

Telecommunications, FCC, TCPA

The D.C. Circuit Issues a Split Ruling on the FCC's 2015 Omnibus TCPA Order

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Client Alert

Brownstein Client Alert, March 19, 2018

The long-awaited ruling by the United States Court of Appeals for the District of Columbia on the Federal Communications Commission's ("FCC") 2015 Omnibus Telephone Consumer Protection Act (TCPA) order was finally released on March 16, 2018. The opinion reverses the FCC on the definition of an autodialer and vacates its approach to reassigned numbers while sustaining the agency's ruling on revocation of consent to receive calls and its limited exemption from the TCPA's consent requirement for certain health-related calls. The ruling appears to invite further FCC action on a number of remaining questions around what constitutes an autodialer and places pressure on the FCC to act on its reassigned numbers database proceeding. Although generally helpful to industry, the opinion leaves a number of unanswered questions that will likely foster continued litigation.

To read the full alert, click the PDF above

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