

FCC Consumer Advisory

The Truth About Wireless Phones and the National Do-Not-Call List

You may be one of many consumers who have received e-mails saying you're about to be assaulted by unwanted telemarketing calls to your wireless phone. Rest assured that placing telemarketing calls to wireless phones is -- and always has been -- illegal in most cases.

Why the Confusion?

The confusion seems to stem from recent discussions in the wireless phone industry about establishing a wireless 411 phone directory, much like your traditional (wired) 411 phone directory. A number of e-mail campaigns seem to suggest that if your wireless telephone number is listed in a wireless 411 directory, it will be available to telemarketers, and you will start to receive sales calls. In addition, some of these e-mail campaigns suggest that there is a separate do-not-call "cell phone registry," which you must call to have your wireless phone number covered by the do-not-call rules. This information is wrong.

Here Are the Facts:

- At present, a wireless 411 directory is only in the idea stage.
- Even if a wireless 411 directory is established, most telemarketing calls to wireless phones would still be illegal. For example, it is unlawful for any person to make any call (other than a call made for emergency purposes or made with express prior consent) using any automatic telephone dialing system or any artificial or prerecorded voice message to any telephone number assigned to a paging service, mobile telephone service, or any service for which the called party is charged for the call. This prohibition applies regardless of whether the number is listed on the national Do-Not-Call list.

Contrary to what some of the e-mail campaigns are saying, the federal government does not maintain and is not establishing a separate Do-Not-Call list for wireless phone numbers. The Federal Communications Commission (FCC) and the Federal Trade Commission (FTC) established the national Do-Not-Call list to enable consumers to reduce the number of unwanted telemarketing calls to their residential or personal wireless phones. Wireless phone subscribers have always been able to add their personal wireless phone numbers to the national Do-Not-Call list, either online at www.donotcall.gov, or by calling toll-free to 1-888-382-1222 from the phone number they wish to register. The do-not-call rules require callers that aren't exempt from the rules to stop telemarketing calls 30 days after you register a number. Contrary to

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information in certain e-mails, **there is no deadline for registering a number on the national Do-Not-Call list.** There is also no longer any need to re-register a number – it will stay on the national Do-Not-Call list until you cancel your registration or discontinue service.

How to Complain

If you receive an unwanted telemarketing call that you think violates the do-not-call rules, you can file a complaint with the FCC. There is no charge for filing a complaint. You can file your complaint using an on-line complaint form found at esupport.fcc.gov/complaints.htm. You can also file your complaint with the FCC's Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, DC 20554.

What to Include in Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to complete fully the on-line complaint form. When you open the on-line complaint form, you will be asked a series of questions that will take you to the particular section of the form you need to complete. If you do not use the on-line complaint form, your complaint, at a minimum, should indicate:

- your name, address, e-mail address, and phone number where you can be reached;
- the phone number where you received the call, and whether this number is on the national Do-Not-Call list;
- the date and time of the call;
- whether the call advertised or sold any property, goods, or services;
- any information (including a caller ID number) to help identify the individual or company whose property, goods, or services were being advertised or sold, and whether any of this information was provided during the call;
- whether you or anyone else in your household gave the caller permission to call;
- whether you have an established business relationship (EBR) with the caller (specifically, whether you or anyone else in your household made any purchases of property, goods, or services from the individual or company that called, or made any inquiry or filed an application with the individual or company prior to receiving the call); and

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- whether you or anyone in your household previously asked the caller or individual or company whose property, goods, or services are being advertised or sold **NOT** to call, and when you made the request.

For More Information

To learn more about the national Do-Not-Call list and the rules that enforce it, visit the FCC Web site at www.fcc.gov/cgb/donotcall or the FTC Web site at www.donotcall.gov. You can also contact the FCC's Consumer Center using the contact information provided for filing a complaint.

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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/.

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