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The Federal Communications Commission released a notice of proposed rulemaking (NPRM) seeking comment on regulations it could adopt to reduce spam and scam text messages. The FCC noted that the number of illegal, unwanted texts has grown significantly over the last few years. As a result, consumers have lost millions of dollars and jeopardized their privacy. The FCC seeks comment on the following topics, which it believes could help eliminate the problem:

- Requiring mobile wireless providers to block text messages at the network level on the do not originate (DNO) list, or that appear to be from invalid, unallocated or unused numbers.
- Forcing providers to implement caller ID authentication standards for text messages.
- Asking whether the FCC should extend any mandate to include over-the-top (OTT) messaging applications delivered over internet protocol-based mobile data networks.
- Gauging the extent to which spoofing is a problem with regard to text messaging.
- Evaluating the effectiveness of device-level or application-based text blocking technologies at reducing illegal texts.
- Adopting the same “highly likely to be illegal” criteria used for call blocking.
- Protecting consumers from erroneous blocking of emergency text messages.
- Mitigating the risk of erroneous blocking.
- Assessing whether the FCC should mandate text blocking rules or rely on the wireless industry’s voluntary efforts to prevent these texts.

Wireless telecommunications carriers and other providers of texting services should monitor and participate in the proceeding because the outcome will directly affect them by requiring many to upgrade their technology and change some of their operational practices. Additionally, businesses that send out automatic text messages to consumers may be affected if the technology or methods used to deliver these messages is restricted or banned.

Comments and reply comments will be due 45 days and 75 days, respectively, after the NPRM is published in the Federal Register.

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