American Bankers Association®

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, FCC-CIRC 2609-05, Report and Order and Further Notice of Proposed Rulemaking (draft rel. Sept. 9, 2026)

Dear Ms. Dortch,

On behalf of the American Bankers Association (ABA),[1] I met virtually with Keelin Ferris, Legal Advisor to Chairman Brendan Carr, on September 21, 2026, and again by phone yesterday to discuss the draft Report and Order and Further Notice of Proposed Rulemaking (collectively, the Draft Order) released on September 9, 2026.[2] Among other provisions, the Draft Order would address revocation of consent under the Telephone Consumer Protection Act (TCPA).

ABA thanks the Commission for scheduling a vote at its September 30 Open Meeting on adopting the Draft Order. Our members respect and carry out customer requests to revoke consent under the TCPA to receive autodialed or prerecorded voice calls or text messages. Regrettably, in a Report and Order issued in 2024 (2024 Order), the Commission stated that, once a consumer revokes consent to receive autodialed or prerecorded voice calls or text messages, the caller may no longer send the consumer *any* calls or text messages that require consent – even if that was not the consumer's intent (the revoke all rule).[3] The Commission also stated in that Order that a consumer may revoke consent through words that "a reasonable person would understand . . . to have conveyed a request to revoke consent."[4] This second provision creates significant litigation risk for banks and other callers, which may be faced with processing non-standard – and often ambiguous – expressions of revocation. Plaintiffs' law firms also may

[1] The American Bankers Association is the voice of the nation's $26.5 trillion banking industry, which is composed of small, regional and large banks that together employ over 2 million people, safeguard $20.7 trillion in deposits and extend $13.9 trillion in loans.
[2] *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, FCC-CIRC 2609-05, Report and Order and Further Notice of Proposed Rulemaking (draft rel. Sept. 9, 2026) [hereinafter, *Draft Order*].
[3] *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order and Further Notice of Proposed Rulemaking, ¶¶ 29-32 (2024).
[4] *Id.*, App. A (*to be codified at* 47 C.F.R. § 64.1200(a)(10)).

counsel bank customers to reply to banks' text messages with "creative" revocation messages in order to generate lawsuits.[5]

We support the Commission's work to address these challenges through the Draft Order. We appreciate that, under the Draft Order, a caller may interpret a revocation request made in response to an informational call or text message as applying only to the specific category of informational calls and texts to which the revocation was directed and not to all calls and texts requiring consent.[6] This will help ensure that consumers are not inadvertently cut off from all communications from the companies with whom they do business based on sending a single "stop" message in response to one type of message from that company.

We also appreciate that the Draft Order would allow a caller to designate the exclusive means of revocation in the message sent to the called party. Under the Draft Order, a text sender may designate text messaging as an exclusive means to revoke consent by stating that the recipient may "reply[] to an incoming text message with any of the following standardized words: 'stop,' 'quit,' 'end,' 'revoke,' 'opt out,' 'cancel,' or 'unsubscribe.'"[7] However, this language, as drafted, could be interpreted to require the text sender to list *all* seven of these words in a text message when designating one or more words as the exclusive means for the recipient to revoke consent – even though we do not believe that was the Commission's intent in drafting this provision. ABA members report that it is not feasible to list all seven words in a text message, given character limitations in text messages. We urge the Commission to add the word "one" to 47 C.F.R. § 64.1200(a)(10)(ii), as provided in the Draft Order, so that the provision reads "replying to an incoming text message with any **one** of the following standardized words: 'stop,' 'quit,' 'end,' 'revoke,' 'opt out,' 'cancel,' or 'unsubscribe' . . . ." (emphasis added).

During the meetings with Ms. Ferris, ABA also discussed the provision in the 2024 Order that allows a text sender, after receiving a revocation request, to send a follow-up text message within five minutes to clarify the scope of the revocation.[8] In a letter sent jointly with the National Consumer Law Center and ACA International on June 30, 2026, ABA asked the Commission to expand this time period so that the business may send a follow-up text message "within a reasonable time not to exceed the end of the next business day . . . ."[9] We made this request because the follow-up text may be delayed, including for reasons beyond the business' control, such as delays caused by the business' wireless provider. ABA members report that banks may choose not to send any follow-up text messages under this provision, as currently drafted, because of the risk that the bank may send the follow-up text outside of the five-minute period, which could lead a plaintiff's firm to initiate a lawsuit against the bank. We ask the Commission to expand this time period to allow a business to send a follow-up text message within a

[5] For a detailed description of plaintiffs' efforts to use creative expressions of revocation to generate TCPA lawsuits, see *id.*, Comments of Am. Bankers Ass'n *et al.* 8-9 (filed July 31, 2023), https://www.fcc.gov/ecfs/document/108011664508910/1.
[6] *Draft Order*, *supra* note 2, App. A (*to be codified at* 47 C.F.R. § 64.1200(a)(10)).
[7] *Id.*, App. A (*to be codified at* 47 C.F.R. § 64.1200(a)(10)(ii)).
[8] *2024 Order*, *supra* note 3, App. A (*to be codified at* 47 C.F.R. § 64.1200(a)(12)).
[9] *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Dismissal of Outdated or Otherwise Moot Robocalls Petitions*, CG Docket Nos. 17-59, 02-278, & 25-307, WC Docket No. 17-97, Letter from Am. Bankers Ass'n, Nat'l Cons. L. Ctr., & ACA Int'l, to Brendan Carr, Chairman, Fed. Commc'ns Comm'n *et al.* (June 30, 2026), https://www.fcc.gov/ecfs/document/26109961847/1.

reasonable time not to exceed the end of the next business day or seek comment on this proposal in the Further Notice of Proposed Rulemaking on which the Commission will be voting on September 30, 2026.

Sincerely,

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Consumer & Regulatory Compliance
Regulatory Compliance and Policy