

**FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Rules and Regulations Implementing the
Telephone Consumer Protection Act of 1991

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CG Docket No. 02-278

Reply Comments of

Electronic Privacy Information Center

October 19, 2026

Introduction and Summary

These Reply Comments, submitted by the Electronic Privacy Information Center (epic.org), are in response to the Petition filed by the Club for Growth seeking an Expedited Waiver and exemption [“Petition”] from the Federal Communications Commission’s robocall regulations under the Telephone Consumer Protection Act (TCPA). The Commission sought comment on the Club for Growth Petition via Public Notice on September 4, 2026, Consumer and Governmental Affairs Bureau Seeks Comment on Petition for Expedited Waiver Filed by Club for Growth and Petition for Expedited Declaratory Ruling Filed by Joe Shields, CG Docket No. 02-278.¹

In its Petition, the Club for Growth argues that callers should be allowed to make “political calls” to wireless numbers “using an artificial or prerecorded voice—including an AI-generated voice—without obtaining prior express consent.”² The Commission should deny the Petition, which would subject Americans to an unprecedented wave of unwanted and harassing political robocalls at a time when they are already inundated with scams and other automated calls.

Exempting Political Calls from the TCPA Would Subject Americans to Unwarranted Privacy Intrusions and Would Violate the First Amendment

Americans are being flooded by robocalls every day, and the TCPA acts as a levy. Granting this Petition would open the flood gates, and the supposed “conditions” that the Club for Growth recommends should govern the wave of these AI-generated calls would provide little to no protection. Furthermore, granting special privilege to “political calls” would necessarily raise a substantial First Amendment question for the same reasons that the Supreme Court invalidated the

¹ <https://docs.fcc.gov/public/attachments/DA-26-940A1.pdf>

² Petition of Club for Growth for Expedited Waiver, CG Docket No. 02-278 (filed Aug. 31, 2026) (Waiver Petition). Available at: <https://www.fcc.gov/ecfs/document/26110073991/1>.

exception for government debt collection calls in *Barr v. AAPC*, because they are not narrowly tailored to address a compelling governmental interest.³

If there is one thing that unites Americans (according to the Supreme Court), it is “their disdain for robocalls.”⁴ Thankfully, “[f]or nearly 30 years, the people’s representatives in Congress have been fighting back.”⁵ But even as Congress has passed, affirmed, and extended new robocall protections, the problem has gotten worse as mobile phones have become an essential part of our personal and professional lives and as automated calling technologies have become cheaper and more virulent. The scourge of robocalls has been further exacerbated by AI tools that facilitate not only the rapid generation and distribution of call scripts and text, but also the generation of synthetic voice recordings and even of impersonating “deep fake” recordings of politicians and others.⁶

The TCPA imposes a prior express consent requirement on artificial and prerecorded voice calls for a reason: people hate robocalls and see them as a fundamental violation of their privacy, especially when they are inundated with them on their mobile phones. Congress was clear when it enacted the TCPA that its robocall restrictions protect user privacy. And the heightened restrictions on calls to mobile devices reflect Congress’s determination that cell phone users require more protection than residential landline users. Congress saw that the privacy invasion caused by robocalls to mobile devices was uniquely harmful precisely because individuals carry these devices with them wherever they go. The key privacy harm is the interruption and disruption of daily life caused by an unwanted call. And that harm is just as acute (if not moreso) when the call is a “political call.”

³ *Barr v. Am. Ass’n of Political Consultants, Inc.*, 140 S. Ct. 2335.

⁴ *Id.* at 2343.

⁵ *Id.*

⁶ See Press Release, *FCC Issues \$6M Fine for Election Interference Deepfake Robocalls*, FCC (Sept. 26, 2024), <https://www.fcc.gov/document/fcc-issues-6m-fine-election-interference-deepfake-robocalls>.

Granting the Exemption for AI Generated Political Calls Would Not Serve the Public Interest

The Club for Growth claims in its Petition that its requested exemption would somehow advance the public interest even though all evidence points to the opposite conclusion. Removing the prior express consent requirement for AI generated “political calls” would necessarily lead cell phone users to receive an increased number of calls every day, further exacerbating the privacy harms of unwanted robocalls. The flood of unwanted robocalls has already made most people unwilling to answer their phones.⁷ And one of the only types of calls and messages that Americans dislike more than robocalls is the constant barrage of political messages.⁸ So what evidence does the Club for Growth offer that combining two things that cell phone users already dislike and increasing their volume will serve the public interest? Absolutely none. And nor could they since the resulting scourge would quite obviously harm the public interest.

The Petition also ignores the significant risk that an increase in AI-generated political communications poses a significant risk of increased spread and amplification of disinformation,⁹ which would undermine our democratic process.¹⁰ And the only positive argument that they do present is that granting the Petition would “promote regulatory clarity and certainty” even though no workable definition for a “political call” exists that could provide such certainty. What would result is an unpredictable landscape where every AI-generated robocall could be, after the fact,

⁷ Orion Rummler, *Survey: Most Americans Aren't Answering the Phone to Avoid Robocalls*, Axios (Feb. 15, 2021), <https://www.axios.com/2021/02/15/robocalls-survey-americans>.

⁸ Grace Hase, *Is Your Phone Being Flooded with Political Text Messages? Here's What You Need to Know*, The Mercury News (Oct. 16, 2026), <https://www.mercurynews.com/2026/10/16/is-your-phone-being-flooded-with-political-text-messages-heres-what-you-need-to-know/>.

⁹ See *Generating Harms: Generative AI's Impact & Paths Forward*, EPIC at 2-5 (May 2023), <https://epic.org/wp-content/uploads/2023/05/EPIC-Generative-AI-White-Paper-May2023.pdf>; see Sophie Nyombi, *Safeguarding Democratic Elections in the Age of AI*, EPIC (Apr. 4, 2024), <https://epic.org/safeguarding-democratic-elections-in-the-age-of-ai/>.

¹⁰ See Alexander Romanishyn, Olena Malytska & Vitaliy Goncharuk, *AI-driven Disinformation: Policy Recommendations for Democratic Resilience*, 8 Front. Artific. Intell. (July 30, 2025), <https://www.frontiersin.org/journals/artificial-intelligence/articles/10.3389/frai.2025.1569115/full>.

argued to fit within this nebulous category. And any attempt by a court or by the Commission to challenge a particular call would be decried as a violation of the First Amendment because the rule would necessarily turn on the contents of the call.

Conclusion

We urge the Commission to deny the Waiver Petition in its entirety and to affirm its commitment to implementing and enforcing rules to protect all cell phone users against automated (and especially AI-generated) calls.

Respectfully submitted this 19th day of October 2026, by:

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