

Effective June 27, 2003, the FCC updated its rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). The FCC, in conjunction with the Federal Trade Commission (FTC) has established a national do-not-call registry for consumers who wish to avoid telemarketing calls. The FTC will administer the national do-not-call registry, but enforcement will be coordinated between the two agencies.

Consumers who want to place their home or mobile phone numbers on the national registry can do so online at either their state do-not-call site or the National site <http://www.donotcall.gov>. Telephone registrations for the National do-not-call list will commence on July 7, 2003 at (888) 382-1222.

Federal enforcement of the National Do Not Call Registry begins October 1, 2003. All consumers whose numbers are on the registry by August 31, 2003 will notice a decrease in telemarketing calls starting October 1, 2003. As with the New York Do-Not-Call Registry, the national registry anticipates telemarketing calls will decrease within three months of the date of registration.

The national Do-Not-Call registry will not prevent all unwanted calls. It will not prevent calls from organizations with which the consumer has established a business relationship; calls for which the consumer has given prior written consent; calls which are not commercial or do not include unsolicited advertisements; and calls by or on behalf of tax-exempt non-profit organizations.

In addition to the announcement of the National Do-Not-Call registry the FCC announced that it is amending its rules, which may reduce the number of telemarketing calls to consumers, including: requiring telemarketers to transmit Caller ID information and to unblock their numbers; and requiring telemarketers to ensure that predictive dialers abandon no more than three percent of all calls placed and answered by a person.

The FCC anticipates releasing a Memorandum of Understanding, which will outline the formal rules and enforcement actions in the near future.