

**STATEMENT OF  
COMMISSIONER MIGNON L. CLYBURN**

Re: *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*,  
CG Docket No. 02-278.

The Order before us today is yet another victory for consumers. Very soon there will be one less chance that they are distracted during dinner. They will also have an enhanced opportunity to watch their favorite prime time shows without unwanted interruptions from telemarketing robocalls. No longer will telemarketers solely be able to rely upon the established business relationship exception. By requiring prior *written* consent, consumers will be making an *affirmative and definitive choice*, whether or not to receive telemarketing robocalls. However, should consumers change their minds and decide that they no longer want to receive even those calls, they will soon be able to easily opt out at any point during a call through the automated functionality we now require.

This Order is also a win for industry. We are ensuring that our rules are as consistent as possible with the FTC's rules; thus, making compliance with the rules for both agencies more straightforward. In addition, we are permitting telemarketers to rely upon electronic signatures, including e-mails, which we expect will make it easier to comply with the prior written consent requirement. We are also clarifying that informational robocalls, such as school closings and prescription refill reminders, are not classified as telemarketing calls for purposes of these rules.

Overall, this is a well balanced Order. Consumers are not as likely to be annoyed by unwanted telemarketing robocalls, and as such, will be more likely to show interest in the goods and services being offered; and those authorized telemarketers may, in turn, find a higher percentage of success from their marketing campaigns.

I wish to thank the Consumer and Governmental Affairs Bureau for its hard work on this Report and Order.