

ALERT

FCC Extends Limited Waiver for Part of the TCPA Consent Revocation Rule

January 9, 2026

On January 6, 2026, the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (FCC) issued a Second Extension Order, extending the agency's initial limited waiver of a portion of its Telephone Consumer Protection Act (TCPA) rules that was originally set to take effect on April 11, 2025. This Second Extension Order narrowly applies to one portion of the TCPA rules – the Consent Revocation Rule – "to the extent the rule requires callers to treat a request to revoke consent made by a called party in response to one type of informational message as applicable to all future robocalls and robotexts from that caller on unrelated matters." With this Second Extension Order now issued, the Consent Revocation Rule under the circumstances outlined in by the Bureau will not take effect until **January 31, 2027**.

Below, we provide a brief summary of the Consent Revocation Rule, as well as the latest extension. Even with this relief granted by the Bureau to allow companies to come into compliance with a certain aspect of the TCPA rules, companies should ensure that their opt-in and opt-out practices are up to date and compliant with existing TCPA and other requirements, especially given the high-risk TCPA litigation landscape.

The FCC's Consent Revocation Rule

The Consent Revocation Rule was adopted as part of the 2024 Report and Order (the Opt-Out Order), which adopted and codified a number of requirements related to TCPA-covered opt-out requests. Specifically, the Consent Revocation Rule, found at 47 C.F.R. § 64.2010 (a)(10), holds that "if a revocation request is made directly in response to an exempted informational call or text, such revocation

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constitutes an opt-out request from the consumer that requires all further robocalls and robotexts to stop.”

As relevant here, the Consent Revocation Rule builds from the existing Commission precedent stating that consumers who have provided prior express consent to receive autodialed or prerecorded/artificial voice calls or texts may revoke such consent through any reasonable means.[1] Specifically, in the texting context, the Opt-Out Order explains that there are certain words (i.e., “stop,” “quit,” “end,” “revoke,” “opt out,” “cancel,” or “unsubscribe” via reply text message) that when sent as a response to a text constitute a *per se* reasonable means to revoke consent; however, the use of other words and phrases to revoke consent are not precluded.

Consent Revocation Rule Extended Again in Limited Instances Until Jan. 31, 2027

On March 12, 2025, several associations of banks and financial institutions filed a waiver request asking that the FCC “waive the revocation rules established by the [Opt-Out Order] for a period of one year, to April 11, 2026.” The parties argued that there is good cause under the Commission’s rules to waive the effective date of the revocation rules for one year because financial institutions face numerous challenges modifying existing communications to process “a revocation sent in response to one business unit’s call or text so that all business units cease placing calls or texts to the consumer.” The Bureau granted this request in the initial Extension Order on April 7, 2025.

The Second Extension Order found that good cause exists to extend the limited waiver of the effective date of the Consent Revocation Rule, but only to the extent that it requires callers to “apply a request to revoke consent made in response to one type of message to all future robocalls and robotexts from that caller on unrelated matters.” The Second Extension Order explained that the Commission recently initiated a proceeding seeking comment on potential modifications to the requirement that a caller treat an opt-out request made in response to one type of call to be an opt-out request for all types of calls, “or to modify it to give consumers greater control over their right to stop unwanted calls.”

Accordingly, given the possibility that the Commission may modify the existing requirement, coupled with the fact that “[m]ultiple organizations have indicated that, absent a delay, they will face significant hardship and resource burdens to comply with the rule,” the Bureau concluded in the Second Extension Order that further extending the effective date of the rule would serve the public interest.

Of note, the Second Extension Order does not change a caller or texter’s obligation to honor reasonable opt-out requests as applicable under the TCPA, which is not impacted by this latest limited waiver.

Wiley has a deep and experienced TCPA/Robocalling and Privacy Litigation & Investigations bench that can help navigate these evolving issues. This TCPA update is one of a number of privacy-related developments to watch in 2025, as we discussed here. For more information about the FCC’s upcoming compliance deadline and other privacy-related developments, please contact one of the authors listed on this alert.

[1] *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, WC Docket No. 07-135, Declaratory Ruling and Order, 30 FCC Rcd. 7961, 7993-99, ¶¶ 55-70 (2015).