

# Cooley

October 4, 2022

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.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as “Cooley”). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. This content may be considered **Attorney Advertising** and is subject to our [legal notices](#).

---

## Key Contacts

Belen Crisp Washington, DC	bcrisp@cooley.com +1 202 776 2289
J.G. Harrington Washington, DC	jgharrington@cooley.com +1 202 776 2818
Robert M. McDowell Washington, DC	rmcdowell@cooley.com +1 202 842 7862
Henry Wendel Washington, DC	hwendel@cooley.com +1 202 776 2943

---

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.