



NEWS

Federal Communications Commission
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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC ESTABLISHES SPECIAL DO-NOT-CALL ENFORCEMENT TEAM

Washington, D.C. – Today, FCC Chairman Michael K. Powell announced the creation of a special Do-Not-Call Enforcement Team to enforce the Commission’s Do-Not-Call telemarketing rules.

Chairman Powell said: “Swift and strong enforcement of the FCC’s National Do-Not-Call rules is our number one enforcement priority.” Enforcement Bureau Chief David H. Solomon added: “This Team will ensure that we devote all the necessary resources to protect the privacy rights of American consumers. Our job has been made more difficult by recent court decisions relating to the Federal Trade Commission’s rules. But telemarketers should make no mistake about it – the FCC is on the job and we will do everything we can to enforce the FCC’s own Do-Not-Call rules and our other telemarketing rules.”

The Do-Not-Call Team is composed of experienced attorneys and investigators. The Team is headed by Kurt Schroeder, Deputy Chief of the Enforcement Bureau’s Telecommunications Consumers Division. In addition to enforcing the FCC’s National Do-Not-Call rules, the Team is also responsible for enforcing the FCC’s related telemarketing rules.

An Enforcement Bureau Fact Sheet on the FCC’s telemarketing rules is attached.

Enforcement Bureau Contacts: Suzanne Tetreault at (202) 418-7450 or Kurt Schroeder at (202) 418-0966.

ENFORCEMENT BUREAU FACT SHEET: THE FCC'S TELEMARKETING RULES

Under the FCC's National Do-Not-Call rules, which became effective on October 1, 2003, telemarketers and businesses may not make sales calls to consumers who have registered their residential telephone numbers on the National Do-Not-Call Registry. Although court rulings have created uncertainties in this area, the right of consumers to be protected from unwanted telemarketing calls has remained in place under these FCC rules.

The FCC also has company-specific Do-Not-Call rules that enable consumers to request that individual businesses stop making commercial solicitation calls to their residential telephone lines. Businesses are required to honor such requests within 30 days and must continue to honor them for five years. These rules apply to all commercial entities and cover calls made both within and between states, but not to tax-exempt nonprofit organizations. The Enforcement Bureau recommends that consumers write down the dates of their Do-Not-Call requests to individual businesses, as well as the dates of any subsequent sales calls they receive from such businesses after 30 days, so that they can provide this information to the Commission if they wish to file a complaint.

The FCC also has rules that protect consumers' rights to be free from telemarketing calls between 9 p.m. and 8 a.m., and to be free from most telemarketing calls involving pre-recorded commercial messages, which are unlawful even if the consumer has not made a Do-Not-Call request. In addition, all telemarketers are required to identify, in their telephone solicitations, the name of the person or entity on whose behalf the call is being made, as well as a telephone number or address at which the person or entity may be contacted.

What Consumers Can Do About Unlawful Sales Calls

Consumers have private recourse against telemarketers that violate FCC telemarketing rules, including the Do-Not-Call requirements. Under federal law, consumers may file lawsuits against the violators in state courts, and they may be awarded \$500 in damages or actual monetary loss, whichever is greater, for each violation. This amount may be tripled if the consumer is able to show that the telemarketer willfully and knowingly violated the FCC's Do-Not-Call requirements.

States themselves may also initiate a lawsuit in federal district court against telemarketers that violate rights of their residents under the FCC's telemarketing rules. To assist their states with such actions, consumers may wish to contact their state consumer protection office or state Attorney General's office about any violations they have experienced. The telephone numbers of these state agencies should be listed in the government section of the telephone directory, or they can be obtained by calling directory assistance.

What the FCC Can Do to Help

The FCC will not be resolving individual complaints, and cannot award monetary or other damages directly to consumers, but consumers should still report violations of the telemarketing rules. If the FCC receives numerous complaints about a single individual or business, it may impose substantial monetary penalties for violations of the FCC's telemarketing rules. The FCC encourages consumers who have received such calls to file complaints with the FCC.

Complaints may be filed with the FCC by e-mail (donotcall@fcc.gov), telephone (voice: 1-888-CALL-FCC [1-888-225-5322], TTY: 1-888-TELL-FCC [1-888-835-5322], or U.S. mail (Federal Communications Commission, Consumer and Governmental Affairs Bureau, Consumer Inquiries and Complaints Division, 445 12th Street, SW, Washington, D.C. 20554).

The complaint should include:

- name, address, and telephone number where you can be reached during the business day;
- the telephone number involved with the complaint;
- as much specific information about the complaint as possible, including the identity of the telemarketer or business that called and what the call was about.
- if you are filing a Do-Not-Call complaint, in violation of Do-Not-Call rules, the date that you put your telephone number on the National Do-Not-Call Registry (if known) or the date you made a Do-Not-Call request to this telemarketer or company, as well as the date(s) on which you received subsequent call(s).