Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts	)	CG Docket No. 23-362
	)	
	)	

NOTICE OF PROPOSED RULEMAKING AND NOTICE OF INQUIRY

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By the Commission: Chairwoman Rosenworcel and Commissioners Carr, Starks, and Gomez issuing separate statements; Commissioner Simington approving in part, concurring in part, and issuing a statement.

I. INTRODUCTION

1. Artificial intelligence (AI) technologies that generate content are becoming increasingly prevalent and can perform tasks that previously required human action. AI holds great promise in many aspects of daily life. But it also poses considerable potential harms, including facilitating fraud and other deceptions.[1] We have already seen those harms with robocalls.[2]

2. In this *Notice of Proposed Rulemaking*, we follow up on our recent Notice of Inquiry and propose steps to protect consumers from the abuse of AI in robocalls alongside actions that clear the path for positive uses of AI, including its use to improve access to the telephone network for people with disabilities.[3] Specifically, we propose to define AI-generated calls and propose new rules that would require callers disclose to consumers when they receive an AI-generated call. This would provide consumers with an opportunity to identify and avoid those calls that contain an enhanced risk of fraud and other scams. We also propose to adopt protections for consumers to ensure that callers adequately apprise them of their use of AI-generated calls when consumers affirmatively consent to receive such calls. We next propose protections to ensure that positive uses of AI that have already helped people with disabilities use the telephone network can thrive without threat of Telephone Consumer Protection Act

[1] *See, e.g.*, Executive Order No. 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, 88 Fed. Reg. 75191 (Oct. 30, 2023) (noting that "irresponsible [AI] use could exacerbate societal harms such as fraud, discrimination, bias, and disinformation; displace and disempower workers; stifle competition; and pose risks to national security").

[2] *See, e.g.*, *Steve Kramer*, Notice of Apparent Liability for Forfeiture, FCC 24-59 (rel. May 24, 2024) (proposing a six million dollar fine for apparently illegal robocalls made using AI-generated voice cloning technology and caller ID spoofing to spread election misinformation to potential voters, namely instructions to not vote in an upcoming Primary Election provided in a voice message that was artificially created to imitate the voice of President Joseph R. Biden).

[3] In addition to this rulemaking proceeding, the Commission continues to explore other methods to combat the use of AI-generated voice cloning to mislead consumers. For example, the Chairwoman recently asked about the steps telecommunications companies are taking to prevent fraudulent robocalls that use AI for political purposes. *See, e.g.*, Letter from Jessica Rosenworcel, Chairwoman, FCC, to John Stankey, Chief Executive Officer, AT&T Services, Inc. (Jun. 26, 2024), https://docs.fcc.gov/public/attachments/DOC-403531A1.pdf.

(TCPA) liability.[4] In the *Notice of Inquiry*, we seek additional comment and information on developing technologies that can alert consumers to unwanted or illegal calls and texts, including AI-generated calls.

II. BACKGROUND

A. Telephone Consumer Protection Act

3. *Consent and Disclosure Requirements*. The TCPA prohibits initiating "any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party" unless a statutory exception applies or the call is "exempted by rule or order by the Commission under [section 227(b)(2)(B)]."[5] The TCPA also prohibits, without the prior express consent of the called party or an emergency purpose, any call made using an automatic telephone dialing system or an artificial or prerecorded voice to any telephone number "assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call" unless a statutory exception applies.[6] In addition, artificial or prerecorded voice messages (regardless of whether they fall into an exemption) must in most instances state clearly at the beginning of the message the identity of the business, individual, or other entity that is responsible for initiating the call.[7] The message also must state clearly the telephone number (other than that of the autodialer or prerecorded message player that placed the call) of such business, other entity, or individual during or at the end of the message.[8]

4. *Exemptions*. Section 227(b)(2)(B) authorizes the Commission to adopt exemptions from the TCPA's prior express consent requirements for artificial or prerecorded voice calls to residential lines that are "not made for a commercial purpose" and for "such classes or categories of calls made for commercial purposes" that the Commission determines will not adversely affect the privacy rights of the called party and do not transmit an unsolicited advertisement.[9] And section 227(b)(2)(C) authorizes the Commission to exempt from the TCPA's restrictions for autodialers and artificial or prerecorded voice messages calls to a number assigned to a cellular service "that are not charged to the called party, subject

[4] *See* Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394 (1991), *codified at* 47 U.S.C. § 227. As discussed in more detail below, the TCPA regulates calls made using an "automatic telephone dialing system" or an artificial or prerecorded voice. *See* 47 U.S.C. § 227(b)(1). Any such call is considered a "robocall" for the purposes of this proceeding.

[5] *See* 47 U.S.C. § 227(b)(1)(B). The TCPA excludes from this prohibition calls made for emergency purposes or made solely pursuant to the collection of a debt owed to or guaranteed by the United States. *But see Barr v. American Association of Political Consultants*, 140 S. Ct. 2335 (2020) (striking down provisions exempting calls to collect debt owed to or guaranteed by the United States).

[6] *See* 47 U.S.C. § 227(b)(1)(A)(iii). The Commission has concluded that the TCPA's protections against unwanted calls to wireless numbers encompass both voice calls and text messages, including short message service (SMS) texts, if the call is made to a telephone number assigned to such service. *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014, 14115, para. 165 (2003) (*2003 TCPA Order*); *see also Satterfield v. Simon & Schuster, Inc*., 569 F.3d 946 (9th Cir. 2009) (noting that text messaging is a form of communication used primarily between telephones and is therefore consistent with the definition of a "call").

[7] 47 U.S.C. § 227(d)(3); 47 CFR § 64.1200(b)(1). In 2012, the Commission concluded that the Health Insurance Portability and Accountability Act of 1996's (HIPAA) existing protections already safeguard consumer privacy, and therefore exempted prerecorded healthcare-related calls to residential lines subject to HIPAA from various TCPA requirements including the identification requirement. *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 27 FCC Rcd 1830, 1853-54, paras. 60-61 (2012) (*2012 TCPA Order*).

[8] 47 CFR § 64.1200(b)(2).

[9] 47 U.S.C. § 227(b)(2)(B).

to such conditions as the Commission may prescribe as necessary in the interests of the privacy rights [the TCPA] is intended to protect."[10]

5. Over the years, the Commission has adopted exemptions pursuant to these statutory provisions.[11] In 2019, Congress enacted the TRACED Act to further aid the Commission's efforts in combating illegal robocalls.[12] In relevant part, section 8 of the TRACED Act amended section 227(b)(2) of the Communications Act to require that the Commission ensure that any exemption granted under sections 227(b)(2)(B) or (C) allowing callers to make artificial voice, prerecorded voice, or autodialed calls without consent include certain conditions.[13] Specifically, section 8 requires that any such exemption contain requirements with respect to: "(i) the classes of parties that may make such calls; (ii) the classes of parties that may be called; and (iii) the number of such calls that a calling party may make to a particular called party."[14]

6. *Technology Changes*. The TCPA also authorizes the Commission to "prescribe technical and procedural standards for systems that are used to transmit any artificial or prerecorded voice message via telephone."[15] In addition, the legislative history of the TCPA reveals that Congress anticipated that the Commission would have the flexibility to apply the TCPA's privacy protections from unwanted robocalls to future technologies as well as existing technologies.[16] In recent years, the federal government has begun to address emerging AI technologies, including in a recent Executive Order.[17] These recent

[10] *Id.* § 227(b)(2)(C).

[11] *See* 47 CFR § 64.1200(a)(3)(ii-v), (9).

[12] *See* S. Report No. 116-41, 116th Cong., 1st Sess. 1-2 (2019) (stating that the purpose of the bill is to "aid the American public by helping to reduce illegal and unwanted robocalls" but also noting that not all robocalls are illegal and that "many important services are carried out via robocalls").

[13] TRACED Act. § 8(a); 47 U.S.C. § 227(b)(2)(I).

[14] *Id*.

[15] 47 U.S.C. § 227(d)(3).

[16] *See* 137 Cong. Rec. S18784 (1991) (statement of Sen. Hollings) ("The FCC is given the flexibility to consider what rules should apply to future technologies as well as existing technologies"). The Commission's interpretation of the TCPA has accounted for new technologies that fell within its scope. *See, e.g.*, *Rules and Regulations Implementing the Telephone Consumer Protection Act*, *Westfax Inc. Petition for Consideration and Clarification*, CG Docket Nos. 02-278, 05-338, Declaratory Ruling, 30 FCC Rcd 8620 (2015) (confirming that an "efax," a document sent as a conventional fax but then converted and delivered as an electronic email attachment was covered by the TCPA's consumer protections from unwanted junk faxes).

[17] *See, e.g.,* The White House, U.S. Office of Science and Technology, Blueprint for an AI Bill of Rights, Making Automated Systems Work for the American People, https://www.whitehouse.gov/ostp/ai-bill-of-rights (discussing "five principles that should guide the design, use, and deployment of automated systems to protect the American public" and citing "From Principles to Practice—a handbook . . . [that includes] detailed steps toward actualizing these principles in the technological design process") https://www.whitehouse.gov/ostp/ai-bill-of-rights/#applying ("This framework describes protections that should be applied with respect to all automated systems that have the potential to meaningfully impact individuals' or communities' exercise of: Rights, Opportunities, or Access."); U.S. Department of Commerce, National Institute of Standards and Technology, AI Risk Management Framework, https://www.nist.gov/itl/ai-risk-management-framework ("In collaboration with the private and public sectors, NIST has developed a framework to better manage risks to individuals, organizations, and society associated with artificial intelligence (AI). The NIST AI Risk Management Framework is intended for voluntary use and to improve the ability to incorporate trustworthiness considerations into the design, development, use, and evaluation of AI products, services, and systems"); Executive Order No. 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, 88 Fed. Reg. 75191 (Oct. 30, 2023) (AI RMF).

initiatives are designed to prepare for and manage the risks to society associated with these evolving technologies and to harness their potential for good.[18]

B. AI Notice of Inquiry and Declaratory Ruling

7. On November 16, 2023, the Commission released a Notice of Inquiry seeking to better understand the implications of emerging AI technologies as part of our ongoing efforts to protect consumers from unwanted and illegal telephone calls and text messages under the TCPA.[19] Specifically, the Commission sought comment on how AI technologies can be defined in the context of robocalls and robotexts;[20] requested information on how AI technologies may impact consumers, including any potential benefits and risks that these emerging technologies may create;[21] and asked what next steps we should take to ensure that the Commission can advance its statutory obligation under the TCPA to protect consumers from unwanted and often illegal robocalls and robotexts.[22] In response to this request, several commenters confirmed that generative uses of AI technologies are becoming increasingly prevalent, with both potential benefits and risks to consumers.[23] For example, several commenters highlighted the ability of AI-generated technologies such as voice cloning to enhance the potential for fraud and scams.[24] Several commenters requested that the Commission provide guidance that outbound calls that make use of AI-generated content must comply with the TCPA's prior express consent obligations.[25] One commenter also agreed with the Commission that any steps it takes in this proceeding must ensure that accessibility-related voice applications employing AI are not inadvertently prohibited by the TCPA.[26] Other commenters suggested that the Commission mandate methods by which consumers can be made aware of when they are interacting with an AI-generated voice.[27]

8. On February 8, 2024, the Commission released a Declaratory Ruling confirming that the phrase "artificial or prerecorded voice" as used in the TCPA and the Commission's implementing rules encompasses current AI technologies that resemble human voices and/or generate call content using a prerecorded voice.[28] As a result, the Commission made clear that calls that use such technologies fall under the TCPA and the Commission's implementing rules, and therefore require the prior express

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[18] *See, e.g.*, AI RMF.

[19] *See Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Notice of Inquiry, FCC 23-101 (rel. Nov. 16, 2023) (*AI NOI*).

[20] *Id*. at paras. 7-13 (citing various federal and state AI definitions).

[21] *Id*. at paras. 14-23 (noting potential benefits to individuals with disabilities).

[22] *Id*. at paras. 24-29.

[23] *See, e.g.*, CTIA Comments at 2; EPIC Comments at 2; Microsoft Comments at 2; Numeracle Comments at 7; Symphony42 Comments at 1; TNS Comments at 4.

[24] Digimarc Comments at 1-2 ("The power and availability of generative AI technology to produce human like dialog and simulate voices of those that consumers know and trust is advancing rapidly, posing an ever-increasing risk of fraud to consumers"); First Orion Comments at 2; TNS Comments at 5; USTelecom Comments at 2 ("Scammers and bad actors no doubt will explore emerging, more sophisticated AI-based technologies to further their illegal calling and texting efforts").

[25] *See, e.g.*, State AG Reply Comments at 2-3; USTelecom Comments at 4; ZipDX Comments 1.

[26] Microsoft Comments at 3.

[27] *See*, e.g., Digimarc Comments at 1-2 (advocating that the Commission require digital watermarks that indicate whether a voice on a robocall is generated by AI); Numeracle Comments at 2 (arguing that call recipients should know exactly what entity is calling them and who from that entity—whether a human or a computer— is communicating with them).

[28] *See Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Declaratory Ruling, FCC 24-17 (rel. Feb. 8, 2024) (*AI Declaratory Ruling*).

consent of the called party to initiate such calls absent an emergency purpose or exemption.[29] In addition, the Commission confirmed that our rules require that artificial or prerecorded voice messages generated by AI technologies must provide certain identification and disclosure information for the entity responsible for initiating the call.[30]

III. NOTICE OF PROPOSED RULEMAKING

9. Complaints regarding unwanted and illegal robocalls and robotexts are consistently the top category of consumer complaints that we receive.[31] As a result, it is critical that the Commission stay abreast of new technologies that may impact the privacy protections afforded to consumers under the TCPA. We thus propose and seek comment on measures designed to ensure that our rules keep pace with the fast-developing changes in AI technologies. In so doing, we also seek to ensure that our rules do not hinder the potential benefits that AI technologies can offer, including making telecommunications more readily accessible to individuals with disabilities.

A. AI-Generated Call Definition

10. For purposes of identifying the types of calls that would be subject to the new rules proposed below, we propose to define "AI generated call" as "a call that uses any technology or tool to generate an artificial or prerecorded voice or a text using computational technology or other machine learning, including predictive algorithms, and large language models, to process natural language and produce voice or text content to communicate with a called party over an outbound telephone call."[32] We acknowledge that AI technologies are evolving quickly and seek comment both on this proposed definition and on how to best ensure that any definition we adopt keeps pace with these changes.

11. We believe this definition is consistent with federal and state AI definitions cited in the *AI NOI,* and tailored to reflect the privacy protections under the TCPA by focusing on AI-generated voice or text calls used to interact with consumers in outbound telephone calls.[33] For example, the TCPA's prohibition on using an artificial or prerecorded voice message extends only to outbound calls that are "made" or "initiated" by the caller.[34] The TCPA's requirements do not extend to technologies used to answer inbound calls. As a result, this definition avoids unintentionally encumbering uses of AI technologies that consumers never interact with and widely used existing customer service technologies on inbound calls. In addition, for the new disclosure that we propose today to apply to autodialed text messages, the message would first have to be sent using equipment that meets the definition of an

[29] The Commission has exercised its statutory authority to adopt certain exemptions from this prohibition. *See* 47 CFR § 64.1200(a)(3), (9).

[30] *AI Declaratory Ruling* at para. 9 (citing 47 CFR § 64.1200(b)(1), (2)).

[31] *See FCC Consumer Complaint Data Center*, www.fcc.gov/consumer-help-center-data (last visited May 16, 2024).

[32] We use the term "call" in this Notice to include text messages, consistent with Commission and judicial precedent. The Commission has found, and courts have held, that a text message is a call for purposes of the TCPA. *See, e.g.*, *2003 TCPA Order*, 18 FCC Rcd at 14115, para. 165; *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 156 (2016) ("A text message to a cellular telephone, it is undisputed, qualifies as a 'call' within the compass of § 227(b)(1)(A)(iii)."); *Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946, 952 (9th Cir. 2009) ("[W]e hold that a text message is a 'call' within the meaning of the TCPA."). Our proposed definition is intended to require disclosure of AI-generated content on calls because these types of calls create an enhanced risk of fraud through the use of more sophisticated technologies such as voice cloning. Callers that do not use AI-generated content would not have to make such disclosures but remain subject to the TCPA's requirements on robocalls and robotexts.

[33] *See AI NOI* at para. 8. Although no commenter proposed or supported any specific AI definition in response to the *AI NOI*, one commenter noted that any potential definition in this context should distinguish between generative usage that creates content and discriminative AI that classifies or predicts data and only extend our definition to generative AI. *See* TNS Comments at 2-3.

[34] *See* 47 U.S.C. § 227(b)(1).

"automatic telephone dialing system" as defined by the TCPA.[35] And second, they would need to meet the definition of "AI-generated call" that we propose pursuant to this Notice.[36]

12. We seek comment on this proposed definition. Is this proposed definition suitable for addressing both the potential benefits and harms raised by AI technology? In other words, does the proposed definition capture the potentially harmful uses of AI that consumers would want an opportunity to avoid by having the option to not get those calls while excluding the positive uses of AI that we would not want to deter with an express prior consent requirement? Is the proposed definition overinclusive or underinclusive? What changes, if any, should the Commission consider in adopting a definition of AI for these purposes?

13. Alternatively, we seek comment on whether it is necessary to define "AI-generated call" with specificity, given that the TCPA expressly covers "artificial or prerecorded voice," and given that we have already determined that voice cloning and similar technologies qualify under that statutory phrase. If we do not define an AI-generated call in this context, how would callers determine whether the disclosure obligations proposed below apply to the calls and texts messages that they are sending?

B. AI-Generated Call Disclosure

14. We propose and seek comment on new disclosure rules that would apply to AI-generated calls. First, we propose requiring callers making calls using AI-generated artificial or prerecorded voice messages to include clear and conspicuous disclosure that the consumer's consent to receive artificial and prerecorded calls may include consent to receive AI-generated calls, defined by the proposal we describe above.[37] Further, we propose requiring callers making autodialed text messages that include AI-generated content to provide clear and conspicuous disclosure that the consumer's consent to receive such messages may include consent to receive AI-generated content as defined by the proposal we describe above. Finally, we also propose requiring callers using AI-generated voice to, at the beginning of each call, clearly disclose to the called party that the call is using AI-generated technology. Our rules already require callers to obtain prior express consent from consumers to make artificial or prerecorded voice calls or autodialed calls absent an exemption.[38] To facilitate consumers' ability to make an informed decision to manage unwanted calls, our rules require that callers making artificial or prerecorded voice calls disclose, at the beginning of the message, certain information that would enable the called party to identify the person or entity initiating the call.[39] For calls that require the prior express written consent of the called party and which contain AI-generated messages, we propose that the written agreement authorizing delivery of such calls include clear and conspicuous disclosure informing the called party that they specifically authorize the caller to make calls containing AI-generated content.[40]

15. We believe that callers should explicitly inform consumers that they may receive AI-generated autodialed and/or artificial or prerecorded voice calls or texts when obtaining initial consent to place calls as well as at the beginning of any AI-generated voice message. We also believe that consumers have a right to know they will be interacting with AI and to decide whether to continue that

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[35] *See* 47 U.S.C. § 227(a)(1).

[36] Consistent with our current approach, we also note that the on-call disclosure proposed herein would apply to only voice calls and not text messages. *See* 47 CFR § 64.1200(b).

[37] Under the Commission's rules, prior express consent can be obtained orally or in writing for informational robocalls that do not contain telemarketing but must be in writing and satisfy certain conditions if the call introduces an advertisement or constitutes telemarketing. *See* 47 CFR § 64.1200(a)(2), (3).

[38] *See* 47 CFR § 64.1200(a)(1)-(3).

[39] *Id*. at § 64.1200(b)(1).

[40] *See* 47 CFR § 64.1200(f)(9). For calls that include or introduce advertisements or constitute telemarketing, prior express written consent is required. *See Id.* at § 64.1200(a)(2), (3). Prior express written consent must meet the conditions described in section 64.1200(f)(9) of our rules.

call. While AI technologies may offer benefits and efficiencies that consumers welcome, we seek comment on whether they may also enhance the risk of confusion, fraud, or scams.[41] In the absence of clear disclosure that they are interacting with an AI technology, what, if any, enhanced risk exists that consumers may not be aware of this and thus are impeded in choosing to continue or terminate the call? Should we propose any specific language for such disclosures, or is a general requirement sufficient for this purpose? Commenters advocating for specific language should address whether such a requirement would raise any First Amendment concerns.

16. We seek comment on requiring additional disclosures at the point of consent. For calls that already require prior express consent, would it benefit consumers to require them to provide separate consent to receive AI-generated calls? We believe that, in reliance on our prior express consent framework dating back several decades, many callers have already captured prior express consent to place autodialed and/or artificial or prerecorded voice calls in a manner that comports with the TCPA and our current rules. These callers, many of which are large consumer-facing institutions, rely on these consents at scale to place a large volume of artificial or prerecorded calls on a daily basis. Given this, should our proposed changes to disclosures at the point of consent apply prospectively only? In other words, should we grandfather existing consents to place autodialed and/or artificial or prerecorded voice calls—either indefinitely or for a limited time? Would doing so minimize operational disruptions to obtain new consent? In conjunction with our cost/benefit analysis, we seek comment on the burdens that may be entailed by callers if they are required to disclose to those consumers from whom they already obtained consent that they intend to use AI-generated calls. To what extent would any new disclosure requirements, whether or not applied prospectively, create the risk of unwarranted liability that callers may face for practices that are currently compliant, but may not be going forward? Would retroactive changes frustrate consumers from receiving, and callers from placing, mutually beneficial communications that are wanted and expected? On the other hand, would bifurcating consent risk confusing consumers when they receive AI-generated calls when they believe they withheld consent to receive AI-generated calls? We also seek comment on the potential benefits of such disclosures to those consumers who have already provided their consent to be called. Would pre-call disclosures that AI-generated voice is used, as discussed below, mitigate the harm of receiving an "artificial voice" calls to which consumers already consented, but may not wish to receive in the future?

17. We also seek comment on the potential benefits and drawbacks of any new disclosures, made at the beginning of each AI-generated artificial or prerecorded voice call, that AI-generated voice was used. Would it add value to consumers beyond the current requirement, which is simply that callers must disclose their identity when making an artificial voice or prerecorded call, and not specifically whether the call is an AI-generated call?[42] Would consumers benefit from new disclosures that apply to "AI-generated calls," but not to "artificial or prerecorded voice" calls outside the new definition? We note that our rules do not require pre-call disclosures about the technology used in artificial or prerecorded voice calls. Should we consider different approaches that might better promote greater consumer awareness of AI-generated calls while minimizing any burdens such disclosures entail for smaller entities?[43] In addition, we seek comment on whether any specific categories or usage of AI-generated calls should be excluded from the pre-call consent or on-call AI-generated disclosure requirements. For example, we propose below to create an exemption for calls made by individuals with disabilities to facilitate their ability to communicate over the telephone network.

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[41] A recent NTIA report advises that the government should monitor AI risks and be prepared to act if heightened risks emerge. We seek comment on this "risk-based" approach in the context of AI-generated calls and text messages. *See* NTIA Report, Dual-Use Foundation Models with Widely Available Model Weights (July 2024), https://www.ntia.gov/sites/default/files/publications/ntia-ai-open-model-report.pdf.

[42] 47 CFR § 64.1200(b)(1).

[43] As discussed below, we seek further comment on whether there are technologies that can assist consumers to identify and avoid unknowingly receiving AI-generated calls. *See infra* Section IV.

18. We also seek comment on whether the proposed disclosure at the beginning of an AI-generated voice call should include a special tone, icon, badging, or other indication that is visual, auditory, or otherwise to the called party. If so, which means is the most effective and cost efficient to ensure that consumers are made aware of the use of AI-generated content on the call? Should we require that callers provide consumers the option to opt out of AI-generated voice calls if a consumer wishes to continue receiving non-AI robocalls from a caller? If so, how should we effectuate such an option in a way that minimizes the risk of abuse by requiring consumers to make multiple opt-out requests to stop unwanted calls? We seek comment on these and any other related issues in this context.

C. Promoting Access to Telephone Service by Individuals with Disabilities

19. We propose to exercise our authority under sections 227(b)(2)(B) and (C) of the Act to exempt from the TCPA's requirements artificial or prerecorded voice calls made by an individual with a speech or hearing disability using any technology, including artificial intelligence technologies, designed to facilitate the ability of such individuals to communicate over the telephone.[44] We do so to ensure that our protections against AI abuses do not deter development and use of AI-powered tools that enable people with disabilities to better use the telephone network.[45] We emphasize that our proposed exemptions extend to the use of any technology that assists individuals with disabilities to communicate by artificial or prerecorded voice and are not limited to AI technologies.[46] Consistent with our treatment of certain healthcare-related calls, we propose to exempt artificial or prerecorded voice calls made by individuals with speech and hearing disabilities who are using AI-generated voice when making an outbound telephone call in order to assist in communicating with a called party from the TCPA's consent and identification requirements.[47]

20. It is our view that this exemption would be consistent with Congress' and the Commission's emphasis on access to telecommunications services by persons with disabilities as an important national policy objective. In 1990, Congress enacted the Americans with Disabilities Act,[48] which established the Telecommunications Relay Service (TRS) program.[49] The intent of section 225, which governs telecommunications services for people who have hearing and speech disabilities, is "to further the [Communication] Act's goal of universal service by providing to individuals with hearing or speech disabilities telephone services that are functionally equivalent to those provided to individuals

[44] *See* 47 U.S.C. § 227(b)(2)(B), (C).

[45] *See* Letter from Karen Peltz Strauss, Legal Consultant, Voiceitt, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 23-362, at 1-2 (filed Mar. 1, 2024) (Voiceitt *Ex Parte*) (asking that "the Commission not hinder the ability of people with speech disabilities to use AI tools that generate artificial speech for the purpose of being understood on telephone calls").

[46] Examples of existing technologies that assist individuals with disabilities to communicate by artificial or prerecorded voice include text-to-speech devices, speech-generating devices, and automatic speech recognition for non-standard speech. Text-to-speech devices convert written text into spoken words, allowing users to communicate verbally. *See, e.g.,* Ask.com, *Voice Generator Text To Speech: Empowering Individuals with Disabilities* (Feb. 27, 2024), https://www.ask.com/news/voice-generator-text-speech-empowering-individuals-disabilities. Speech-generating devices, also known as augmentative and alternative communication devices, produce synthesized speech based on user input from keyboards, touchscreens, or other input methods. *See, e.g.,* American Speech-Language-Hearing Association, *Augmentative and Alternative Communication (AAC)*, https://www.asha.org/public/speech/disorders/aac/ (last visited June 13, 2024). Automatic speech recognition for non-standard speech analyzes spoken words by people with speech disabilities, aging adults, and accented speakers and then synthesizes speech (or creates speech-to-text) on their behalf. *See e.g.,* Voiceitt *Ex Parte* at 1-2.

[47] *See 2012 TCPA Order*, 27 FCC Rcd at 1853-54, para. 60. *See also* Voiceitt *Ex Parte* (asking the Commission to exempt people with disabilities using "computer-generated assistive speech technologies from TCPA mandates that could require them to disclose to, or obtain written consent from, call recipients").

[48] Pub. L. No. 101-336, 104 stat. 327 (1990).

[49] 47 U.S.C. § 225.

without hearing or speech disabilities."[50] In 1996, Congress recognized that, with the nation's "increasing dependence on telecommunications tools, people with disabilities remain unable to access many products and services that are vital to full participation in our society."[51] Accordingly, Congress added section 255 of the Communications Act "to amend this situation by bringing the benefits of the telecommunications revolution to all Americans, including those who face accessibility barriers to telecommunications products and services."[52] In addition, the Commission has recognized the importance of accessibility, explaining that "the federal government must promote innovative and affordable solutions to ensure that people with disabilities have equal access to communications services and that they do not bear disproportionate costs to obtain that access."[53]

21. *Residential Telephone Exemption*. As discussed above, section 227(b)(2)(B) authorizes the Commission to adopt, by rule or order, exemptions from the TCPA's requirements for artificial or prerecorded voice calls to residential telephone lines that are "not made for a commercial purpose" and for "such classes or categories of calls made for commercial purposes" that do not adversely affect the privacy rights of the called party and do not transmit an unsolicited advertisement.[54] We tentatively conclude pursuant to both these provisions that an exemption for the use of AI and other related technologies that assist individuals with disabilities to communicate by artificial or prerecorded voice over the telephone to residential telephone lines would promote the public interest in substantial ways by ensuring that beneficial uses of these technologies are not impeded by the TCPA's requirements. Consistent with the statutory requirement, we also propose that calls made under this exemption must not contain any unsolicited advertisement. We seek comment on this proposal.

22. Access to telecommunications services is an increasingly critical tool in our society with increasing numbers of people using such services to work from home, learn in educational settings, access healthcare, access government and emergency services, and keep in touch with family and friends. This is particularly critical for individuals with disabilities.[55] In addition, we find no reason to believe that the

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[50] *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Report and Order and Request for Comments, 6 FCC Rcd 4657, 4657, para. 2 (1991); *see also*, 47 U.S.C. § 225(b)(1).

[51] *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities,* WT Docket No. 96-198, Report and Order and Further Notice of Inquiry, 16 FCC Rcd 6417, 6419, para. 1 (1999) (*Section 255 Order*). Section 255 was enacted as part of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

[52] *Section 255 Order,* 16 FCC Rcd at 6419, para. 1.

[53] Federal Communications Commission, *Connecting America: The National Broadband Plan*, at Recommendation 9.5 (Mar. 16, 2010), https://docs.fcc.gov/public/attachments/DOC-296935A1.pdf.

[54] 47 U.S.C. § 227(b)(2)(B). In 1992, the Commission exempted by rule artificial and prerecorded voice calls to residential telephone lines that are not made for a commercial purpose and calls made for a commercial purpose that do not contain an unsolicited advertisement. *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CC Docket No. 92-90, Report and Order, 7 FCC Rcd 8752, 8773-74, paras. 40-41 (1992) (*1992 TCPA Order*) (noting that artificial or prerecorded voice messages that do not seek to sell a product or service do not tread heavily upon the consumer interests implicated by the TCPA). In addition, the Commission concluded that calls from tax-exempt nonprofit organizations are exempt from the prohibition on artificial and prerecorded-voice message calls to residences as non-commercial calls. *1992 TCPA Order*, 7 FCC Rcd at 8773-74, para. 40.

[55] The Commission has recognized that the use of communications services can improve daily lives and can be critical to receiving emergency care, obtaining jobs and participating in the work force, living independently, and having access to friends, colleagues and peers and that people with disabilities have often faced additional barriers or disadvantages to obtaining such benefits. It is therefore especially important to ensure telecommunications services are accessible to and usable by people with disabilities. *See, e.g.*, *Safeguarding and Securing the Open Internet*, WC Docket Nos. 23-320, 17-108, Declaratory Ruling, Order, Report and Order, and Order on Reconsideration, para. 55 (Apr. 25, 2024); *Safeguarding and Securing the Open Internet*, WC Docket No. 23-320, (continued….)

privacy interests that section 227 is designed to protect will be adversely affected by this limited exemption. For example, we do not expect the volume of such calls to be significant. Moreover, because such calls cannot contain unsolicited advertisements, we predict that most calls made to residential lines pursuant to this exemption will primarily be made to individuals who are often expecting them (*e.g.*, friends, family). We seek comment on this view. Would our proposed exemption benefit persons with disabilities and encourage development of technologies that assist persons with disabilities in communicating by telephone? Could the exemption be abused, for example, by scammers who attempt to use those technologies to defraud or otherwise harm consumers? If so, how can we modify our proposal to avoid such abuses?

23. *Wireless Exemption*. As discussed above, section 227(b)(2)(C) authorizes the Commission to exempt from this the TCPA's restrictions, by rule or order, calls to a number assigned to a cellular service "that are not charged to the called party, subject to such conditions as the Commission may prescribe as necessary in the interests of the privacy rights."[56] For similar reasons to those discussed above, we tentatively conclude that the use of AI and other related technologies that assist individuals with disabilities to communicate by artificial or prerecorded voice in calls to wireless telephone numbers should not be impeded by the TCPA's requirements. We therefore propose to exempt such calls pursuant to the condition that they must not contain any telemarketing or advertisement. We believe that compliance with this condition would not unduly impair the ability of individuals with disabilities to use the telephone network or impose burdensome compliance obligations. We seek comment on this proposal.

24. The statute requires that any calls to wireless telephone numbers that are exempted from the TCPA's restrictions be "not charged to the called party."[57] We seek comment on how this condition can be satisfied in our proposal. We believe that it is unreasonable to expect individuals with disabilities to ascertain in every instance whether the called party is charged for an incoming call. As noted above, the TCPA authorizes the Commission to "prescribe technical and procedural standards for systems that are used to transmit any artificial or prerecorded voice message via telephone."[58] Could we require or encourage wireless providers and others under this or other authority to ensure that these calls are not charged to the called party? Are there other alternative solutions that we should consider? The Commission has concluded that the TCPA's "not charged" requirement precludes exempting incoming calls that count against the recipient's allotted minutes or texts.[59] Given the substantial public interest considerations, should we take a different view in this context? To what extent is the "not charged to the called party" condition a practical impediment to the use of the exemption in the current wireless

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Notice of Proposed Rulemaking, FCC 23-83, para. 121 (2023); *Supporting Survivors of Domestic and Sexual Violence*; *Lifeline and Linkup Reform Modernization*; *Affordable Connectivity Program*, WC Docket Nos. 22-238, 11-42, 21-460, Report and Order, FCC 23-96, para. 60 (2023); *Access to Video Conferencing, Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, et al*, CG Docket Nos. 23-161, 10-213, 03-123, Report and Order, Notice of Proposed Rulemaking, and Order, 38 FCC Rcd 6300, paras. 1-2 (2023); Federal Communications Commission, Consumer and Governmental Affairs Bureau, Strategies and Recommendations for Promoting Digital Inclusion, Report at 7, available at https://www.fcc.gov/document/strategies-and-recommendations-promoting-digital-inclusion (Jan. 2017).

[56] 47 U.S.C. § 227(b)(2)(C).

[57] *See* 47 U.S.C. § 227(b)(2)(C).

[58] 47 U.S.C. § 227(d)(3).

[59] *See, e.g., Cargo Airline Association Petition for Expedited Declaratory Ruling*, CG Docket 02-278, 29 FCC Rcd 3432, 3436, para. 12 (2014); 47 CFR § 64.1200(a)(9).

marketplace? For example, to what extent are wireless consumers still charged for incoming calls?[60] We seek comment on these and any other considerations relevant to our proposal.

25. *TRACED Act*. We tentatively conclude that the exemptions discussed above satisfy the relevant provisions of the TRACED Act.[61] Section 8 of the TRACED Act amended section 227(b)(2) of the Communications Act to require that the Commission ensure that any exemption granted under sections 227(b)(2)(B) or (C) allowing callers to make artificial voice, prerecorded voice, or autodialed calls without consent include certain conditions.[62] Specifically, section 8 requires that any such exemption contain requirements with respect to: "(i) the classes of parties that may make such calls; (ii) the classes of parties that may be called; and (iii) the number of such calls that a calling party may make to a particular called party."[63]

26. We propose that the "class of parties that may make such calls" under the exemption is any individual with a speech or hearing disability that utilizes an AI or other technology to assist in communicating by artificial or prerecorded voice over the telephone. We believe this class of individuals is sufficiently clear. We seek comment on whether we need to broaden this class of parties to ensure that we encompass any other individuals with disabilities who make use of artificial or prerecorded voice technologies to communicate over the telephone. If so, how should we define this class of parties? At this time, we will not require that individuals demonstrate proof of such a disability, because we find that such a requirement would be potentially burdensome and a potential privacy invasion given the lack of any basis at this time to conclude that there are grounds for abuse. We propose that "the classes of parties that may be called" in this instance extends to calls made to parties for purposes that do not include unsolicited advertising or telemarketing. In this instance, the public policy goal of ensuring that individuals with disabilities are not encumbered with any impediments from telephone usage exceeds any concern regarding adverse privacy risks, which seem to be minimal in this context. We seek comment on this proposal.

27. Lastly, we tentatively conclude that limiting such calls to those that do not include unsolicited telemarketing establishes a functional limit on the number of such calls made in this context (*i.e.*, individuals with hearing or speech disabilities utilizing artificial or prerecorded voice technologies on calls in which they are present and communicating) that is consistent with the objectives of promoting access to telephone service by individuals with disabilities. We tentatively conclude that "the number of such calls that a calling party may make" should not be a specific numerical limitation in this context because such a limitation would risk depriving individuals with disabilities of basic access to telephone service while necessitating that they track the number of such calls that they are making each day, an outcome inconsistent with national policy objectives and laws designed to promote such usage.

28. We seek comment on these tentative conclusions, including any alternative means to satisfy the TRACED Act's requirements in a way that promotes access to telephone service without unduly burdening individuals with disabilities.

29. *Alternatives*. As an alternative to creating an exemption for artificial or prerecorded voice calls made by an individual with a speech or hearing disability using any technology, including

[60] We note that in a recent TCPA docket that one commenter indicates that most wireless offerings now provide customers with unlimited call and texting plans for which they are not charged for incoming calls and messages. *See* NCLC Comments in CG Docket No. 02-278 at 3 (filed Apr. 4, 2024).

[61] As noted above, the Commission has adopted various exemptions to the TCPA's restrictions on autodialed and artificial and prerecorded voice calls including ensuring that such exemptions comply with conditions of the TRACED Act. *See* 47 CFR § 64.1200(a)(3)(ii-v), (9). We note that because the Commission has confirmed that AI-generated voice calls are artificial or prerecorded voice calls under the TCPA that these exemptions apply to AI-generated calls that qualify for these existing exemptions.

[62] TRACED Act. § 8(a).

[63] *Id*.

artificial intelligence technologies, designed to facilitate the ability of such individuals to communicate over the telephone, we seek comment on whether we can define "artificial or prerecorded voice" in a way that excludes from the requirements of the TCPA the use of technologies that are designed to assist individuals with disabilities to communicate by voice over the telephone network. We note that the TCPA does not define the terms "artificial" or "prerecorded voice." As a result, can we define those terms in a way that would allow these types of calls by individuals with disabilities?

30. In addition, do our obligations to ensure that telecommunications and advanced communications services and equipment be accessible and usable by people with disabilities authorize us to exclude positive uses of AI and other technologies that benefit individuals with disabilities from the TCPA's restrictions on the use of artificial or prerecorded voice messages?[64] How would we reconcile such an approach with the Commission's prior rulings in the *Soundboard Declaratory Ruling* confirming that the presence of a live agent on a call selecting the prerecorded messages to be played "does not negate the clear statutory prohibition against initiating a call using a prerecorded or artificial voice"[65] and the *AI Declaratory Ruling* in which the Commission found that AI and other technologies that generate human voices fall within the TCPA.[66] How could we ensure any such approach does not create a loophole that could be used by telemarketers or bad actors to circumvent the TCPA's protections? We seek comment on these and other alternatives that might assist us in formulating a means to ensure that the TCPA's restrictions on robocalls do not inadvertently impede the ability of individuals with disabilities to use the telephone network.

D. Costs and Benefits

31. We seek comment on the potential costs and benefits of taking any of our proposed regulatory measures to address the use of AI technologies. Specifically, we seek comment on whether and to what degree the changes we propose here will improve consumers' ability to identify, manage, and benefit from the use of calls that contain AI-generated voices. In addition, we seek comment on any potential costs of our proposals on callers, including smaller entities, to disclose the use of AI-generated technologies and honor requests not to make such calls to consumers who do not provide consent. We seek comment on these and any other considerations that may shed light on the potential costs and benefits of adopting our proposals.

E. Legal Authority

32. *TCPA*. We tentatively conclude that section 227 provides us with legal authority to adopt the our proposals. As noted above, the TCPA authorizes the Commission to make "technical and procedural standards for systems that are used to transmit any artificial or prerecorded voice message via telephone."[67] In addition, the legislative history contemplated the Commission's need for the flexibility

[64] *See* 47 U.S.C. §§ 255, 617; *see also* Voiceitt *Ex Parte* (discussing the need for the FCC to take in consideration and address the application of section 255 and other applicable federal laws specifically requiring access to telecommunications and advanced communications services by people with disabilities).

[65] *See Rules and Regulations Implementing the Telephone Protection Act of 1991, NorthStar Alarm Services LLC's Petition for Expedited Declaratory Ruling, Yodel Technologies Petition for Expedited Declaratory Ruling or in the Alternative Retroactive Waiver*, CG Docket No. 02-278, Declaratory Ruling and Order, 35 FCC Rcd 14640 at 14643-45, paras. 11-16 (2020) (confirming that the TCPA applies to any telephone call that is initiated using an artificial or prerecorded voice message and rejecting arguments that the TCPA allows a carve out for prerecorded calls that are functionally equivalent to a conversation with a live agent).

[66] *See AI Declaratory Ruling* at para. 5 (concluding that "voice cloning" falls within the TCPA's existing prohibition on artificial or prerecorded voice messages because this technology artificially simulates a human voice).

[67] *See* 47 U.S.C. § 227(d)(3).

to address future technologies that impact the TCPA's consumer privacy protections from unwanted robocalls.[68]

33. The TCPA also prohibits the use of an artificial or prerecorded voice message in calls to a residential or wireless telephone number absent the prior express consent of the called party or a recognized exemption.[69] The Commission has recently confirmed that the TCPA's restrictions on the use of "artificial or prerecorded voice" encompass current AI technologies that resemble human voices and/or generate call content using a prerecorded voice.[70] As a result, we believe that the proposals set forth herein to disclose the use of AI-generated calls and exempt individuals with disabilities from the TCPA's prohibitions on artificial or prerecorded voice calls are authorized by the TCPA. We seek comment on this tentative conclusion including whether any other legal authorities such as those that govern the provision of communications services to individuals with disabilities may lend additional support to our tentative conclusion.[71] Alternatively, is there any reason to conclude that these existing legal authorities do not provide the Commission with sufficient statutory authority to ensure that the use of emerging AI technologies, as we propose to define it, does not erode consumer protections under the TCPA?

F. Digital Equity and Inclusion

34. The Commission, as part of its continuing effort to advance digital equity for all,[72] including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations[73] and benefits (if any) that may be associated with our proposals. Specifically, we seek comment on how our proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well the scope of the Commission's relevant legal authority.

IV. NOTICE OF INQUIRY

A. Real-Time Call Detection, Call Alerting, and Call Blocking Technologies

35. We seek comment on the development and availability of technologies on either the device or network level that can: 1) detect incoming calls that are potentially fraudulent and/or AI-generated based on real time analysis of voice call content; 2) alert consumers to the potential that such voice calls are fraudulent and/or AI-generated; and 3) potentially block future voice calls that can be identified as similar AI-generated or otherwise fraudulent voice calls based on analytics. Specifically, what steps can the Commission take to encourage the development and deployment of these technologies,

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[68] 137 Cong. Rec. S18784 (1991) (statement of Sen. Hollings) ("The FCC is given the flexibility to consider what rules should apply to future technologies as well as existing technologies").

[69] *See* 47 U.S.C. § 227(b)(1).

[70] *See AI Declaratory Ruling* at para. 5.

[71] *See e.g.*, 47 U.S.C. §§ 225, 255.

[72] Section 1 of the Communications Act of 1934 as amended provides that the FCC "regulat[es] interstate and foreign commerce in communication by wire and radio so as to make [such service] available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex." 47 U.S.C. § 151.

[73] The term "equity" is used here consistent with Executive Order 13985 as the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. *See* Exec. Order No. 13985, 86 Fed. Reg. 7009, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021).

including to consumers regardless of their economic means or the type of telephone service to which they subscribe? Further, we seek comment on the privacy implications of call detection technologies that analyze the content of calls in real time to identify calls that are potentially fraudulent and/or feature AI-generated voice without the required disclosure proposed above. To that end, we ask whether the Commission should adopt rules governing the use of call detection, alerting, or blocking technologies to protect the privacy of both callers and called parties.

36. The record highlights several examples of call detection and alerting technologies that can help detect scam calls or calls that use AI-generated voice based on real time content analysis of the incoming call. For example, Google announced it is "testing a new call monitoring feature that will warn users if the person they're talking to is likely attempting to scam them and encourage them to end such calls."[74] This technology will "utilize Gemini Nano — a reduced version of the company's Gemini large language model for Android devices that can run locally and offline — to look for fraudulent language and other conversation patterns typically associated with scams. Users will receive real-time alerts during calls where these red flags are present."[75] Other technologies under development seek to authenticate human voice as a method of thwarting calls featuring AI-generated voices, such as scam calls that do not disclose the use of AI. For example, OriginStory states it is developing a new technique that "authenticates the human origin of voice recordings at the point of creation and then embeds this authentication as a watermark or signature in the stream, establishing a chain of trust from the moment the voice is captured to when it reaches the listener."[76] Microsoft's Azure Operator Call Protection is a data-based service offered to telephone service providers at the network level that "detects potential phone scams, performs real-time AI-driven analysis of consumer phone calls, and alerts subscribers when they are at risk of being scammed."[77] The same technologies capable of detecting scam calls or calls using AI-generated voice could potentially be programmed to block future calls that can be identified as similar based on analytics.[78] How far along are these and similar technologies in development? Have they proven useful in protecting consumers? Are there other examples of these kinds of technologies in existence today or in development, including any capable of detecting AI-generated voice? To ensure that providers do not interfere with consumer privacy rights as part of AI detection efforts, we emphasize that they must continue to comply with existing federal and state laws regarding lawful interception, including the Electronic Communications Privacy Act (ECPA), and that nothing discussed herein proposes to alter any prohibitions under existing statutes.[79]

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[74] Jess Weatherbed, *Android is getting an AI-powered scam call detection feature* (May 14, 2024), https://www.theverge.com/2024/5/14/24156212/google-android-ai-gemini-scam-call-detection-feature-io.

[75] *Id*.

[76] Letter from Visar Berisha, PhD, OriginStory, CG Docket No. 23-362 (filed May 29, 2024) (OriginStory *Ex Parte*).

[77] Letter from Paula Boyd, Senior Director, U.S. Government Affairs, Microsoft, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 23-362 (filed Mar. 22, 2024) (Microsoft *Ex Parte*).

[78] In the present proceeding, we focus primarily on technologies that conduct real-time analysis of call content to detect scam calls or calls using AI-generated voice. We note, however, that the Commission has a well-developed framework for blocking scam calls, including a safe harbor from liability under the Communications Act and the Commission's rules for the unintended or inadvertent blocking of wanted calls so long as such action is based upon reasonable analytics and caller ID authentication information indicating that such calls were unwanted and therefore should be blocked. *See Advanced Methods to Target and Eliminate Unlawful Robocalls; Alarm Industry Communications Committee Petition for Clarification or Reconsideration; American Dental Association Petition for Clarification or Reconsideration*, CG Docket No. 17-59, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, 35 FCC Rcd 7614, 7622-31, para. 18-45 (2020) ("*July 2020 Call Blocking Order*").

[79] *See*, *e.g.*, Pub. L. No. 99-508, 100 Stat. 1848 (1986).

37. Should the Commission act to further the development and deployment of such technologies? Are there legal, technical, and/or practical barriers to wide-scale deployment and adoption of such applications? Does the Commission have the statutory authority and technical expertise to address these barriers? To what extent do these technologies duplicate or complement STIR/SHAKEN and other caller ID authentication solutions? How do issues regarding IP interconnection across voice service networks impact the ability of providers to enable real-time monitoring of voice traffic using AI technologies? Will technologies that enable real-time monitoring of voice traffic require service providers to upgrade their network infrastructure? If so, how long and at what cost will it take providers to upgrade their networks? Do these technologies require new devices at potentially greater cost to consumers? Will these detection and alerting technologies be provided to consumers at an additional cost, thereby increasing the overall cost of voice services to consumers? How can the Commission ensure the benefits of these technologies are available to all consumers, including across the various mobile telephone platforms, as well as on landlines? For example, how do these technologies monitor robocalls in languages other than English? Should these technologies monitor languages based on population, subscriber preference, Census data, or some other appropriate metric? What role should industry standards play in the development and implementation of call detection technologies that analyze call content in real time such as those discussed above? Do these technologies risk blocking or inhibiting legitimate AI-generated calls, such as public safety calls, calls from people with disabilities using AI-enabled services, or other exempted calls? If so, how will they mitigate the inadvertent blocking of such calls and messages?

B. Privacy Implications of Real-Time Call Detection, Call Alerting, and Call Blocking Technologies

38. While the AI-enabled call detection, alerting, and blocking technologies discussed above promise to be effective tools in protecting consumers from unwanted calls, including scam calls, we believe that these tools pose *significant* privacy risks, insofar as they appear to rely on analysis and processing of the content of calls—which are very sensitive data— by application or device providers, who already have access to the personally identifiable information (PII) of their users. Accordingly, we seek comment on the privacy implications of call detection, alerting, and blocking technologies. We also seek comment on whether Commission should consider requirements to protect the privacy of callers and called parties, and, if so, what such requirements should be. If we adopt privacy requirements in this area, should we rely on notice-and-consent principles, or should we instead adopt substantive protections such as minimization requirements for data collection, purpose limitations for data processing, and categorical restrictions on sharing and disclosure?[80]

39. We first seek comment on how these technologies capture and analyze call content data and on any steps that developers and users of these tools can use or are already using to protect the privacy of both callers and called parties. How do these systems process call content data? Do these systems store call data on the device or at the network level? If so, for how long? Do these applications anonymize data while the data are being analyzed? How do they store such data, and do they share it with third parties? If they do share such data, for what purposes, and how do they ensure that third parties cannot use the data for extraneous or unrelated commercial purposes? Do providers of these technologies and applications make their data practices clear to consumers? Do they provide notice to the caller and rely on opt-out or opt-in consent, prior to their initiation? Do they provide notice and enable consent to called parties? We also seek comment on what rights are afforded to consumers with respect to any data collected? Can consumers view those data? Correct those data? Request destruction of those data? Are the data portable? Do these systems ensure malicious actors cannot access these data? To what purposes do entities that offer these applications and technologies currently process any data they collect? What

[80] *See, e.g.*, Remarks of Samuel Levine, Director, Bureau of Consumer Protection, *Toward a Safer, Freer, and Fairer Digital Economy*, Fourth Annual Reidenberg Lecture, Fordham Law School (Apr. 17, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/20240417-Reidenberg-Lecture-final-for-publication-Remarks-Sam-Levine.pdf.

are the valid or reasonably related purposes to which such entities should be permitted to process the collected data?

40. We also seek comment on what Federal and state privacy laws already apply to the use of call detection, alerting, and blocking technologies, including the Electronic Communications Privacy Act (ECPA)[81] and state wiretapping and interception laws? Do these laws address the privacy concerns identified above?

41. To the extent commenters do not think that provider practices or existing laws are sufficient, we next seek comment on whether and how the Commission should address the privacy concerns discussed above. Starting with the traditional privacy principles of notice and consent, should the Commission adopt a rule requiring consent of the called party prior to analyzing any incoming calls? Should the caller be afforded notice and consent? If so, would this potentially frustrate the benefits of call detection, alerting, and blocking technologies, by allowing malicious actors to effectively veto their use? If not, what protections exist for non-malicious callers who have a legitimate privacy interest in not having the contents of their calls collected and processed by unknown third parties? What level of consent is appropriate for the called party and, to the extent applicable, the caller?

42. We also seek comment on whether substantive privacy protections might be more appropriate in this area than notice and consent requirements. For example, should the Commission adopt rules that prohibit or limit to some degree any technology or application that analyzes the content of calls in real time from: 1) recording the content of the call; 2) retaining a transcript, recording, or meta data associated with the call; 3) disclosing the content of the call to any person or other party; and/or 4) using the analysis of the call for any other purpose than determining whether to identify and alert the recipient that a call is likely to be fraudulent or AI-generated? We believe that rules such as these would be consistent with the privacy protections that parties developing AI-enabled call analytic systems acknowledge are required under existing federal law.[82] Would such rules help prevent unscrupulous purveyors of similar call detection applications from violating consumers' privacy while also creating an additional layer of protection against privacy violations by virtue of the Commissions rulemaking and enforcement authority? How could we craft such rules to ensure that they protect consumer privacy without disrupting existing services that combat robocalls? For example, would consent-based exemptions accomplish this goal?[83]

43. We also seek comment on how developers train the large language models that aid in call detection, alerting, and blocking technologies. What data sets do developers use to train the large model, and do they include call data? How do these applications ensure compliance with federal and state wiretap laws, including states with two-party consent requirements?[84] Should the Commission require standards to limit the use of personal information for training AI models used for call content analysis?

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[81] Pub. L. No. 99-508, 100 Stat. 1848 (1986).

[82] *See, e.g.*, Microsoft Comments at 4 ("AI-enabled fraud detection tools could be engineered so as not to 'acquire' the contents of any oral communications in any functional sense, relying instead on only transient transcripts of the content of communications that can be fed through advanced algorithmic models to provide real-time analysis and notification to the called party, without storing the analysis or communications content or creating any additional opportunities for disclosure. Moreover, generative AI creates the possibility of accomplishing fraud detection objectives without affording any natural person with access to the content of communications or a transcript thereof. These safeguards can ensure that an AI-enabled fraud detection tool does not implicate the core concern that the Wiretap Act was designed to protect against – unauthorized government and third party access to communications content.").

[83] *See*, *e.g.*, YouMail, About Us, https://www.youmail.com/ (last visited June. 18, 2024). YouMail is a third-party robocall identification and blocking service.

[84] *See* Microsoft Comments at 4-7.

44. As the Commission considers the necessity of such rules discussed above, we seek comment on whether the Communications Act grants the Commission the authority to adopt rules regarding the implementation of any AI-enabled call detection, alerting, or blocking technologies, including by adopting specific requirements to protect subscribers' privacy. Section 227(c) of the Communications Act directs the Commission to "protect residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object."[85] To do this, the Act directs the Commission "to compare and evaluate alternative methods and procedures (including the use of electronic databases, *telephone network technologies*, special directory markings, industry-based or company-specific 'do not call' systems, and any *other alternatives*, individually or in combination) for their effectiveness in protecting such privacy right."[86]

45. Finally, the Act directs the Commission to "develop proposed regulations to implement the methods and procedures that the Commission determines are most effective and efficient to accomplish the purposes of this section."[87] We seek comment on whether the call detection, alerting, and blocking technologies we discuss constitute both a telephone network technology and an alternative method identified by the Commission that protects subscriber's privacy rights to avoid receiving objectionable telephone solicitations. Does the Commission have the authority to develop regulations related to the methods and procedures for the implementation of any AI-enabled call detection, alerting, and blocking technologies?

C. Other

46. *NIST AI Risk Management Framework*. On January 26, 2023, the U.S. Department of Commerce's National Institute of Standards and Technology (NIST) released the NIST AI Risk Management Framework (AI RMF) "to offer a resource to the organizations designing, developing, deploying, or using AI systems to help manage the many risks of AI and promote trustworthy and responsible development and use of AI systems."[88] We seek comment on how this framework could further the Commission's understanding related to the risks surrounding the use of AI technologies to combat unwanted and fraudulent calls.

V. PROCEDURAL MATTERS

47. *Paperwork Reduction Act*. This document may contain new or modified information collection requirements subject to PRA, Public Law 104-13. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees."

48. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended, (RFA),[89] requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant

[85] 47 U.S.C. § 227(c)(1).

[86] 47 U.S.C. § 227(c)(1)(A) (emphasis added).

[87] 47 U.S.C. § 227(c)(1)(E).

[88] *Artificial Intelligence Risk Management Framework (AI RMF 1.0)*, National Institute of Standards and Technology, U.S. Department of Commerce (January 2023), https://nvlpubs.nist.gov/nistpubs/ai/NIST.AI.100-1.pdf.

[89] 5 U.S.C. §§ 601-612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

economic impact on a substantial number of small entities."[90] Accordingly, we have prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of the rule and policy changes contained in the *Notice of Proposed Rulemaking*. The IRFA is set forth in Appendix B. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *Notice of Proposed Rulemaking* indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

49. *Ex Parte Rules*. The proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[91] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.[92]

50. *Filing of Comments and Reply Comments*. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: www.fcc.gov/ecfs.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

[90] 5 U.S.C. § 605(b).

[91] 47 CFR §§ 1.1200 *et seq*.

[92] 47 CFR § 1.49(f).

51. *People with Disabilities*. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

52. *Availability of Documents.* This *Notice* will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. These documents will also be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554.

53. *Providing Accountability Through Transparency Act*. Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this document will be available on https://www.fcc.gov/proposed-rulemakings.

54. *Additional Information.* For additional information on this proceeding, contact Richard D. Smith, Richard.Smith@fcc.gov or (717) 338-2797, or Noah Cherry, Noah.Cherry@fcc.gov or 202-418-7835, Consumer and Governmental Affairs Bureau, Consumer Policy Division.

VI. ORDERING CLAUSES

55. Accordingly, **IT IS ORDERED**, pursuant to sections 1-4, 225, 227, 255, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. § 151-154, 227, 255, and 403 that this *Notice of Proposed Rulemaking* and *Notice of Inquiry* is hereby **ADOPTED**.

56. **IT IS FURTHER ORDERED** that, pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's Rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on the *Notice of Proposed Rulemaking* and *Notice of Inquiry* on or before 30 days after publication in the Federal Register, and reply comments on or before 45 days after publication in the Federal Register.

57. **IT IS FURTHER ORDERED** that the Commission's Office of Secretary, **SHALL SEND** a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Draft Proposed Rules for Public Comment

For the reasons discussed above, the Federal Communications Commission proposes to amend 47 CFR part 64 as follows:

Part 64 – Miscellaneous Rules Relating to Common Carriers

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401-1473, unless otherwise noted; Pub. L. 115-141, Div. P, sec. 503, 132 Stat. 348, 1091.

Subpart L – Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising

2. Part 64 is amended by adding paragraphs (a)(3)(vi),(a)(9)(v), and (a)(13), revising (b)(1), and (f)(9) and adding (f)(20) to read as follows:

* * * * *

§ 64.1200 Delivery Restrictions

(a) * * *

(3) * * *

(vi) Is made by an individual with a speech or hearing disability using any technology, including artificial intelligence technologies, designed to facilitate the ability of such individuals to communicate using an artificial or prerecorded voice over the telephone and does not include or introduce an advertisement or constitute telemarketing.

* * * * *

(9) * * *

(v) Calls made by individuals with speech or hearing disabilities using any technology, including artificial intelligence technologies, designed to facilitate the ability of such individuals to communicate using an artificial or prerecorded voice over the telephone, provided that the calls must not include any telemarketing or advertising content.

* * * * *

(13) Callers making an AI-generated call subject to the requirements contained in paragraphs (a)(1)-(3) of this section must provide clear and conspicuous disclosure that they intend to use AI-generated voice or text content on such calls when obtaining the prior express consent of the called party.

(b) * * *

(1) At the beginning of the message, state clearly the identity of the business, individual, or other entity that is responsible for initiating the call, **and disclose whether the call uses an artificial**

intelligence-generated voice. If a business is responsible for initiating the call, the name under which the entity is registered to conduct business with the State Corporation Commission (or comparable regulatory authority) must be stated;

(f) * * *

(9) * * *

(i) * * *

(C) For AI-generated calls, that the caller intends to make use of AI-technology to generate voice or text content and the person signing the agreement specifically agrees to receive calls that include AI-generated content.

* * *

(20) The term *AI-generated call* means a call that uses any technology or tool to generate an artificial or prerecorded voice or a text using computational technology or other machine learning, including predictive algorithms, and large language models, to process natural language and produce voice or text content to communicate with a called party over an outbound telephone call.

APPENDIX B

Initial Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA)[1] the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies proposed in this *Notice of Proposed Rulemaking* (*Notice*). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in the *Notice.* The Commission will send a copy of this *Notice*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).[2] In addition, the *Notice* and the IRFA (or summaries thereof) will be published in the Federal Register.[3]

A. Need for, and Objectives of, the Proposed Rules

2. The Commission initiates this proceeding to protect consumers from unwanted robocalls by proposing rules to address the emerging use of AI technologies to ensure that consumers continue to receive the protections afforded under the Telephone Consumer Protection Act (TCPA). The TCPA sets forth specific requirements relating to the use of artificial and prerecorded voice messages in telephone calls. As the use of AI-generated calls becomes increasingly prevalent, it is critical that our rules ensure that consumer privacy is not eroded by the use of these emerging technologies. The proposed rules are therefore designed to ensure that the Commission's rules keep pace with technological changes while not impeding the beneficial uses of AI technologies. Specifically, we propose to define AI-generated calls to ensure that consumers know when they receive an AI-generated call; to adopt protections for consumers to ensure that callers adequately apprise them of their potential use of AI-generated calls when consumers consent to receive such calls; and to ensure that positive uses of AI that assist people with disabilities to use the telephone network can thrive without threat of TCPA liability.

B. Legal Basis

3. The proposed action is authorized pursuant to sections 1-4, 225, 227, 255, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 225, 227, 255, and 403.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

4. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted.[4] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[5] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[6] A "small

[1] 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

[2] 5 U.S.C. § 603(a).

[3] *Id*.

[4] *Id.* § 603(b)(3).

[5] *Id.* § 601(6).

[6] *Id.* § 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."

business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[7]

5. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We, therefore describe at the outset, three broad groups of small entities that could be directly affected herein.[8] First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.[9] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.[10]

6. Next, the type of small entity described as a "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."[11] The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing requirements for small exempt organizations.[12] Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.[13]

7. Finally, the small entity described as a "small governmental jurisdiction" is defined generally as "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand."[14] U.S. Census Bureau data from the 2022 Census of Governments[15] indicate there were 90,837 local governmental jurisdictions consisting of general

[7] 15 U.S.C. § 632.

[8] 5 U.S.C. § 601(3)-(6).

[9] *See* SBA, Office of Advocacy, "What's New With Small Business?," https://advocacy.sba.gov/wp-content/uploads/2023/03/Whats-New-Infographic-March-2023-508c.pdf (Mar. 2023).

[10] *Id*.

[11] *See* 5 U.S.C. § 601(4).

[12] The IRS benchmark is similar to the population of less than 50,000 benchmark in 5 U.S.C § 601(5) that is used to define a small governmental jurisdiction. Therefore, the IRS benchmark has been used to estimate the number of small organizations in this small entity description. S*ee* Annual Electronic Filing Requirement for Small Exempt Organizations – Form 990-N (e-Postcard), "Who must file," https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard. We note that the IRS data does not provide information on whether a small exempt organization is independently owned and operated or dominant in its field.

[13] *See* Exempt Organizations Business Master File Extract (EO BMF), "CSV Files by Region," https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-eo-bmf. The IRS Exempt Organization Business Master File (EO BMF) Extract provides information on all registered tax-exempt/non-profit organizations. The data utilized for purposes of this description was extracted from the IRS EO BMF data for businesses for the tax year 2022 with revenue less than or equal to $50,000 for Region 1-Northeast Area (71,897), Region 2-Mid-Atlantic and Great Lakes Areas (197,296), and Region 3-Gulf Coast and Pacific Coast Areas (260,447) that includes the continental U.S., Alaska, and Hawaii. This data does includes information for Puerto Rico (469).

[14] *See* 5 U.S.C. § 601(5).

[15] *See* 13 U.S.C. § 161. The Census of Governments survey is conducted every five (5) years compiling data for years ending with "2" and "7". *See also* Census of Governments, https://www.census.gov/programs-surveys/cog/about.html.

purpose governments and special purpose governments in the United States.[16] Of this number, there were 36,845 general purpose governments (county,[17] municipal, and town or township[18]) with populations of less than 50,000 and 11,879 special purpose governments—independent school districts[19] with enrollment populations of less than 50,000.[20] Accordingly, based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 entities fall into the category of "small governmental jurisdictions."[21]

8. *Wired Telecommunications Carriers*. The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks.[22] Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband Internet services.[23] By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.[24] Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.[25]

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[16] *See* U.S. Census Bureau, 2022 Census of Governments – Organization Table 2. Local Governments by Type and State: 2022 [CG2200ORG02], https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html. Local governmental jurisdictions are made up of general purpose governments (county, municipal and town or township) and special purpose governments (special districts and independent school districts). *See also* tbl.2. CG2200ORG02 Table Notes Local Governments by Type and State 2022.

[17] *See id.* at tbl.5. County Governments by Population-Size Group and State: 2022 [CG2200ORG05]. There were 2,097 county governments with populations less than 50,000. This category does not include subcounty (municipal and township) governments.

[18] *See id.* at tbl.6. Subcounty General-Purpose Governments by Population-Size Group and State: 2022 [CG2200ORG06]. There were 18,693 municipal and 16,055 town and township governments with populations less than 50,000.

[19] *See id.* at tbl.10. Elementary and Secondary School Systems by Enrollment-Size Group and State: 2022 [CG2200ORG10]. There were 11,879 independent school districts with enrollment populations less than 50,000. *See also* tbl.4. Special-Purpose Local Governments by State Census Years 1942 to 2022 [CG2200ORG04].

[20] While the special purpose governments category also includes local special district governments, the 2017 Census of Governments data does not provide data aggregated based on population size for the special purpose governments category. Therefore, only data from independent school districts is included in the special purpose governments category.

[21] This total is derived from the sum of the number of general purpose governments (county, municipal and town or township) with populations of less than 50,000 (36,845) and the number of special purpose governments - independent school districts with enrollment populations of less than 50,000 (11,879), from the 2022 Census of Governments - Organizations tbls. 5, 6 & 10.

[22] *See* U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers,"* https://www.census.gov/naics/?input=517311&year=2017&details=517311.

[23] *Id.*

[24] *Id.*

[25] Fixed Local Service Providers include the following types of providers: Incumbent Local Exchange Carriers (ILECs), Competitive Access Providers (CAPs) and Competitive Local Exchange Carriers (CLECs), Cable/Coax CLECs, Interconnected VOIP Providers, Non-Interconnected VOIP Providers, Shared-Tenant Service Providers, Audio Bridge Service Providers, and Other Local Service Providers. Local Resellers fall into another U.S. Census Bureau industry group and therefore data for these providers is not included in this industry.

9. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.[26] U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.[27] Of this number, 2,964 firms operated with fewer than 250 employees.[28] Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services.[29] Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees.[30] Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

10. *Wireless Carriers and Service Providers*. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these service providers.[31] The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees.[32] U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year.[33] Of this number, 2,837 firms employed fewer than 250 employees.[34] Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services.[35] Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees.[36] Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

11. *Telemarketing Bureaus and Other Contact Centers*. This industry comprises establishments primarily engaged in operating call centers that initiate or receive communications for others-via telephone, facsimile, email, or other communication modes-for purposes such as (1) promoting clients products or services, (2) taking orders for clients, (3) soliciting contributions for a client, and (4) providing information or assistance regarding a client's products or services.[37] These establishments do

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[26] *See* 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

[27] *See* U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017,* Table ID: EC1700SIZEEMPFIRM, NAICS Code 517311, https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFIRM&hidePreview=false.

[28] *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

[29] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf.

[30] *Id.*

[31] *See* U.S. Census Bureau, *2017 NAICS Definition, "517312 Wireless Telecommunications Carriers* (*except Satellite*)," https://www.census.gov/naics/?input=517312&year=2017&details=517312.

[32] *See* 13 CFR § 121.201, NAICS Code 517312 (as of 10/1/22, NAICS Code 517112).

[33] *See* U.S. Census Bureau, *2017 Economic Census of the United States*, *Employment Size of Firms for the U.S.: 2017,* Table ID: EC1700SIZEEMPFIRM, NAICS Code 517312, https://data.census.gov/cedsci/table?y=2017&n=517312&tid=ECNSIZE2017.EC1700SIZEEMPFIRM&hidePreview=false.

[34] *Id*. The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

[35] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), https://docs.fcc.gov/public/attachments/DOC-379181A1.pdf.

[36] *Id.*

[37] *See* U.S. Census Bureau, *2017 NAICS Definition,"561422 Telemarketing Bureaus and Other Contact Centers,"* https://www.census.gov/naics/?input=561422&year=2017&details=561422.

not own the product or provide the services they are representing on behalf of clients.[38] The SBA small business size standard for this industry classifies firms having $25.5 million or less in annual receipts as small.[39] According to U.S. Census Bureau data for 2017, there were 2,250 firms in this industry that operated for the entire year.[40] Of this number 1,435 firms had revenue of less than $10 million.[41] Based on this information, the majority of firms in this industry can be considered small under the SBA small business size standard.

12. *Telephone Apparatus Manufacturing*. This industry comprises establishments primarily engaged in manufacturing wire telephone and data communications equipment.[42] These products may be stand-alone or board-level components of a larger system. Examples of products made by these establishments are central office switching equipment, cordless and wire telephones (except cellular), PBX equipment, telephone answering machines, LAN modems, multi-user modems, and other data communications equipment, such as bridges, routers, and gateways.[43] The SBA small business size standard for Telephone Apparatus Manufacturing classifies businesses having 1,250 or fewer employees as small.[44] U.S. Census Bureau data for 2017 show that there were 189 firms in this industry that operated for the entire year.[45] Of this number, 177 firms operated with fewer than 250 employees.[46] Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

13. The *Notice* seeks comment on issues that may alter the Commission's current information collection, reporting, recordkeeping, or compliance requirements for small entities. Specifically, the *Notice* proposes and seeks comment on how to define AI in a way that is relevant to fulfilling the Commission's statutory responsibilities under the TCPA, requiring callers to disclose when a caller uses an AI-generated voice, removing impediments to beneficial uses of AI to promote access to telephone service by individuals with disabilities, and requests information on additional call blocking and call alerting technologies that can assist consumers in avoiding unwanted AI-generated calls or scams,

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[38] *Id.*

[39] *See* 13 CFR § 121.201, NAICS Code 561422.

[40] *See* U.S. Census Bureau, *2017 Economic Census of the United States*, *Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017,* Table ID: EC1700SIZEREVFIRM, NAICS Code 561422, https://data.census.gov/cedsci/table?y=2017&n=561422&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false. At this time, the 2022 Economic Census data is not available.

[41] *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We note that the U.S. Census Bureau withheld publication of the number of firms that operated with sales/value of shipments/revenue in the individual categories for less than $100,000, and $100,000 to $249,999, to avoid disclosing data for individual companies (see Cell Notes for the sales/value of shipments/revenue in these categories). Therefore, the number of firms with revenue that meet the SBA size standard would be higher than noted herein. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, *see* https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

[42] *See* U.S. Census Bureau, *2017 NAICS Definition, "334210 Telephone Apparatus Manufacturing,"* https://www.census.gov/naics/?input=334210&year=2017&details=334210.

[43] *Id.*

[44] *See* 13 CFR § 121.201, NAICS Code 334210.

[45] *See* U.S. Census Bureau, *2017 Economic Census of the United States*, *Selected Sectors: Employment Size of Firms for the U.S.: 2017,* Table ID: EC1700SIZEEMPFIRM, NAICS Code 334210, https://data.census.gov/cedsci/table?y=2017&n=334210&tid=ECNSIZE2017.EC1700SIZEEMPFIRM&hidePreview=false.

[46] *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

including whether we should require specific language for the disclosure, or audio-visual prompts that indicate an AI-generated voice is being used. Affected small entities may need to alter existing calling practices when making calls that contain an AI-generated voice to disclose to the called party that the call is using an AI-generated technology. Measures may have to be taken by small telecommunications providers or equipment makers to ensure that individuals with disabilities can use technologies to make calls that contain artificial or prerecorded voices without running afoul of the TCPA.

14. The Commission invites comment on the costs and burdens of the proposals in the *Notice* that may impact small entity callers. We expect the information received in comments, including, where requested, cost and benefit analyses, will help the Commission identify and evaluate relevant compliance matters for small entities that may result if the proposals and associated requirements discussed in the *Notice* are ultimately adopted.

E. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

15. The RFA requires an agency to describe any significant alternatives that could minimize impacts to small entities that it has considered in reaching its approach, which may include the following four alternatives, (among others): "(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for such small entities."[47]

16. In the *Notice*, the Commission seeks comment on several alternatives considered that may impact small entities. For example, we propose that callers disclose when a caller uses an AI-generated voice on a call but seek comment on whether certain usage or categories of calls that contain AI-generated voice messages should be excluded from this requirement. This would avoid placing certain compliance burdens on small entity callers to make such disclosures, and minimize some economic impact for these entities. We also seek comment on alternative definitions of AI in this context to ensure that the scope of calls that fall under that definition is consistent with the privacy protections afforded under the TCPA and whether it may inadvertently encumber technologies that do not fall within the TCPA. Next, we seek comment on whether there are ways in which the telecommunications industry might assist to ensure that calls made by individuals with disabilities under the proposed exemption do not run afoul of the condition that such calls not be charged to the called party. We seek comment on alternative ways to accomplish this objective including voluntary efforts by industry or equipment manufacturers.

17. The Commission expects to more fully consider the economic impact and alternatives for small entities following review of comments and costs and benefits analysis filed in response to the *Notice*. The Commission's evaluation of this information will shape the final alternatives it considers, the final conclusions it reaches, and any final actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

18. None.

[47] 5 U.S.C. § 603(c)(1)–(4).

APPENDIX C

List of Commenters

Commenter	Abbreviation
CTIA	CTIA
Digimarc Corporation	Digimarc
Electronic Privacy Information Center	EPIC
First Orion Corporation	First Orion
INCOMPAS	**INCOMPAS**
Microsoft Corporation	Microsoft
Numeracle, Inc.	Numeracle
Felicity Pereyra	Pereyra
State Attorney Generals (joint filing of 26 AGs)	**State AGs**
Symphony42 Corporation (filed by Sean P. Fenton)	Symphony42
Transaction Network Service, Inc.	TNS*
Twilio, Inc.	Twilio
USTelecom – The Broadband Association	USTelecom
ZipDX LLC	**ZipDX**

* Filing both comment and reply comments. Bold – reply comment.

STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL

Re: *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Notice of Proposed Rulemaking and Notice of Inquiry (August 7, 2024)

Artificial Intelligence has become powerful enough to mimic human voices and create life-like images. Facing a rising tide of disinformation, roughly three-quarters of Americans say they are concerned about misleading AI-generated content. That is why the Federal Communications Commission has focused its work on AI by grounding it in a key principle of democracy—transparency.

Earlier this year, when a fraudulent campaign targeted voters in New Hampshire using AI-generated voice cloning to impersonate President Biden and tell them not to vote, we acted fast. We issued a Declaratory Ruling that made clear that "artificial or prerecorded voice" robocalls using AI voice cloning technology violate the Telephone Consumer Protection Act. In this effort we partnered with State Attorneys General, including the New Hampshire Attorney General, who is one of 49 State Attorneys General who have signed on to a Memorandum of Understanding to work with this agency on junk robocalls. This ruling matters. Because it gives our state colleagues the right to go after bad actors behind these calls and seek damages under the law. Then we worked with carriers to trace those responsible for this calling campaign. When we found the carrier behind it, we immediately sent a cease and desist letter and notified all other carriers to go ahead and stop carrying this traffic. We then took two enforcement actions. We proposed a $6 million fine for the party responsible for the scam calls and a proposed a $2 million fine for the carrier that put these junk calls on the line and apparently failed to follow the FCC's call authentication rules.

Then last month, I wrote to the largest carriers and asked questions about what they were doing to keep AI-generated fake calls off our phone lines. They shared their plans to identify and block suspicious calls and the work they are doing to address the growing use of AI by scammers seeking to reach us on our phones. We have made their responses public on our website today.

These efforts—which are grounded in transparency—continued last week when the FCC took a major step to guard against AI being used by bad actors to spread chaos and confusion in our elections. We proposed that political advertisements that run on television and radio should simply disclose if AI is being used. I think if a campaign uses AI to create an ad, as the voter, viewer, and listener you have a right to know.

The concern about these technology developments is real. Rightfully so. But if we focus on transparency and taking swift action when we find fraud, I believe we can look beyond the risks of these technologies and harness the benefits.

Today we propose rules that would take another step towards transparency. We require callers and texters to make clear when they are using AI-generated technology. That means before any one of us gives our consent for calls from companies and campaigns they need to tell us if they are using this technology. It also means that callers using AI-generated voices need to disclose that at the start of a call.

This kind of transparency is important. It is also important to wrestle this technology for good. So today we also ask how people with speech or hearing disabilities might use AI-voice technologies. And we continue to ask questions about how we can harness the benefits of AI to detect scams on our networks before they ever reach us on our phones.

We have more work to do. But I am an optimist and I believe all of this is possible. I also believe this kind of transparency is what we need to build a digital future that works for everyone. So let's get to it.

Thank you to the Robocall Response Team for their work. I also want to thank the staff responsible for this effort, including Mark Stone, Aaron Garza, Wesley Platt, Zac Champ, Richard Smith,

Noah Cherry, Kristi Thornton, Jerusha Burnett, Suzy Rosen Singleton, Michael Scott, Joshua Mendelsohn, and Diane Burstein from the Consumer and Governmental Affairs Bureau; Malena Barzilai, Erika Olsen, Richard Mallen, Elliot Tarloff, and Wade Lindsay from the Office of General Counsel; Andrew Wise, Susan Lee, Michelle Schaefer, Steven Rosenberg, and Dougals Galbi from the Office of Economics and Analytics; Caitlin Barbas, Daniel Stepanicich, and Kristi Thompson from the Enforcement Bureau; Jim Schlichting and Maureen Bizhko from the Public Safety and Homeland Security Bureau; Callie Coker, Jonathan Lechter, Kiara Ortiz, and Liz Drogula from the Wireline Competition Bureau; Edward Carlson from the Office of International Affairs; Lori Maarbjerg, Holly Saurer, Maria Mullarkey, Hillary DeNigro, and Zach Ross from the Media Bureau; Joycelyn James and Joy Ragsdale from the Office of Communications Business Opportunities.

STATEMENT OF
COMMISSIONER BRENDAN CARR

Re: *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Notice of Proposed Rulemaking and Notice of Inquiry (August 7, 2024)

AI is a very frothy hot topic in Washington and in headlines across the country these days. So, predictably, there has been sort of a lot of regulation that can follow after it. I believe we should proceed in a careful way in order to find the middle bowl of porridge. I don't believe in "no regulation" of AI but at the same time believe there is a risk of overdoing it early on. In the main, I believe a lot of the concerns I have with AI regulation are separate from this item. This item, for the most part, focuses in on this particular statute and implementing that statute.

When it comes to the broader regulation of AI, I think we need to have a couple of guardrails there. One, I don't think we should be regulating AI based purely on speculative harms that aren't showing up in the real world. Two, I think we need to be careful that we don't adopt AI-specific regulations when the concern isn't limited to things that appear in the AI space alone. Third, we need to make sure we continue to support US innovation and leadership. Those are my broader concerns that are, in the main, to the side of this particular item. Here, I did have some concerns, but they were able to be addressed through changes made along the way and I appreciate the Chairwoman and my colleagues working to address those. The item has my support.

STATEMENT OF
COMMISSIONER GEOFFREY STARKS

Re: *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Notice of Proposed Rulemaking and Notice of Inquiry (August 7, 2024)

LinkedIn co-founder Reid Hoffman calls it a "steam engine of the mind."[1] Jamie Dimon, Chairman and CEO of JPMorganChase, compares it to the printing press and the internet.[2] Computer scientist Andrew Ng has reached even bigger, calling it "the new electricity."[3] We may not fully know what AI is yet, but we do know: it's momentous and it's here to stay.

Clearly something this momentous is not the purview of one agency alone. I have long said that AI requires a whole-of-government approach, and the whole of government has been hard at work. The Biden-Harris Administration's landmark Executive Order charged agencies and offices across the government with exploring the role AI plays within their area of expertise. Agencies from the Department of Homeland Security to the Small Business Administration have dug in, issuing reports, launching rulemaking proceedings, updating policies, seeking input, and funding projects.[4]

Here at the FCC, we issued the Notice of Inquiry (NOI) that commenced this docket in November 2023. In February 2024, we issued a Declaratory Ruling making clear that calls that use voice cloning technology are subject to the requirements of the Telephone Consumer Protection Act. In May 2024, we issued Notices of Apparent Liability against the orchestrator and one of the carriers of a voice cloning robocall scheme. And today, we propose that parties using AI-generated content in robocalls or robotexts both obtain consent for that use generally and disclose each use specifically. Critically, we propose protections to ensure that these new requirements do not limit the development of the positive uses of AI that help people with disabilities use our telephone network. And we seek further comment on the development of AI tools to detect and block spam calls and alert callers of potential fraud.

We are cognizant that we are not doing this work in a vacuum. In our November 2023 NOI, we sought comment on what other federal and state agencies were doing that may be relevant to our inquiry. Among others, the Federal Trade Commission filed comments in the docket.[5] Our sister agency shared the results of its Voice Cloning Challenge – an open challenge to the public to develop products, policies, and procedures to protect consumers from AI-enabled voice cloning harms, like the ones we at the FCC have seen and acted upon. The four challenge winners demonstrate how academia and industry are working to develop tools to help protect consumers. from voice cloning scams. Make no mistake – voice cloning gives fraudsters a potent weapon. But across government, from our consent and disclosure

[1] Washington Post Live, "Transcript: The Path Forward: Artificial Intelligence with Reid Hoffman," The Washington Post (May 10, 2023), https://www.washingtonpost.com/washington-post-live/2023/05/10/transcript-path-forward-artificial-intelligence-with-reid-hoffman/

[2] Jamie Dimon, "Chairman and CEO Letter to Shareholders," JPMorgan Chase (Apr. 8, 2024), https://www.jpmorganchase.com/ir/annual-report/2023/ar-ceo-letters

[3] Andrew Ng, "Andrew Ng: How to Be an Innovator," MIT Technology Review (Sept. 12, 2023), https://www.technologyreview.com/2023/09/12/1078367/andrew-ng-innovator-ai/

[4] "FACT SHEET: Vice President Harris Announces OMB Policy to Advance Governance, Innovation, and Risk Management in Federal Agencies' Use of Artificial Intelligence," The White House (Mar. 28, 2024), https://www.whitehouse.gov/briefing-room/statements-releases/2024/03/28/fact-sheet-vice-president-harris-announces-omb-policy-to-advance-governance-innovation-and-risk-management-in-federal-agencies-use-of-artificial-intelligence/

[5] Comments of the Federal Trade Commission, CG Docket No. 23-362, filed July 29, 2024, https://www.fcc.gov/ecfs/document/10729472814443/1

proposals today to the FTC's funding of technology to mitigate the risk of voice cloning, we are working shoulder-to-shoulder to protect and empower the American people.

I want to thank the FCC staff who worked on this item. Each of you is member of the government-wide team working to understand and address the role of AI in our society. This item has my full support.

STATEMENT OF
COMMISSIONER NATHAN SIMINGTON
APPROVING IN PART, CONCURRING IN PART

Re: *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Notice of Proposed Rulemaking and Notice of Inquiry (August 7, 2024)

I am willing to approve this item overall, and I thank the Chairwoman's office for working in good faith to include my suggested edits. However, I must only concur as to the portion of the Notice of Inquiry related to active monitoring of phone calls. The idea that the Commission would put its imprimatur on even the suggestion of ubiquitous third-party monitoring of telephone calls for the putative purpose of "safety" is beyond the pale.

STATEMENT OF
COMMISSIONER ANNA GOMEZ

Re: *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Notice of Proposed Rulemaking and Notice of Inquiry (August 7, 2024)

Robocalls and robotexts are the number one complaint that consumers raise to the FCC. We agree, they are incredibly frustrating. That is why we continuously work to combat robocalls and robotexts. Whether improving our existing databases or exploring the role of Artificial Intelligence (AI), dedicated staff at the FCC works hard to mitigate unwanted robocalls and robotexts with every tool at our disposal and continuously looks for new ways to end this menace to consumers.

Today, we took an important action in this line of work. We voted on proposals to ensure that AI is harnessed to protect consumers from harm rather than amplify the risks they experience in the robocall and robotext context. AI technologies can bring both new challenges and opportunities to combat this scourge, and responsible and ethical implementation of AI technologies is crucial to strike a balance.

I am glad that we are seeking comment on ways that consumers can become aware of when they are receiving communications generated with AI. We serve consumers best when we arm them with information. I look forward to hearing from leaders in technology, consumers, and industry as we develop a record in this proceeding.

I commend the staff of the Consumer and Governmental Affairs Bureau, the Wireline Competition Bureau, and all staff at the Agency for your hard work to protect consumers.