

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133
	)	
Targeting and Eliminating Unlawful Text Messages	)	CG Docket No. 21-402
	)	
Rules and Regulations Implementing the	)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991	)	
	)	
Advanced Methods to Target and Eliminate		CG Docket No. 17-59
Unlawful Robocalls		

ORDER

Adopted: July 14, 2025

Released: July 14, 2025

By the Acting Chief, Consumer and Governmental Affairs Bureau:

1. By this Order, we conform Part 64 of the Commission's rules to a court decision nullifying the first full paragraph of section 64.1200(f)(9) as adopted in the *Second Text Blocking Report and Order*.¹ In the *Delete, Delete, Delete* proceeding, the Commission made clear its goal to "review its rules to identify and eliminate those that are unnecessary in light of current circumstances."² The Consumer and Governmental Affairs Bureau (Bureau) takes this action in furtherance of that goal.³ Our action ensures that new and burdensome requirements are eliminated from the rules.

2. In *Insurance Marketing Coalition Limited v. FCC*,⁴ the United States Court of Appeals for the Eleventh Circuit vacated and remanded part III.D of the Commission's *Second Text Blocking Report and Order*.⁵ Pursuant to F. R. App. P. 41(b), the court issued its mandate on April 30, 2025, which vacated, as of that date, the rule change adopted in the *Second Text Blocking Report and Order* for the first full paragraph of section 64.1200(f)(9) of the Commission's rules.⁶ With this Order, we amend our rules to reflect the court's mandate. Specifically, this Order repeals the revised version of section 64.1200(f)(9) of the Commission's rules adopted in the *Second Text Blocking Report and Order* and reinstates in our codified rules the version of section 64.1200(f)(9) as it existed prior to the *Second Text Blocking Report and Order*.

¹ *Targeting and Eliminating Unlawful Text Messages, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket Nos. 02-278, 21-402, 17-59, Second Report and Order and Second Further Notice of Proposed Rulemaking in CG Docket Nos. 02-278 and 21-402 and Waiver Order in CG Docket No. 17-59, 38 FCC Red 12247 (2023) (*Second Text Blocking Report and Order*).

² *Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice, DA 25-219, at 1 (rel. Mar. 12, 2025).

³ *Id.* at 5.

⁴ *Insurance Marketing Coalition Limited v. FCC*, 127 F.4th 303 (11th Cir. 2025).

⁵ *Second Text Blocking Report and Order*.

⁶ 47 CFR § 64.1200(f)(9).

3. The Bureau for good cause finds that notice and comment are unnecessary for this rule amendment under 5 U.S.C. § 553(b)(B) because this ministerial order merely implements the mandate of the United States Court of Appeals for the Eleventh Circuit, and the Commission lacks discretion to depart from this mandate.⁷ Because this Order is being adopted without notice and comment, the Regulatory Flexibility Act does not apply.⁸

4. Accordingly, IT IS ORDERED that section 64.1200(f)(9) of the Commission's rules, 47 CFR § 64.1200(f)(9), is amended as set forth in the Appendix, effective upon publication in the Federal Register.⁹

5. This action is taken pursuant to the authority contained in sections 4(i), 4(j), 5(c), and 227(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155(c), 227(b), and sections 0.141 and 0.361 of the Commission's rules, 47 CFR §§ 0.141, 0.361.

6. The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A). The Bureau finds good cause to make this rule effective earlier than 60 days after the Order is submitted to Congress and the Government Accountability Office, pursuant to 5 U.S.C. § 808(2), because this ministerial order merely implements the mandate of the United States Court of Appeals for the Eleventh Circuit, and the Commission lacks discretion to depart from this mandate.

⁷ 5 U.S.C. § 553(b)(B); *see* 5 U.S.C. § 706 (directing reviewing court, among other things, to “decide all relevant questions of law” and to “hold unlawful and set aside agency action” found to be arbitrary, capricious, or otherwise not in accordance with law); *EME Homer City Generation LP v. EPA*, 795 F.3d 118, 134-35 (D.C. Cir. 2015) (affirming agency good cause determination that notice and comment were unnecessary when a court order invalidated a rule and “commentators could not have said anything during a notice and comment period that would have changed that fact”); *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, Order, 34 FCC Rcd 9366, 9366, para. 2 & n.7 (WTB 2019) (finding good cause for reinstating rules without notice and comment to comply with a court mandate); *see also Amendment of the Part 95. Subpart E, Technical Regulations in the Personal Radio Services Rules*, Order, 3 FCC Rcd 5032, 5032, para. 11 (1988) (finding notice and comment unnecessary when revisions in an order “merely . . . delete redundant or obsolete rules”).

⁸ 5 U.S.C. § 604(a) (stating that the requirement to prepare a final regulatory flexibility analysis for a final rule applies “[w]hen an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking”); *id.* § 603(a) (same for initial regulatory flexibility analysis).

⁹ While the effect of the court's mandate was to vacate a rule change and restore the prior rule, as described above, we now undertake by this Order the ministerial step of amending our rules to reflect the court's mandate. Prior to the court's mandate, the Commission had postponed the effective date of the revised rule and the revised rule has not gone into effect. *See Targeting and Eliminating Unlawful Text Messages, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket Nos. 21-402, 02-278, 17-59, Order, DA 25-90 (CGB Jan. 24, 2025). For this reason, we find “good cause” under 5 U.S.C. § 553(d)(3) to make the rule amendment effective immediately upon publication in the Federal Register, as the amendment will make the codified rule in section 64.1200(f)(9) reflect the rule currently in effect due to the January 24, 2025 order. *See* 5 U.S.C. § 553(d)(3) (stating that publication of a “substantive” rule shall be made not less than 30 days before its effective date, “except . . . as otherwise provided by the agency for good cause found and published with the rule”).

FEDERAL COMMUNICATIONS COMMISSION

Eduard W. Bartholme III
Acting Chief,
Consumer and Governmental Affairs Bureau

APPENDIX

Final Rules

The Federal Communications Commission amends Part 64 of Title 47 of the Code of Federal Regulations as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Subpart L—Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising

Amend § 64.1200 by revising the first full paragraph of paragraph (f)(9) to read as follows:

(f)(9) The term prior express written consent means an agreement, in writing, bearing the signature of the person called that clearly authorizes the seller to deliver or cause to be delivered to the person called advertisements or telemarketing messages using an automatic telephone dialing system or an artificial or prerecorded voice, and the telephone number to which the signatory authorizes such advertisements or telemarketing messages to be delivered.

(i) The written agreement shall include a clear and conspicuous disclosure informing the person signing that:

(A) By executing the agreement, such person authorizes the seller to deliver or cause to be delivered to the signatory telemarketing calls using an automatic telephone dialing system or an artificial or prerecorded voice; and

(B) The person is not required to sign the agreement (directly or indirectly), or agree to enter into such an agreement as a condition of purchasing any property, goods, or services.

(ii) The term “signature” shall include an electronic or digital form of signature, to the extent that such form of signature is recognized as a valid signature under applicable federal law or state contract law.