

A mobile wireless provider must block a text message purporting to originate from a NANP number on a reasonable DNO list. To be considered reasonable, the list should not be so limited in scope that it leaves out obvious NANP numbers that could be included with little effort. The do-not-originate list may include only:

¹ *Targeting and Eliminating Unlawful Text Messages; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket Nos. 02-278 and 21-402, Report and Order and Further Notice of Proposed Rulemaking, FCC 21-23 (Mar. 17, 2023) (*Report and Order*).

- (1) NANP numbers for which the subscriber to the number has requested that texts purporting to originate from that number be blocked;
- (2) NANP numbers that are not valid;
- (3) Valid NANP numbers that are not allocated to a provider by the NANP Administrator; and
- (4) Valid NANP numbers that are allocated to a provider by the NANP Administrator, but are unused, so long as the provider blocking the message is the allocatee of the number and confirms that the number is unused or has obtained verification from the allocatee that the number is unused at the time of blocking.

B. Point of Contact Requirements (47 CFR 64.1200(r))

The *Report and Order* amends section 64.1200(r) by adding a point of contact requirement:

A mobile wireless provider must provide a point of contact or ensure its aggregator partners or blocking contractors that block text messages on its network provide a point of contact to resolve complaints about erroneous blocking from message senders that can document that their messages have been blocked. Providers may use the same point of contact for voice call blocking and text blocking error complaints.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Commission's actions in the *Report and Order* created a new recordkeeping or reporting requirement establishing that all mobile wireless providers must maintain a reasonable DNO list, as discussed in section II(A) above.

IV. IMPLEMENTATION DATE

The point of contact rule in the *Report and Order* became effective on May 11, 2023. The Office of Management and Budget (OMB) approved the information collection requirements under the Paperwork Reduction Act (PRA) for the mandatory blocking rule in the *Report and Order* on February 12, 2024, and that rule will be effective September 3, 2024.

V. INTERNET LINKS

A copy of the *Report and Order* is available at: <https://docs.fcc.gov/public/attachments/FCC-23-21A1.pdf>.

A copy of the Federal Register Summary of the *Report and Order* is available at <https://www.govinfo.gov/content/pkg/FR-2023-04-11/pdf/2023-07405.pdf>.

A copy of the Federal Register Summary of OMB's approval of the information collection requirements under the PRA is available at <https://www.govinfo.gov/content/pkg/FR-2024-03-01/pdf/2024-03957.pdf>.