



New FCC Proposed Rules That Every Company Should Know About

Description

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This article discusses the FCC's new FNPRM and what changes are being proposed. It also considers how these changes may impact U.S. businesses' telemarketing efforts and what they can do to drive their own compliance.

The Federal Communications Commission (FCC) recently adopted a Further Notice of Proposed Rulemaking (FNPRM) that will impact all companies using telecommunications in their sales efforts. Late last week, the new FNPRM was published in the Federal Register, kicking off a 60-day period where the FCC collects, reviews, and analyzes comments from the public. Once the FCC adopts a final rule (called Report & Order), it usually becomes binding in approximately 60 days. That means in about four months, the FCC's proposed changes could become law, and companies will need to ensure they are compliant. So, just what is in this new FNPRM (FCC 25-76)?

What the FNPRM seeks to do

While the FCC knows consumers dislike spam calls, they also know that many reputable companies get frustrated when their calls are blocked or mislabeled as spam. Industry estimates suggest that 25% or more of businesses have experienced this, with some surveys suggesting as many as 90% of legitimate businesses have been affected at some point. The new FNPRM addresses both of these issues. It seeks to obtain public comments in five major areas:

1. Improved accuracy and availability of caller identify information
2. Stricter rules for foreign-originated calls
3. Possible modifications to older TCPA and Do-Not-Call (DNC) rules
4. Greater consumer control over opt-out choices
5. New standards for call blocking and transparency

One of the most impactful aspects of the FMPRM is its push to give consumers better caller identity information before they decide to answer calls.

Improved accuracy and availability of caller identity information

The FCC would like to enhance the effectiveness of the Caller ID authentication framework, STIR/SHAKEN, which was outlined in our [previous blog](#). For a little background, STIR is a technical protocol that gives a digital signature to each call, and SHAKEN is the framework used to check if this signature is authentic. Under STIR/SHAKEN, carriers assign an attestation level (an A, B, or C grade) to each call. Level A represents full attestation that the carrier knows the caller and that they own and are authorized to use the phone number theyâ??re calling from. Calls with a C-level attestation are often blocked or labeled â??spam likely.â?•

STIR/SHAKEN has reduced phone number spoofing, but there are still some concerns. Consumers only see the phone number and attestation claim before answering a call. The caller identity information used is primarily sourced from legacy CNAM databases that are considered inaccurate and unreliable. It is difficult for consumers to make informed decisions about whether to answer calls. With a lack of information about the caller, most consumers will simply not accept the call and potentially miss out on conversations they actually wanted to have.

The FCC would like networks to adopt a more standardized caller identity system with:

- Verified caller identity (VCI)
- Rich Call Data (RCD) (only on calls with an A-level attestation)
- Information display rules to be followed by all carriers
- End-to-end process, where a callerâ??s identity is verified, and the callerâ??s identity information remains secure and unaltered from the originating device to the terminating device

The proposed use of RCD is particularly important in improving the accessibility and accuracy of caller identity information. Under RCD standards, consumers will receive additional information, including:

- Caller/brand name
- Photo
- Logo
- Email address
- Location
- Title
- Reason for call (e.g., “delivery update,” “plan review”).

This information will appear on the consumer’s screen before they answer, lending credibility to calls from legitimate businesses. Data accuracy will also be improved as RCD information will be sourced *directly* from the caller’s service provider rather than a third-party database. This will provide a trusted end-to-end solution that limits data inaccuracies and tampering.

So, what does this mean for businesses and their telemarketing efforts? RCD will provide them with a way to instantly build trust with prospective clients. Prospects will be more likely to accept business calls when they have more information about the caller. More answered calls means more conversations and more conversions.

For businesses to benefit from RCD, though, they must make sure their calls receive an A-level attestation. B-level and C-level calls will not qualify for RCD. Companies can make sure their calls achieve A-level attestation by:

1. Providing carriers with accurate information (i.e., business legal name, EIN / tax documents, physical address, officer name, corporate registration status, domain ownership, caller use-case). Originating carriers must validate this information. If *any* of these data points do not match up, carriers will downgrade your calls.
2. Only use phone numbers (DIDs) assigned to your business. If you can’t prove ownership, your calls will be downgraded to B-level or C-level.
3. Make sure anyone calling on behalf of your business is authorized to use the phone number. The originating carrier must be able to prove the number belongs to your business, that the call is being placed for your business, and that the number has not been reassigned to any other business.
4. Maintaining a solid reputation for clean, compliant calls. Providers will downgrade your calls’ attestation levels if your business is associated with a lot of spam, short or abandoned calls, or failures to comply with 10DLC, calling hour or consent laws.

5. Ensuring your tech stack (phone system) is compliant with STIR/SHAKEN requirements.

Stricter rules for foreign-originated calls

While most robocalls are placed from inside the U.S., more than **9%** are estimated to come from outside the U.S. Some of these foreign-originated calls are from legitimate businesses that have chosen to outsource or move their call center operations to other countries. Unfortunately, a significant portion of them are scams or unlawful calls. Scammers are difficult to stop because they are often outside the jurisdiction of U.S. law enforcement.

With its new FNPRM, the FCC hopes to give consumers more transparency when a foreign-originated call comes through to their phone. The proposed rule would require the following:

- Gateway providers (i.e., the first provider to take a foreign call) must mark a call to indicate that it has originated from outside of the U.S.
- Intermediary providers (i.e., providers who carry traffic between other providers) must transmit that information through the call path to downstream providers.
- Terminating voice service providers (i.e., the provider that delivers the call to a consumer) must transmit to consumers a screen that indicates that a call is foreign-originated.

While many details would need to be worked out in implementing this system, this rule serves to benefit legitimate businesses within the U.S. When there is a lot of *bad* traffic, there will also be more filtering and false positives. By systematically sorting out potential bad actors from foreign countries, reputable U.S. businesses will likely suffer fewer false positives that bring their answer rates down.

Possible modifications to older TCPA and Do-Not-Call (DNC) rules

Many of the rules governing telemarketing were created 20 to 30 years ago. They were designed to prevent large telemarketing operations from inundating consumers with autodialed, sales-oriented calls. Unfortunately, many of these rules are outdated in the current environment. With its new FNPRM, the FCC is reviewing several rules. Two of the rules addressed in the FNPRM are:

- **Forced long ringing** – Believe it or not, there is a rule that says calls must ring at least 15 seconds or 4 rings before being counted as abandoned. The FCC defines an abandoned call as one where a consumer answers but no live agent is available, and the consumer is met with silence, a click, or an extremely delayed connection. In creating this rule, the FCC was trying to protect consumers from quick hang-ups and give slower-responding consumers a chance to answer. They also wanted to prevent companies from optimizing their dialing systems for speed. And, the rule established a uniform standard for defining abandonment, making it easier to enforce. In today's reality, most consumers will answer after the first two rings if they intend to take the call. The rule has forced callers to create overly lengthy no-answer occurrences. Today's analytics engines view these callers as having low engagement, high decline rates, scam-like behavior, and a negative reputation scoring. Unfortunately, those who break this rule come out looking better than the reputable businesses that follow the rule.
- **3% abandonment rule** – This rule states that no more than 3% of all *answered* calls that a caller places in a 24-hour period may be abandoned. The rule was created to protect consumers from annoying "dead air" calls. Unlike in the 1990s and early 2000s, when predictive dialers were very fast-paced, today's predictive dialers are better designed to match the pace of human dialing. Today, when legitimate businesses are forced to keep abandonment this low, they are unfairly penalized. They call fewer people and operate less efficiently. They can't keep up with carriers' filtering processes and end up getting ranked lower in analytics because of their slow pace. Once again, the rule breakers win in this environment.

Today's algorithms penalize the very behaviors these rules create. Current spam engines watch for high unanswered call counts, short-duration calls, high ring counts, repeated attempts, and poor pacing patterns. It is a positive step that the FCC has finally recognized how unfair these rules have become. Let's hope for a solution that favors legitimate businesses that are earnestly trying to connect with consumers who need their products and services.

Greater consumer control over opt-out choices

The FCC rules have long given consumers the right to opt out of communications with businesses. The issue is that the FCC took an all-or-nothing approach. Today, when a consumer opts out once, that opt-out prevents them from getting every type of call or text from the business in the future. The FCC recognizes the current rule is overly broad and is restricting consumers from receiving messages they do want. The proposed rule would give consumers more control, like choosing which types of calls or texts (e.g., marketing, informational, etc.) they would like to receive or block.

If this proposed rule goes into effect, it would help many businesses that have relied on aged sales leads. Former customers or prospects will be able to opt back in through new forms or services. More detailed opt-out categories will meet consumers' needs while also making it easier for businesses to

connect compliantly with their target audience.

New standards for call blocking and transparency

Last but certainly not least, the FCC is looking to make the reasons why calls get blocked more transparent. This is one of the most important parts of the new FNPRM, as it brings together call labeling, blocking, attestation, verified identity, and RCD. The industry currently uses a system of three-digit SIP (Session Initiation Protocol) codes to give carriers and call centers a standardized reason why a call was blocked. Although well-intentioned, the SIP codes have been inconsistently used. Some carriers still use the older, more generic 603 (Decline) code to signal why a call was blocked, while others simply hide behind words like “busy” or “not found.” Some analytics engines also rewrite codes. So, when a call is blocked today, no one really knows definitively why it was blocked. Without this information, callers are left with little information to help them make changes to improve the success of their telemarketing efforts. The new FNPRM proposes:

- **Consistent use of SIP codes 607 and 608 across all providers** The FCC would like to make the use of SIP 607 (blocked by consumer) and SIP 608 (blocked by analytics or carrier) mandatory for all providers. This would prevent carriers from simply listing the generic 603 code rather than the more detailed 607 and 608 codes. This will give callers much better diagnostic information to help them fix their attestation, routing, and reputation.
- **Additional metadata for each SIP code** In addition to listing the SIP code, the FCC wants carriers to provide even more data on why a call was blocked. They propose to also give a structured data field for why the call was blocked. Did it fail STIR/SHAKEN? Was it foreign-initiated? Was it missing RCD or verified caller identity information? Did it fail attestation requirements? Did it violate analytics thresholds? This simple change will go a long way in creating end-to-end visibility for call centers, businesses, and outbound dialers.
- **End-to-end and feedback loop** The FNPRM requires SIP codes to be shared end-to-end. This standard will ensure that the reason for call blocking remains unaltered from the originating provider to the consumer, eliminating intermediary carriers’ practice of stripping SIP codes or reclassifying under the 603 code. This also creates a standardized feedback loop, which will be critical in helping legitimate businesses diagnose and correct underlying problems that prevent them from connecting with their target audience.

Conclusion

If all of these changes become binding, both U.S. consumers and businesses stand to gain. Verified U.S. businesses will benefit from more meaningful information and fairer rules that work in today’s

selling environment. Businesses that take the time over the next four months to fully understand the proposed rules will gain an important advantage over competitors. The more you understand the proposed rules, the more success you will have with your calling and leads buying strategies. You will achieve higher contact rates, outreach productivity, and conversion rates.

At The Leads Warehouse, we seek to track and understand every ruling, so we can help our clients operate safely and profitably. If you would like to review the full text of the new FNPRM, it is available online at:

<https://docs.fcc.gov/public/attachments/FCC-25-76A1.pdf>.

Give The Leads Warehouse a call at **1-800-884-8371** or visit our website at <https://theleadswarehouse.com> if you would like more information on how you can compliantly grow your sales.

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