



# PUBLIC NOTICE

Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

News Media Information 202-418-0500  
Internet: [www.fcc.gov](http://www.fcc.gov)

DA 25-216

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## CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PETITION FOR DECLARATORY RULING AND/OR WAIVER OF THE ECOMMERCE INNOVATION ALLIANCE AND OTHER PETITIONERS

CG Docket Nos. 02-278, 21-402

Comment Date: April 10, 2025

Reply Date: April 25, 2025

With this Public Notice, we seek comment on a petition for a declaratory ruling filed by the Ecommerce Innovation Alliance (EIA) and other petitioners regarding whether consumers who provide prior express written consent to receive text messages can claim damages under the Telephone Consumer Protection Act for telemarketing text messages received outside the hours of 8:00 a.m. to 9:00 p.m.<sup>1</sup> Petitioners also request waiver of section 64.1200(c)(1) of the Commission's rules<sup>2</sup> with regard to mobile phone solicitations made to wireless numbers<sup>3</sup> or, in the alternative, clarification that there is a non-rebuttable assumption that the NPA-NXX is indicative of the called party's location when applied to wireless phone numbers.<sup>4</sup>

We seek comment on this and any other issues raised by the petition.

*Comment filing procedures.* Pursuant to section 1.2 of the Commission's rules,<sup>5</sup> interested parties may file comments and reply comments on or before the dates indicated on the first page of this document in CG Docket Nos. 02-278, 21-402. 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: <http://www.fcc.gov/ecfs>.<sup>6</sup>
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
  - Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office

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<sup>1</sup> Petition for Declaratory Ruling and/or Waiver of the Ecommerce Innovation Alliance and Other Petitioners, CG Docket Nos. 02-278, 21-402, at 8-12 (filed Mar. 3, 2025) (Petition).

<sup>2</sup> 47 CFR § 64.1200(c)(1).

<sup>3</sup> Petition at 12-17.

<sup>4</sup> *Id.* at 18-19.

<sup>5</sup> 47 CFR § 1.2.

<sup>6</sup> Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

of 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.

*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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

*Ex Parte Rules.* This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>7</sup> 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.<sup>8</sup> In proceedings governed by section 1.49(f) of the 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).<sup>9</sup> Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

*Additional Information.* For further information, contact Mika Savir of the Consumer Policy Division, Consumer and Governmental Affairs Bureau, at (202) 418-0384 or [mika.savir@fcc.gov](mailto:mika.savir@fcc.gov).

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<sup>7</sup> 47 CFR §§ 1.1200 *et seq.*

<sup>8</sup> *Id.* § 1.1206(b).

<sup>9</sup> *Id.* § 1.49(f).