

NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

RESOLUTION 2011-07

**OPPOSING THE USE OF TELEPHONE NUMBERS FOR UNSOLICITED
CONTACT WITHOUT AFFIRMATIVE, PRIOR CONSENT**

WHEREAS, It is the policy of NASUCA that all consumers are entitled to protection of their privacy and must be protected from use of their customer records or payment history without their expressed, informed consent; and

WHEREAS, Telephone service, including all voice service provided over landline, wireless and VoIP networks, is essential for participation in society, including transactions with utilities, other businesses, government agencies, social service agencies and for contacting emergency services; and

WHEREAS, In the normal course of daily life telephone customers are often asked or required to provide their telephone numbers to utilities, businesses, government institutions, social service agencies, hospitals and other institutions; and

WHEREAS, NASUCA has long recognized that consumers should not be subjected to unwanted telemarketing calls, including calls from automated dialers known as “robo-calls”; and

WHEREAS, unwanted automated calls to wireless phones could deplete a customer’s monthly minutes of use and result in increased costs; and

WHEREAS, In 1991, Congress found that unwanted automated calls were a “nuisance and an invasion of privacy, regardless of the type of call” and that banning such calls was “the only effective means of protecting telephone consumers from this nuisance and privacy invasion;¹” and

WHEREAS, certain states already provide additional telephone privacy protections of importance to consumers which could be undermined by changes to federal law; and

WHEREAS, H.R. 3035 would modify the Telephone Consumer Protection Act to hold that any time a person provides a telephone number “as a means of contact” at time of purchase or at “any other point” that customer has automatically provided “prior express consent” for use of their telephone number, thus substantially weakening the protections provided by the Telephone Consumer Protection Act; *now therefore be it*

¹ Pub. L. No. 102-243, §§ 2(10-13), (Dec. 20, 1991), *codified at* 47 U.S.C. § 227.

RESOLVED, that NASUCA supports consumer protections to prevent the use of customer telephone numbers without affirmative prior consent for unsolicited contact, including telemarketing or informational calls, excepting calls for the purpose of public safety; *and be it further*

RESOLVED that NASUCA opposes any effort to weaken existing protections; *and be it further*

RESOLVED, that the NASUCA Telecommunications Committee and Consumer Protection Committee, with the approval of the Executive Committee of NASUCA, are authorized to take all steps consistent with this Resolution in order to secure its implementation

Submitted by Telecommunications Committee

Approved November 15, 2011
St. Louis, Missouri