

Special Alert: D.C. Circuit significantly narrows FCC's order defining autodialer

On March 16, the D.C. Circuit issued its much anticipated ruling in *ACA International v. FCC*. The D.C. Circuit's ruling significantly narrows a Federal Communication Commission order from 2015, which, among other things, had broadly defined an "autodialer" for purposes of the Telephone Consumer Protection Act.

The D.C. Circuit struck down the FCC's broad definition of an autodialer reasoning that the FCC's definition "unreasonably, and impermissibly" included all smartphones and that it failed to adequately describe what functions qualify a device as an autodialer. The D.C. Circuit turned next to the FCC's treatment of calls to reassigned numbers. Under the FCC's 2015 order, a caller who had consent could make one liability free call to a phone number after reassignment. The D.C. Circuit struck down the one call rule on the basis that it was "arbitrary and capricious" and, in doing so, also struck down the FCC's interpretation that a "called party" refers to the new subscriber.

While the D.C. Circuit struck down the FCC's definition of an autodialer and the FCC's one call rule, it did not provide guidance on application of the TCPA going forward—leaving courts and callers to grapple with the meaning of the TCPA's statutory language.

Finally, the D.C. Circuit upheld the FCC's conclusion that a called party can revoke consent for purposes of the TCPA through any reasonable means.

If you have questions about the ruling or other related issues, please visit our [Class Actions](#) practice page, or contact a Buckley Sandler attorney with whom you have worked in the past.