

**ALERT**

# FCC Grants Limited Waiver for Part of the TCPA Consent Revocation Rule

April 8, 2025

On April 7, 2025, the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) issued an Order (Extension Order) granting a limited waiver of a new Telephone Consumer Protection Act (TCPA) rule that was set to take effect this Friday, April 11, 2025. Specifically, the Extension Order applies to the Consent Revocation Rule – 47 C.F.R. § 64.2010(a)(10) – which is intended to clarify that under the TCPA, “if a revocation request is made directly in response to an exempted informational call or text, such revocation constitutes an opt-out request from the consumer that requires all further robocalls and robotexts to stop.” However, the Extension Order delays the effective date for this rule **until April 11, 2026**, “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 message” as applicable to all future calls and text messages from that caller.

## Summary of the FCC’s Consent Revocation Rule

The Consent Revocation Rule was adopted as part of the 2024 Report and Order (Opt-Out Order), which adopted and codified a number of requirements related to TCPA-covered opt-out requests.

As relevant here, the Consent Revocation Rule builds from the existing Commission precedent that holds that consumers who have provided prior express consent to receive autodialed or prerecorded calls may revoke such consent through any reasonable means.<sup>[1]</sup> Specifically, the Opt-Out Order explained 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

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words and phrases to revoke consent, are not precluded.

In adopting the Consent Revocation Rule, the FCC clarified that if a revocation request is made directly in response to “an exempted informational call or text,” the revocation request “constitutes an opt-out request from the consumer and all further non-emergency robocalls and robotexts must stop.”

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.”

### **Extension Order Delays Effective Date of the Consent Revocation Rule in Limited Instances Until April 11, 2026**

The Extension Order found that good cause exists to justify a 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 Extension Order agreed that callers require additional time to ensure that they can process revocation requests sent in response to one business unit’s call or text to ensure that all calls and texts from that business that require consent stop upon receipt of a revocation request.

For example, the petitions explained that institutions “face significant challenges designing a system that allows the institution, when receiving a consumer’s revocation, to clarify the scope of revocation so that the institution does not apply a customer’s revocation to a broader category of messages than the customer intended.” The Bureau also reasoned that that the public interest would be served by delaying the effective date to “ensure that these parties can process revocation requests in a cost-effective manner that effectuates the preferences of the called party.”

Of note, the Extension Order does not change a texter’s underlying obligation to honor reasonable opt-out requests, which has been a longstanding Commission precedent and is not impacted by this latest limited waiver.

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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).