Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
Improving Customer Service and Protecting Consumers Through Onshoring	)	CG Docket No. 26-52
Advanced Methods to Target and Eliminate Unlawful Robocalls	)	CG Docket No. 17-59
Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991	)	CG Docket No. 02-278
Empowering Broadband Consumers Through Transparency	)	CG Docket No. 22-2

COMMENTS OF THE U.S. CHAMBER OF COMMERCE, MICHIGAN CHAMBER OF COMMERCE, GEORGIA CHAMBER OF COMMERCE, KENTUCKY CHAMBER OF COMMERCE, BUSINESS COUNCIL OF NEW YORK STATE, INC., AND PENNSYLVANIA CHAMBER OF BUSINESS AND INDUSTRY

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The Chamber of Commerce of the United States of America is the world's largest business federation. It represents approximately 300,000 direct members and indirectly represents the interests of more than 3 million companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly submits comment letters on proposed rulemakings, like this one, that raise issues of concern to the nation's business community.

The Michigan, Georgia, and Kentucky Chambers of Commerce, the Business Council of New York State, Inc., and the Pennsylvania Chamber of Business and Industry each represent the interests of the business communities in their respective States. Each of these local Chambers also has a strong interest in matters before Congress, the Executive Branch, and the courts that will affect businesses in their respective communities.

I. INTRODUCTION AND SUMMARY

The Federal Communications Commission (the Commission or FCC) has sought comment on whether it should adopt sweeping regulations governing the call-center operations of the industries it regulates—and potentially even industries it historically has not—and whether it has the authority to do so. The answer to both questions is no. First, the proposed regulations are unneeded, as no record evidence suggests widespread problems with foreign call centers, as distinct from their domestic counterparts. The regulations would also be counterproductive, increasing rather than decreasing consumer frustration.

Second, no matter whether those regulations would be good or bad policy, the Commission lacks the authority to promulgate them. Call-center operations are simply not a question that Congress authorized the FCC to address. The *Notice* suggests a host of potential statutory authorities.[1] That alone is telling: the *Notice* must search far and wide for a statutory hook because none of the Commission's statutory authorities is naturally read to authorize the contemplated regulations. In particular, the *Notice* suggests an overbroad understanding of the Commission's authority under Section 201(b) of the Communications Act of 1934 (the Act).[2] That provision makes unlawful carrier practices that are analogous to price-gouging; it is not a roving mandate to overhaul call-center operations and personnel decisions. And the *Notice*'s invocation of other statutory provisions fares no better. Not one of those targeted provisions grants open-ended

[1] *Improving Customer Service and Protecting Consumers Through Onshoring,* Notice of Proposed Rulemaking in CG Docket No. 26-52; Tenth Further Notice of Proposed Rulemaking in CG Docket No. 17-59; Further Notice of Proposed Rulemaking in CG Docket No. 02-278; Third Further Notice of Proposed Rulemaking in CG Docket No. 22-2, FCC 26-16 (rel. Mar. 27, 2026) ("*Notice*").

[2] 47 U.S.C. § 201(b).

authority to the Commission to regulate business practices and vastly expand its power in areas that Congress never addressed.

The major-questions doctrine confirms the Commission's lack of authority. Whether American businesses can use foreign employees or contractors is a question of vast economic and political significance that is far outside the Commission's mandate. It is also the subject of intense political debate, and the Commission's entry into that debate would be an exercise of a previously unheralded power.

The Commission should withdraw the *Notice*.

II. THE PROPOSED RULES WOULD HARM CONSUMERS BY INCREASING COSTS, REDUCING RESPONSIVENESS, AND UNDERMINING SERVICE AVAILABILITY.

As an initial matter, the Commission should decline to adopt the *Notice*'s onshoring proposals because the *Notice* fails to establish any widespread "problems with foreign call centers"[3] that might justify the extensive proposed regulations. The Commission's primary evidence is outdated,[4] not specific to offshore call centers,[5] unrepresentative of consumer interactions with call-center agents,[6] and unrelated to the call-center operations of legitimate businesses.[7] There is no credible, widespread problem that matches up with the Commission's target.

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[3] *Notice* ¶ 3.

[4] *Id*. ¶ 13 (citing a single enforcement action for conduct occurring over a decade ago).

[5] *Id*. ¶ 6 (citing surveys showing low customer satisfaction with call centers *in general*).

[6] *Id*. ¶ 25 (citing isolated excerpts from consumer complaints, which necessarily come from a database of dissatisfied consumers).

[7] *Id*. ¶ 109 (reporting that consumers lost "at least $1.3 billion to call center fraud in 2023" but acknowledging that scam call centers "are unlikely to be answering or making calls for legitimate American businesses").

That is especially true in the highly competitive communications marketplace, where providers already have powerful incentives to improve customer service and differentiate themselves from rivals. Providers regularly compete on the quality, speed, and reliability of customer support, and foreign call centers are one tool they use to deliver that support efficiently and at scale. Whatever mix of domestic and foreign support a provider chooses, that choice remains disciplined by market pressure to provide the best customer-service experience possible.

Moreover, the *Notice*'s onshoring proposals would not achieve the Commission's desired ends. Indeed, they would ultimately harm the consumers whom the Commission seeks to protect. First, the *Notice*'s sweeping onshoring proposals would impose substantial new operating costs that threaten the affordability of communications—and other—services that depend on efficient customer-support operations. The Commission has recognized the significant cost discrepancies to run call centers in different countries—with salary costs in the United States exceeding 20 times those in some other countries.[8] Mandating that American firms shift significant call volumes to domestic representatives—whether through a percentage cap, U.S.-only handling of multiple types of service interactions, or transfer rights—would therefore materially increase the costs of providing customer support. And that, in turn, would increase the costs of services that consumers use every day, including broadband, wireless, video, and banking.

Second, those cost increases would hurt quality. The *Notice*'s proposals would divert resources away from service-quality control and innovations that more directly benefit consumers. Compliance with the *Notice*'s array of onshoring rules would require new routing systems, transfer mechanisms, location tracking, testing protocols, reporting processes, and audits, leaving fewer resources for investments in outage notifications, fraud detection, accessibility and self-service

[8] *Notice* ¶¶ 106-107.

tools, and agent training.[9] Budgets would be spent on bureaucratic compliance, not the best end product.

Third, the *Notice*'s proposals would degrade the very customer-service experience they purport to improve. A right to transfer calls to a U.S.-based representative (especially in conjunction with a disclosure of that right at the start of each call) would increase average handle time, require duplicative staffing capacity, and lengthen queues.[10] It would also create incentives for businesses to make unnecessary U.S. transfers, increasing the likelihood that consumers must repeat information, wait for another representative, or restart the troubleshooting process. The result would be more—not less—"consumer frustratio[n],"[11] and less efficient problem resolution. Longer wait times will help no one.

Global call-center networks are particularly useful for reducing wait times because they allow businesses to extend service hours, maintain surge capacity, and respond to spikes in demand caused by outages, storms, and billing cycles. Restricting access to that global labor pool would make overnight and emergency coverage more costly and less reliable. It would also concentrate operational risk in domestic facilities that may be affected by disasters or regional disruptions. In addition, mandatory onshoring would deprive consumers of experienced agents with low turnover rates and high product familiarity. Indeed, many providers have found that overseas call centers perform at least as well on Net Promoter Score and issue resolution as their domestic counterparts. All told, consumers could experience fewer service hours, longer hold times, and reduced access to experienced live support when they need it most.

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[9] *Id*. ¶¶ 28, 32-35, 43-50, 103.

[10] *Id*. ¶¶ 38-45.

[11] *Id*. ¶ 2.

III. THE COMMISSION LACKS AUTHORITY TO ENACT THE PROPOSED RULES.

Administrative "agencies are creatures of statute," and they "possess only the authority that Congress has provided."[12] Under the Communications Act, the Commission can regulate "interstate and foreign communication by wire or radio" and those "persons engaged within the United States in such communication."[13] But the Commission does not "possess[] plenary authority to act within a given area simply because Congress has endowed it with *some* authority to act in that area."[14] To the contrary, the Commission must be able to identify a "statutory provision that gives the agency authority to mandate" the particular rule at issue.[15] The *Notice* suggests many possibilities—over a dozen statutory provisions—but none confers authority on the Commission to dictate nationwide labor mandates or convert narrow transmission authority into general corporate oversight. *Cf. Fifth Third Mortg. Co.* v. *Chi. Title Ins. Co.*, 692 F.3d 507, 509 (6th Cir. 2012) ("When a party comes to us with nine grounds for reversing the district court, that usually means there are none."). Accordingly, because the Commission would be "act[ing] without delegated authority from Congress" if it adopted the *Notice*'s proposals, it should withdraw the *Notice*.[16]

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[12] *NFIB* v. *OSHA*, 595 U.S. 109, 117 (2022) (per curiam).

[13] 47 U.S.C. § 152(a).

[14] *Am. Library Ass'n* v. *FCC*, 406 F.3d 689, 708 (D.C. Cir. 2005).

[15] *Motion Picture Ass'n of Am., Inc.* v. *FCC*, 309 F.3d 796, 807 (D.C. Cir. 2002); *see Minn. Telecom All.* v. *FCC*, 2026 WL 1239430, at *15 (8th Cir. May 6, 2026) (vacating a "final rule in its entirety" because "the Commission exceeded its statutory authority … by adopting a final rule that authorized the imposition of disparate impact liability and defined the entities covered by the rule overbroadly").

[16] *Motion Picture Ass'n*, 309 F.3d at 807.

A. Section 201(b) does not authorize the proposed rules.

At least as to its proposed regulation of carriers, the Commission appears to rely most heavily on Section 201(b).[17] Section 201(b) declares unlawful all "unjust or unreasonable" "charges, practices, classifications, and regulations for and in connection with" a covered "communication service." The Commission asks whether Section 201(b) gives it authority to regulate where a carrier's customer-service representatives are located. It does not. Customer service is not a "charge, practice, classification, or regulation" in "connection with a communication service." And even if it could be so classified, the Commission's objections to offshore call centers do not make a practice "unjust" or "unreasonable" within the meaning of Section 201(b).

1. First, operating a call center is not a "charge, practice, classification, or regulation for and in connection with" a "covered communication service." It is obviously not a monetary charge, or a classification or regulation. In a colloquial sense, the location of call-center operations *might* be deemed a "practice," though even that would be a stretch. Regardless, the term is not used in Section 201(b) in its broadest conceivable colloquial sense. The Supreme Court has held that "practice" under Section 201(b) must have an "analogy with rate setting and rate divisions, the traditional, historical subject matter of § 201(b)" and must "*resembl[e]* activity that both transportation and communications agencies have long regulated."[18] Regulations of call-center

[17] *See Notice* ¶¶ 78-79.

[18] *Global Crossing Telecomms., Inc.* v. *Metrophones Telecomms., Inc.*, 550 U.S. 45, 60 (2007). Even this extension of "practice" beyond its core meaning when the Communications Act was enacted was upheld only as "reasonable." *Id*. at 55. But this Commission now must identify the best reading of the Act, not merely a "reasonable" one. *See generally Loper Bright Enters.* v. *Raimondo*, 603 U.S. 369 (2024).

operations do not "resemble" any element of "rate setting and rate divisions." So it is not an appropriate subject of regulation under Section 201(b).

That reading of Section 201(b) reflects its text and history. Starting with the text, the canon of *noscitur a sociis* teaches that "a word is known by the company it keeps" and that no one word in a series should be given significantly broader scope than the others.[19] So the scope of "practice" must be construed in relation to the scope of "charge," "classification," and "regulation"—not as a word in isolation. When "charge," "classification," "regulation," and "practice" are used together, they all refer to the rate-setting process. As the Supreme Court has explained, carriers used to file a "carrier tariff" that "sets forth the carrier's rates, classifications, and practices."[20] These filings were necessary because, at the time the Communications Act was adopted, most carriers did not face competitive pricing pressures, and so this Commission needed to approve carriers' rates to ensure they were just and reasonable.[21] Once the Commission approved the tariff, Section 203 forbade the carrier from making any change in the "charges, classifications, regulations, or practices which have been so filed and published."[22] So Section 203 makes it unmistakably clear what Section 201 is talking about: the type of carrier price-setting behavior that would need to be approved by the Commission.

Statutory history points to the same answer. "Congress largely copied §§ 1, 8, and 9 of the Interstate Commerce Act when it wrote the language of Communications Act [§] 201(b)."[23] "The

[19] *Gustafson* v. *Alloyd Co.*, 513 U.S. 561, 575 (1995); *see* Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 195 (2012).

[20] *Global Crossing*, 550 U.S. at 57.

[21] *See id.* at 49-50.

[22] 47 U.S.C. § 203(b).

[23] *Global Crossing*, 550 U.S. at 49.

relevant sections (in both statutes) authorize the Commission to declare any carrier 'charge,' 'regulation,' or 'practice' in connection with the carrier's services to be 'unjust or unreasonable'" and thus unlawful.[24] The Interstate Commerce Commission existed to "determin[e] the reasonableness of a published rate"—not to review broader business practices.[25] And the "similar language of [the] Communications Act" indicates "a roughly similar" allocation of authority.[26]

In short, precedent, text, and history all say the same thing: Section 201(b) allows regulation only of "practices" that are closely related to rate-setting. To state the obvious, call-center operations have nothing to do with rate-setting.

2. Second, the Commission's concerns about service quality could not make customer-service policies "unjust or unreasonable" within the meaning of Section 201(b). To comply with the nondelegation doctrine, otherwise-capacious phrases like "just and reasonable" must borrow content from their "broader statutory contex[t]" to "inform[] [its] interpretation and suppl[y] the content necessary to satisfy the intelligible-principle test."[27] In Section 201(b), "just and reasonable" is a "traditional regulatory notion" that is "aimed at navigating the straits between gouging utility customers and confiscating utility property."[28] So it makes unlawful only "charges, practices, classifications, and regulations" that inequitably distort the economic balance between customers and providers—not whatever the Commission happens to dislike.

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[24] *Id.*

[25] *Ariz. Grocery Co.* v. *Atchison, T & S. F. Ry. Co.*, 284 U.S. 370, 384 (1932); *see Global Crossing*, 550 U.S. at 49-50.

[26] *Global Crossing*, 550 U.S. at 50.

[27] *FCC* v. *Consumers' Research*, 606 U.S. 656, 684 (2025).

[28] *Verizon Comm'ns, Inc.* v. *FCC*, 535 U.S. 467, 481 (2002).

The Supreme Court has consistently explained that agencies cannot go beyond a textually grounded understanding of what is "just and reasonable" for purposes of their specific statutory mandates and address other, unrelated perceived "injustices." In *Federal Power Commission* v. *Hope Natural Gas Co.*, the Court explained that the Commission's power to fix "just and reasonable rates" did not include the power to fix rates to "disallow or discourage resales for industrial use"—a policy that "may or may not [have been] desirable" but went beyond the "conventional standards of rate-making."[29] And in *NAACP* v. *Federal Power Commission*, the Court held that the Commission lacked the authority to seek to eliminate discriminatory employment practices among its regulated entities as part of its mandate to set "just and reasonable rates" in the "public interest"—holding that its mandate was limited to "promot[ing] the orderly production of plentiful supplies of electric energy and natural gas at just and reasonable rates."[30]

These principles apply with full force to the proposed regulations. Section 201(b) does not use "just and reasonable" to authorize the Commission to pursue its preferred labor and call-center policies. Instead, it authorizes the Commission to ensure that services are fairly priced and distributed. The *Notice* veers far beyond this mandate.

3. In suggesting a broader reading of Section 201(b), the *Notice* cites the Sixth Circuit's recent decision in *Ohio Telecom Association* v. *FCC*.[31] *Ohio Telecom* upheld this Commission's Order in *In the Matter of Data Breach Reporting Requirements*,[32] which imposed reporting requirements on telecommunications carriers when data breaches involve customers'

[29] 320 U.S. 591, 616-617 (1944).

[30] 425 U.S. 662, 671 (1976).

[31] 150 F.4th 694 (6th Cir. 2025), petition for rehearing en banc held in abeyance pending FCC review of the challenged order (Oct. 7, 2025); *Notice* ¶ 79 n. 88.

[32] 38 FCC Rcd 566 (2023).

personally identifiable information.[33] The panel (correctly) held that Section 222 does not authorize the rule because it extends to personally identifiable information beyond "customer proprietary network information," or CPNI.[34] The panel nevertheless reasoned (incorrectly) that a carrier's "handling of data breaches, including the refusal or failure to notify customers and the government in response to a data breach" could be an "unjust or unreasonable" "practice" within the meaning of Section 201(b).[35] The *Notice* suggests that regulating the location of call centers might be similarly "necessary in the public interest to carry out" Section 201(b)'s prohibition of "unjust or unreasonable" carrier "practices … in connection with" a communication service.[36]

That logic fails for several reasons. To start, *Ohio Telecom*'s construction of Section 201(b) is egregiously wrong. As Judge Griffin explained in dissent, the panel majority misunderstood the Supreme Court's decision in *Global Crossing*, selectively quoting that decision while failing to engage with the Court's holding that covered "practices" must at least resemble rate-setting.[37] The panel majority also incorrectly reasoned that the term "practice" is so different from the other terms in Section 201(b) that the canon of *noscitur a sociis* does not apply—even though Section 203 and the Act's statutory history make clear that "practice," "charge," "classification" and "regulation" are often used together to discuss rate-making.[38] The panel majority did not engage at all with the limits on what constitutes "unjust or unreasonable" behavior

[33] *Ohio Telecom Ass'n*, 150 F.4th at 701.

[34] *Id.* at 710.

[35] *Id.* at 711, 720.

[36] *See Notice* ¶ 79.

[37] *Ohio Telecom Ass'n*, 150 F.4th at 712-714; *id.* at 732-734 (Griffin, J., dissenting).

[38] *See id.* at 714 (majority opinion); *id.* at 730-731 (Griffin, J., dissenting).

under its reading of Section 201(b). The opinion is flawed, and another court would be unlikely to follow its reasoning.

Reliance on *Ohio Telecom* is especially inappropriate because further review is possible and because this Commission has already indicated that it wanted to reexamine the Order under review in that case. The challengers there sought en banc reconsideration of the panel's decision before the Sixth Circuit.[39] That same day, this Commission moved to hold the case in abeyance while it reconsidered the challenged order.[40] The case remains in abeyance.[41] It is thus unclear whether either this Commission or the Sixth Circuit will stand by the reasoning in *Ohio Telecom Association*.

In any event, even *Ohio Telecom*'s expansive reading of Section 201(b) would not support the proposed regulations in the *Notice*. In *Ohio Telecom*, this Commission argued that "inadequate data breach reporting is an unjust or unreasonable practice in connection with a communication service."[42] Compliance with a regulation requiring reporting was thus the *same thing* as ceasing to engage in the supposed "unjust or unreasonable" practice. In contrast, there is an (at most) attenuated relationship here between the purportedly "unjust" "practice" of failing to protect sensitive data and the proposed regulations of foreign call centers that handle confidential or personally identifiable information. At best, the proposed regulations are wildly overinclusive—sweeping in foreign call centers that have no issues protecting sensitive information. At worst, the proposed remedies will do nothing to address the security of confidential data. The same is true

[39] *Ohio Telecom Ass'n* v. *FCC*, Nos. 24-03133 et al., Dkt. 54 (Sept. 29, 2025).

[40] *Id.* Dkt. 55 (Sept. 29, 2025).

[41] *Id.* Dkt. 91-1 (May 7, 2026) (ordering the case continue to be held in abeyance until June 17, 2026).

[42] *Ohio Telecom Ass'n*, 150 F.4th at 711.

for every other proposed rule in the *Notice*; at no point does the *Notice* clearly define an "unjust or unreasonable" "practice" (even under *Ohio Telecom Association*'s flawed understanding of those terms) that would be directly rectified by any of its proposed regulations.

B. Section 227 of the TCPA does not authorize the proposed rules.

The Commission also asks whether Sections 227(c) and 227(d) authorize rules requiring foreign-originated telemarketing and artificial/prerecorded calls to disclose their foreign origin, provide opt-out or transfer options, and satisfy American Standard English proficiency standards.[43] They do not.

There is a fundamental mismatch between the TCPA and the calls with which the *Notice* is primarily concerned. The *Notice* seeks to address "inbound calls in addition to outbound calls where we traditionally have focused our consumer protection efforts."[44] But the TCPA regulates outbound calls—unsolicited telemarketing, robocalls, and the like. Congress enacted the statute because consumers were "outraged over the proliferation of intrusive, nuisance calls *to* their homes *from* telemarketers."[45] Calls placed by or directly requested by a consumer are fundamentally different because—by definition—the consumer initiates these calls.

The text of Sections 227(c) and (d) confirms the mismatch. Section 227(c) has nothing to say about customer-service calls. Section 227(c) covers only "telephone solicitations," a statutorily defined term that means calls or messages "for the purpose of encouraging the purchase or rental" of various goods or services, and expressly excludes calls made with "prior express invitation or permission."[46] This is a subset of often *unwanted* sales calls. It therefore cannot

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[43] *Notice* ¶¶ 97-98.

[44] *Id.* ¶ 24.

[45] Pub. L. No. 102-243, § 2(6), 105 Stat. 2394, 2394 (emphasis added).

[46] 47 U.S.C. § 227(a)(4).

support rules governing ordinary customer-support, billing, account-management, technical-support, or other non-solicitation interactions—that is, the kind of calls at which the *Notice* takes aim.

Even as applied to true "telephone solicitations," the proposed regulations exceed the FCC's Section 227(c) authority. That provision gives telephone subscribers a "privacy righ[t]" to "avoid receiving telephone solicitations to which they object."[47] It does not provide a general warrant to regulate the operational characteristics of telemarketing firms. This privacy right to object to *solicitations* is a right to be left alone; it does not include the right to police the personal characteristics of each individual *solicitor*—including the solicitor's nationality, accent, or any other characteristic.

Section 227(d), meanwhile, is plainly not a source of authority for regulating customer-service practices abroad. It applies only to "any person within the United States."[48] That was no oversight. Sections 227(b) and 227(e) both apply to "any person within the United States, or any person outside the United States if the recipient is within the United States."[49] Those limits are consistent with the background principle that, "[a]bsent clearly expressed congressional intent to the contrary, federal laws will be construed to have only domestic application."[50] Congress knew how to extend the TCPA's requirements abroad, and it did not do so in Section 227(d).

In any event, Section 227(d) is irrelevant. Section 227(d)(3)(A) directs the Commission to promulgate "technical and procedural standards" requiring artificial or prerecorded telephone messages "initiate[d]" by "any person within the United States" to state clearly the "identity" and

[47] *Id*. § 227(c)(1).

[48] *Id*. § 227(d)(1).

[49] *Id*. § 227(b), (e).

[50] *RJR Nabisco* v. *European Community*, 579 U.S. 325, 335 (2016).

"telephone number or address" of the calling business. The calls that the *Notice* seeks to cover do not fit that provision in the first place, as they are not outgoing "artificial or prerecorded telephone messages." And even as to such calls, nothing in that provision authorizes the Commission to promulgate regulations requiring automated calls to state the location where the *call itself* was initiated from. As courts have frequently recognized, "[t]he expression of one thing implies the exclusion of others."[51] Section 227(d)(3)(A) thus does not authorize the Commission to require disclosure of additional, unenumerated information.[52]

C. No other provision of the Act authorizes the proposed rules.

None of the myriad other provisions of the Act cited in the *Notice* authorizes the various onshoring proposals.

1. Section 222

The Commission asked whether Section 222—either in isolation or in conjunction with the final sentence of Section 201(b)[53]—grants it authority to "protect customer privacy regarding sensitive customer data" by requiring carriers to handle certain transactions only in the United States, allowing customers to request U.S.-based customer-support representatives, and prohibiting the use of call centers in "foreign adversary" nations.[54] It does not.

As relevant here, Section 222 protects the privacy rights of consumers in their CPNI.[55] A protection of "privacy" means that consumers have a right to have their CPNI protected from

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[51] Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 107 (2012).

[52] Because Section 227(d) creates no direct liability for foreign persons abroad, there is no Section 227(d) vicarious liability on that theory. *See Notice* ¶ 99.

[53] As discussed above, the rest of Section 201(b) does not authorize onshoring proposals to preserve confidentiality for confidential and personally identifiable information that is not CPNI. *See* Part III.A, *supra*.

[54] *Notice* ¶¶ 79-80.

[55] 47 U.S.C. § 222(c)(1).

disclosure. But Section 222 does not regulate the geographic location of call centers; so long as CPNI is protected, it does not matter where that data is handled.

Sections 222 and 201(b) also do not give the Commission authority to regulate "confidential information" that is not CPNI. Again, CPNI is a limited, defined term that does not include all "sensitive data"—as the *Notice* itself acknowledges.[56] A rule that is designed to address something that is not covered by Section 222 cannot be "necessary in the public interest" to implement Section 222.

The *Notice* could be read to suggest that, whenever a regulated entity's conduct arguably implicates the security of CPNI, the Commission may issue prophylactic regulations, and that the mere possibility of foreign breaches of CPNI could justify onshoring rules. That is wrong as a matter of law and fact. As a matter of law, Section 222 does not give the Commission authority to regulate anything that could plausibly impact data security. Almost any practice of a firm that handles CPNI theoretically *could* affect CPNI security. So that reading of Section 222 would transform it from a discrete consumer privacy right into a near-plenary power for the Commission to oversee the operations of regulated firms. Such prophylactic regulation beyond what is actually necessary to address disclosures of CPNI would not be "necessary in the public interest" to carry out Section 222.[57]

As a matter of fact, nothing in the *Notice* suggests that all call centers based in all foreign countries categorically fail to protect CPNI and could justify a blanket rule. To the contrary, foreign call-center agents generally work in observed, on-site facilities and pose no greater cybersecurity risk than agents in onshore call centers. At most, if the Commission believes that

[56] *Id.* § 222(h)(1); *Notice* ¶ 79. Even *Ohio Telecom* acknowledged this limit on Section 222. 150 F.4th at 710.

[57] 47 U.S.C. § 201(b).

certain entities subject to Section 222 have breached their duties to protect CPNI in a way that has led to actual CPNI disclosure, then it may take appropriate action regarding those specific violators. But the Commission lacks authority to eliminate or micromanage an entire industry practice based on unsubstantiated concerns that all foreign call centers might systematically endanger CPNI.

2. Sections 301, 307, and 316

The Commission asks whether Sections 301, 307, and 316 of the Act—components of the agency's licensing regime—authorize it to impose the *Notice*'s customer-service proposals on CMRS and DBS providers.[58] They do not.

Section 301 allows the Commission to grant licenses to those who "use or operate any apparatus for the transmission of energy or communications or signals by radio."[59] Section 301 thus empowers the Commission only to grant federal licenses for radio-transmission facilities and "administer[] the obligations that come with them"[60]—particularly "technical matters such as … frequency allocation"[61] and "spectrum-management decisions."[62] It does not "confer an unlimited power"[63] on the Commission to regulate post-transmission operations of businesses that merely

[58] *Notice* ¶¶ 82, 90.

[59] 47 U.S.C. § 301.

[60] *Nat'l Ass'n of Broads.* v. *FCC*, 39 F.4th 817, 818 (D.C. Cir. 2022); *see People of State of Cal.* v. *FCC*, 798 F.2d 1515, 1517 (D.C. Cir. 1986) (describing the FCC's "general jurisdiction over radio transmission under section 301").

[61] *Head* v. *N.M. Bd. of Examiners in Optometry*, 374 U.S. 424, 430 n.6 (1963).

[62] *NTCH, Inc.* v. *FCC*, 950 F.3d 871, 874 (D.C. Cir. 2020); *see People of State of Cal.*, 798 F.2d at 1518 (Section 301 provides a "mandate" for the Commission "to allocate the Nation's scarce radio spectrum resources").

[63] *NBC* v. *United States*, 319 U.S. 190, 216 (1943).

use communications services—especially when those operations (*e.g.*, agent location and language proficiency) have no nexus to radio transmission or spectrum management.[64]

Nor do Sections 307 and 316—two other provisions that pertain to the Commission's licensing power. Section 307 "vests in the FCC the exclusive authority to license the use of broadcasting frequencies for radio and television stations,"[65] and Section 316 gives the agency similar power "to modify existing licenses."[66] Neither allows the Commission to "extend" its regulatory jurisdiction "outside of the statutorily prescribed tasks that Congress has instructed [it] to carry out"[67] or to "*fundamentally change* those licenses."[68] At bottom, the Commission "lacks a general mandate to regulate a licensee's business separate and apart from the authority otherwise conferred by Title III"—and no such authority is conferred here.[69]

3. Sections 632(b) and 631(c)

The Commission next asks about two statutory provisions that are narrowly targeted at the provision of cable services. Neither is relevant.

Section 632(b) of the Act authorizes the Commission "to establish standards by which cable operators may fulfill their customer service requirements" and identifies the kinds of requirements Congress had in mind: "cable system office hours and telephone availability," "installations, outages, and service calls," and "bills," "refunds," and other "communications

[64] *See id*. at 219 ("Generalities unrelated to the living problems of radio communication of course cannot justify exercises of power by the Commission[.]").

[65] *In re Beach Television Partners*, 38 F.3d 535, 536 (11th Cir. 1994); *see* 47 U.S.C. § 307.

[66] *Cellco P'ship* v. *FCC*, 700 F.3d 534, 542 (D.C. Cir. 2012) (citing 47 U.S.C. § 316(a)(1)).

[67] *Nat'l Religious Broads.* v. *FCC*, 138 F.4th 282, 293 (5th Cir. 2025).

[68] *NTCH*, 950 F.3d at 882.

[69] *Cellco P'ship*, 700 F.3d at 543.

between the cable operator and the subscriber."[70] These examples share a common feature—they are process-and-output performance standards governing the operator's availability, responsiveness, and handling of discrete subscriber-service events. This provision nowhere authorizes regulation of workforce composition or global business practices, like the *Notice*'s proposed onshoring and language-proficiency mandates.[71] "[S]tatutory language must be read in context,"[72] and "general term[s]" will "usually [be] understood to embrace only objects similar in nature to those objects enumerated by the … specific words."[73] So the "customer service requirements" that the Commission can impose under Section 632(b) are constrained by the transactional, service-performance categories enumerated in the statute. Labor qualifications, national-origin staffing mandates, and linguistic requirements are in a wholly different category—inputs an operator must use to achieve desired service outputs—than office accessibility, installation timing, and billing (*i.e.*, the outputs themselves).

The Commission seizes on Section 632(b)'s reference to "communications between the cable operator and the subscriber,"[74] but that reference is irrelevant. In context, that phrase refers only to the nuts and bolts of the customer interaction itself—as confirmed by the parenthetical reference to "bills and refunds" that directly follows the "communications" covered by the statute.[75] It does not refer to the dialect, nationality, or physical location of the agent

[70] 47 U.S.C. § 552(b); *see Notice* ¶ 87.

[71] *See* 47 U.S.C. § 552(b) (authorizing standards governing "office hours and telephone availability," "installations, outages, and service calls," and "communications between the cable operator and the subscriber (including standards governing bills and refunds)").

[72] *Hibbs* v. *Winn*, 542 U.S. 88, 101 (2004).

[73] *Epic Sys. Corp.* v. *Lewis*, 584 U.S. 497, 512 (2018).

[74] *Notice* ¶ 87.

[75] 47 U.S.C. § 552(b)(3).

communicating with the customer. The Commission's contrary interpretation would assign "communications" a meaning "so broad that it is inconsistent with its accompanying words,"[76] transforming narrow customer-service standards into a broad mandate over workforce decisions.

Even if the Commission's take on Section 632 were correct, the Commission does not "have authority to take direct enforcement action … to ensure that cable television operators comply with the proposed rules."[77] Congress, the Commission, and the courts have repeatedly recognized that customer-service regulation under Section 632 is "enforced most efficiently and appropriately on a local level."[78] The Commission has accordingly confirmed that the Act provides it "with *no role* in the enforcement of its own or any other customer service standards,"[79] except to prevent rare "systemic abuses that undermine the statutory objectives."[80] But the *Notice* fails to identify a pattern of violations of existing customer-service rules; it simply relies on vague policy concerns to justify broad, industry-wide restructuring of operators' business practices.

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[76] *Gustafson*, 513 U.S. at 575.

[77] *Notice* ¶ 89; *see* 47 U.S.C. § 552(a)(1) (a "franchising authority may establish and enforce" customer-service requirements).

[78] *Implementation of Section 8 of the Cable Television Consumer Protection and Competition Act of 1992 Consumer Protection and Customer Service ("Customer Service Order")*, 8 FCC Rcd 2892, 2897 (1993); *Tribune-United Cable of Montgomery Cnty.* v. *Montgomery Cnty*., 784 F.2d 1227, 1229-1230 (4th Cir. 1986) ("Section 552(b) of the Act grants *local authorities* the power to enforce customer service … requirements of franchise agreements") (emphasis added); *see also* Senate Comm. on Commerce, Science and Transportation, S. Rep. No. 102-92, 102d Cong., 2d Sess. at 21 (1992), reprinted in 1992 U.S.C.C.A.N. 1133 (local franchising authorities, "who are closest to the consumer, would be in the best position to effectively address [customer service issues]").

[79] *Customer Service Order*, 8 FCC Rcd at 2896 (emphasis added); *see id*. at 2897 ("[I]t does not appear that Congress intended for the Commission to bear the responsibility of enforcing the new FCC standards.").

[80] *Id*. at 2897; *see also In re Complaint Against Comcast Corp.*, 19 FCC Rcd 702, 703-704 (2004) (the "systemic abuses" requirement is a "threshold hurdle" the Commission must clear before enforcing customer-service requirements that will apply only in very "narrow circumstance[s]").

And the Commission does not stop there: it also suggests extending its cable authority even further. It asks whether an entity that provides Internet access is providing a "wire or radio communications service" and would qualify as a "cable operator" under Section 631(a)(2)(C),[81] such that it would fall within the purview of Section 631(c), which the Commission cites as potential authority for imposing foreign-call-center rules on cable operators.[82] That is wrong in two respects. First, this narrow PII provision cannot be interpreted as supporting the Commission's unprecedented assertion of general customer-service authority.[83] Second, even if the Commission's interpretation of Section 631 were correct, the statute would still apply—at most—only to providers of *cable* internet.[84] It would not be the wide-ranging authority over communications providers that the Commission proposes.

Nor can the Commission combine Sections 632(b) or Section 631 with its ancillary jurisdiction under Section 4(i) to secure meaningfully broader authority than either source provides on its own. As explained, Sections 632(b) and 631 are targeted Cable Act provisions pertaining to process-and-output performance standards and PII protections. They are not an open-ended mandate over call-center geography, labor inputs, or language qualifications. Ancillary

[81] *Notice* ¶ 88; *see* 47 U.S.C. § 551(a)(2)(C).

[82] *See* 47 U.S.C. § 551(c) ("[A] cable operator shall not disclose personally identifiable information ["PII"] concerning any subscriber" without consent and "shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or cable operator[.]").

[83] *See Ala. Ass'n of Realtors* v. *HHS*, 594 U.S. 758, 764 (2021) (per curiam) ("[T]he sheer scope of the [FCC's] claimed authority … would counsel against the [FCC]'s interpretation. We expect Congress to speak clearly when authorizing an agency to exercise powers of vast economic and political significance.").

[84] *See* 47 U.S.C. § 551(a)(2)(B) (defining "other service" as "any wire or radio communications service provided using … the facilities of a cable operator that are used in the provision of cable service"); *id.* § 551(c)(2) (defining a cable operator's PII-disclosure obligations by repeated reference to "other service" as defined in Section 551(a)(2)(B)).

jurisdiction must be tethered to the "Commission's *specific* statutory responsibilities"[85]—so it cannot be used to expand narrow, service- or PII-specific cable provisions into a general code for workforce location and customer-support operations. Put differently, Section 4(i) may help the FCC carry out valid Cable Act duties, but it cannot rewrite those duties or supply the substantive authority Congress omitted.

4. Section 251(e)

Section 251(e) governs "numbering administration."[86] It allows the Commission to create an "impartial entit[y]" to "administer telecommunications numbering and to make such numbers available on an equitable basis."[87] The statute is directed at efficiently and impartially distributing phone numbers; it does not authorize the Commission to weaponize its control over phone numbers to influence the behavior of anyone who wants a phone number.

5. Sections 4(i), 217, 303, 332, 335, and 60504

Several other cited provisions of the Act require an underlying statutory foundation not present here before the Commission can take regulatory action. Those provisions thus cannot provide independent regulatory authority for the proposed regulations.

- The Commission's reliance on Section 217 of the Act and its common-law analogue—the nondelegable-duty doctrine—is misplaced.[88] Section 217 cannot be used to attach liability to conduct that the Act does not otherwise regulate.[89] Likewise, "[t]he doctrine of nondelegable

[85] *California* v. *FCC*, 905 F.2d 1217, 1240 n.35 (9th Cir. 1990).

[86] 47 U.S.C. § 251(e)(1).

[87] *Id*.

[88] *Notice* ¶¶ 93-94; *see* 47 U.S.C. § 217 ("In construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier … , acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier … as well as that of the person.").

[89] *See Champion* v. *Credit Pros Int'l Corp.*, 2022 WL 3152657, at *3 (D. N.J. Aug. 5, 2022) ("The Third Circuit has interpreted [Section 217]" to require a showing that the contractor "actually committed the conduct *that violated* the [Communications Act].") (emphasis added).

duty does not … create a duty where none would otherwise exist."[90] Both are derivative rules of attribution—not independent sources of regulatory authority.

- Section 303(r) permits the Commission to regulate in "the public … interest" "as may be necessary to carry out the provisions of [the] Act."[91] But it "does not grant freewheeling authority" to the Commission,[92] which "cannot act in the 'public interest' if"—as here—it "does not otherwise have the authority to promulgate the regulations at issue."[93]

- Section 332 governs the provision of mobile services, defining the extent to which they may be treated as Title II common carriers.[94] The Commission lacks Title II authority to issue any of these regulations as to common carriers, so it also lacks Section 332 authority to issue them as to providers of mobile services.[95]

- Section 335 authorizes the Commission "to impose, on providers of direct broadcast satellite service, public interest or other requirements for providing video programming."[96] It allows the Commission "to require every provider reserve a portion of its channel capacity exclusively for non-commercial programming of an educational or informational nature."[97] It does not authorize the Commission to impose generalized customer-service or privacy requirements wholly collateral to the act of providing DBS service.[98]

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[90] *United States* v. *Sierra Pac. Indus.*, 879 F. Supp. 2d 1117, 1127 (E.D. Cal. 2012).

[91] 47 U.S.C. § 303(r); *see Notice* ¶ 90 n.118.

[92] *Nat'l Religious Broads*., 138 F.4th at 291.

[93] *Motion Picture Ass'n of Am.*, 309 F.3d at 806; *Cellco P'ship*, 700 F.3d at 542 (the Commission "may not rely on [the Act's] public-interest provisions without mooring its action to a distinct grant of authority" from Congress).

[94] 47 U.S.C. § 332(c)(1).

[95] See *Notice* ¶ 82.

[96] 47 U.S.C. § 335(a); *see Notice* ¶ 90.

[97] *Dominion Video Satellite, Inc.* v. *Echostar Satellite L.L.C.*, 430 F.3d 1269, 1276 (10th Cir. 2005).

[98] A recent FCC decision interpreting Section 335 cited by the Commission—*All-In Pricing for Cable and Satellite Television Service*, 89 Fed. Reg. 28660-01 (Apr. 19, 2024)—is not to the contrary. The pricing requirement implemented in that proceeding was more closely related to the provision of "video programming"—and was never tested in court. *Id*. at 28670.

- Section 303(b) authorizes the Commission to "[p]rescribe the nature of the service to be rendered" by licensed stations,[99] but does not create a "general mandate to regulate a licensee's business separate and apart from the authority otherwise conferred by Title III."[100]

- Section 303(v)[101] grants the Commission only "exclusive jurisdiction and authority to ensure that all viewers may access direct-to-home satellite services"[102]—not a roving mandate to make customer-service policy.

- The Commission cannot invoke ancillary jurisdiction under Section 4(i) "to regulate matters outside of the compass of communication by wire or radio."[103] That is, the Commission may not use ancillary jurisdiction to regulate activities merely because they "substantially affect communications"[104]; the activity *itself* must fall within the Commission's "statutorily mandated responsibilities" for regulating radio or wire communications.[105] The *Notice*'s proposals far exceed these limits.

- The Commission also cannot exercise ancillary jurisdiction over interconnected VoIP service providers.[106] Under the *Notice*'s own reasoning, any such jurisdiction would have to be "ancillary" to a statutorily mandated responsibility elsewhere in the Act, such as Section 222 or Section 251(e).[107] Indeed, each of the Commission's prior interconnected-VoIP rules rested on a specific statutory hook—including 911/E911 under Sections 1, 4(i), 251(e), and 303(r);[108]

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[99] 47 U.S.C. § 303(b); *see Notice* ¶ 90.

[100] *Cellco P'ship*, 700 F.3d at 543; *see also FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470, 475 (1940) (Title III "does not essay to regulate the business of the licensee" and gives the Commission "no supervisory control of the programs, of business management[,] or of policy").

[101] 47 U.S.C. § 303(v); *see Notice* ¶ 90.

[102] *Bldg. Owners & Managers Ass'n Int'l* v. *FCC*, 254 F.3d 89, 96, 99 (D.C. Cir. 2001).

[103] *Am. Library Ass'n*, 406 F.3d at 702; *see also FCC* v. *Midwest Video Corp.*, 440 U.S. 689, 706 (1979) (FCC's ancillary jurisdiction is not a source of "unbounded" authority).

[104] *Ill. Citizens Comm. for Broad.* v. *FCC*, 467 F.2d 1397, 1399-1400 (7th Cir. 1972) (rejecting this theory of jurisdiction as "far too broad").

[105] *Am. Library Ass'n*, 406 F.3d at 700.

[106] *See Notice* ¶¶ 83-85.

[107] *See id.*

[108] *See IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd 10245, 10261-10262, 10268 (2005).

CPNI under Section 222;[109] universal service under Section 254(d);[110] and the Communications Assistance for Law Enforcement Act's "substantial replacement" clause.[111] Here, Sections 222 and 251(e) do not support the *Notice*'s proposed call-center rules in the first instance. So they cannot support those same rules for interconnected VoIP, either.

- Nor does the Commission have authority to regulate "'standalone' providers of non-interconnected VoIP" in any of the ways suggested in the *Notice*.[112] Congress, recognizing that advanced innovative services (like non-interconnected VoIP) "flourish[], to the benefit of all Americans," from a "minimum of government regulation,"[113] has addressed non-interconnected VoIP only in discrete, purpose-specific contexts—principally by including it within "advanced communications services" for accessibility purposes and by requiring contributions to the TRS Fund.[114] Ancillary jurisdiction cannot fill the gap because the *Notice* identifies no statutorily mandated responsibility over non-interconnected VoIP to which such rules would be reasonably ancillary.[115]

- Section 60504 directs the Commission to adopt broadband labels "as described in" the 2016 Public Notice, which established a bounded disclosure framework focused on core attributes of broadband service—price, performance, network management, privacy policy, and customer-support contact information.[116] That provision does not authorize the Commission to add new disclosures about call-center geography that Congress did not incorporate into the label framework. Nor do Sections 163, 254, and 257—which concern market-entry barriers, Commission reporting, and universal service—fill that gap.[117] None provides independent authority to require broadband-label disclosures about foreign call-center usage.

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[109] *See Implementation of the Telecommunications Act of 1996: Telecomms. Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, 22 FCC Rcd 6927, 6954-6957 (2007).

[110] *See Universal Serv. Contribution Methodology*, 21 FCC Rcd 7518, 7536-7541 (2006), *aff'd sub nom. Vonage Holdings Corp.* v. *FCC*, 489 F.3d 1232 (D.C. Cir. 2007).

[111] *See Communications Assistance for Law Enforcement Act and Broadband Access and Services*, 20 FCC Rcd 14989 (2005) (citing 47 U.S.C. § 1001(8)(B)(ii)), *aff'd*, *Am. Council on Educ.* v. *FCC*, 451 F.3d 226 (D.C. Cir. 2006).

[112] *Notice* ¶ 100.

[113] 47 U.S.C. § 230(a)(4).

[114] *See* 47 U.S.C. §§ 153(1), 153(36), 617, 616; 47 C.F.R. §§ 14.1 et seq., 64.604(c)(5)(iii).

[115] *See Am. Library Ass'n*, 406 F.3d at 700.

[116] *Notice* ¶¶ 91-92; *see* Pub. L. No. 117-58, div. F, title V, § 60504, 135 Stat. 1244 (Nov. 15, 2021), codified at 47 U.S.C. § 1753; *Consumer & Gov. Affairs, Wireline Competition, & Wireless Telecomms. Bureaus Approve Open Internet Broadband Consumer Labels*, GN Docket No. 14-28, Public Notice, 31 FCC Rcd 3358 (Apr. 4, 2016); 47 U.S.C. § 1753(a).

[117] *Notice* ¶ 92 (citing 47 U.S.C. §§ 163, 254, 257).

D. The major-questions doctrine confirms that the Commission lacks statutory authority.

All of the proposed authorities are clear on their face: they do not authorize the *Notice*'s proposals. But even if there were ambiguity, the major-questions doctrine would foreclose the significant assertion of authority that the Commission is contemplating. The Supreme Court has reiterated that Congress must "speak clearly before [an agency] can unilaterally alter large sections of the American economy."[118] So agencies should "hesitate before concluding that Congress meant to confer" on them authority of "vast economic and political significance."[119]

The *Notice*'s proposed onshoring regulations—and the assertion of authority that they embody—present a major question. When and how American businesses use foreign workers to produce their goods and services, including customer service, in foreign countries is a question of "vast economic and political significance." As the *Notice* acknowledges, a "significant number of businesses in the United States use call centers in foreign countries when communicating with consumers."[120] The proposed regulations could massively increase costs and decrease the quality of customer service that Americans receive.[121] One Chamber member estimates that the FCC's onshoring proposal would cost hundreds of millions of dollars in up-front costs, while ongoing costs could extend into the billions. Those costs include hiring and training staff, setting up call center facilities, and paying the large salary differential between domestic and offshore agents. In addition, as the *Notice* suggests, the role of foreign workers in the American economy is a politically contentious question that one would expect Congress to address directly rather than

[118] *Biden* v. *Nebraska*, 600 U.S. 477, 507 (2023).

[119] *West Virginia* v. *EPA*, 597 U.S. 697, 716, 721 (2022) (internal quotation marks omitted).

[120] *Notice* ¶¶ 7-8.

[121] *See supra* at Part II.

hand off to an agency—particularly an agency responsible for communications rather than labor policy.[122]

In developing the major-questions doctrine, the Supreme Court has considered whether an agency is interpreting its statutory authority in a way that would impermissibly grant it "unheralded power" over areas "of vast economic and political significance," even beyond the exact regulation before it.[123] For example, in holding that the Centers for Disease Control lacked authority to issue a nationwide eviction moratorium, the Supreme Court considered not just the significance of the moratorium itself but also the fact that the Government's interpretation of the relevant statute would "give the CDC a breathtaking amount of authority" to address other major questions—*e.g.*, the ability to "mandate free grocery delivery to the homes of the sick or vulnerable" or to "[o]rder telecommunications companies to provide free high-speed Internet service to facilitate remote work."[124] The same principles apply here. Any interpretation of the Commission's authority that authorizes the proposed regulations would necessarily give the Commission a "breathtaking amount of authority" over other policy issues. For example, if basing call centers abroad is an "unjust or unreasonable" "practice in connection with a communication service" within the meaning of Section 201(b), then it is difficult to envision a limiting principle on the Commission's power over the carriers. Any activity by a carrier that this (or a future) Commission dislikes could be declared an "unjust or unreasonable" practice, giving the Commission effectively plenary

[122] *See Notice* ¶¶ 1-2, 9-14; *see also Nebraska*, 600 U.S. at 515 (Barrett, J., concurring) (A "reasonable interpreter would expect [Congress] to make the big-time policy calls itself, rather than pawning them off to another branch.").

[123] *West Virginia*, 597 U.S. at 724, 716.

[124] *Alabama Ass'n of Realtors*, 594 U.S. at 764-765.

regulatory authority over carriers. Under the major-questions doctrine, the Commission cannot claim such awesome power without clearer statutory authority.

Similarly, the legal theories in the *Notice* would give the Commission vast authority not only over previously unregulated aspects of the telecommunications industry, but over entire industries that the Commission has *never* meaningfully regulated. In particular, the TCPA is not limited to communications "carriers."[125] The *Notice*'s proposed interpretations of the TCPA thus could be read as suggesting that the Commission has the sweeping authority to require onshoring of telephone operations for the *entire American economy*. It is a "telltale sign that an agency may have transgressed its statutory authority when it regulates outside its wheelhouse."[126] Labor policy for the broader American economy, beyond even the communications sector, is comfortably outside the Commission's "wheelhouse."

In addition, "[i]t is telling that," in the Commission's over 90-year history, it "has never adopted a broad [labor] regulation of this kind" addressing a problem that is "untethered, in any causal sense," from the actual services that the Commission regulates.[127] "This 'lack of historical precedent,' coupled with the breadth of authority" that the *Notice* contemplates, "is a 'telling indication' that the" regulations proposed in the *Notice* "exten[d] beyond the [Commission's] legitimate reach."[128]

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[125] *Compare*, *e.g.*, 47 U.S.C. § 201(a) (establishing the duties of "every common carrier engaged in interstate or foreign communication by wire or radio") *and id.* § 222(a) (establishing the duties of "[e]very telecommunications carrier"), *with*, *e.g.*, *id.* § 227(d) (governing the conduct of "any person within the United States").

[126] *Nebraska*, 600 U.S. at 518 (Barrett, J., concurring).

[127] *NFIB*, 595 U.S. at 119.

[128] *Id.*

Making matters worse, the regulation of call-center operations "falls outside" of the Commission's "sphere of expertise."[129] The Commission is not the Department of Labor or even the Federal Trade Commission.[130] Its expertise is on the communications industry, not on issues of labor policy and customer service that bear on *every* industry in the country. The *Notice*'s proposed regulations thus present a major question well outside of the Commission's mandate and expertise.

E. National security does not justify the *Notice*'s proposals.

The *Notice* repeatedly invokes national-security concerns to justify categorical prohibitions on the use of call centers or personnel in "foreign adversary" nations.[131] But no provision of the Act supports such actions, and "the FCC cannot conjure national security authority out of thin air."[132] The *Notice* therefore "illegally arrogates to the FCC the power to make judgments about national security that lie outside [its] authority and expertise."[133]

Although the Act's preamble lists "the purpose of the national defense" as one of Congress's reasons for creating the FCC,[134] this statement alone cannot support the weight the Commission places on it. "[N]o legislation pursues its purposes at all costs,"[135] so "statements of

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[129] *Id.* at 118.

[130] Congress is currently considering a bill to encourage onshoring of call centers that tellingly vests authority in the Secretary of Labor—not this Commission. *See Keep Call Centers in America Act of 2025*, S. 2495, 119th Cong. (2025). Presumably, that is because Congress perceives the Department of Labor as the more natural agency to implement labor policy.

[131] *See Notice* ¶¶ 2, 13, 21, 54-55, 95.

[132] *Huawei Techs. USA, Inc.* v. *FCC*, 2 F.4th 421, 439 (5th Cir. 2021).

[133] *Id*. at 427; *see also id*. ("The FCC deals with national communications, not foreign relations. It is not the Department of Defense, or the National Security Agency, or the President.").

[134] 47 U.S.C. § 151; *Notice* ¶ 95 (asserting that "a principal purpose of the Act is to provide for national defense").

[135] *Rodriguez* v. *United States*, 480 U.S. 522, 525-526 (1987) (per curiam).

purpose … by their nature cannot override [a statute's] operative language."[136] And other provisions of the Act specifically confer national-security authority—but only on the President, *not* the Commission, and even then only in limited circumstances.[137] Congress knew how to grant broader national-security powers in the Act and could have granted such powers to the Commission if it wanted to. It did not.[138]

The non-Communications Act authorities cited by the Commission are even further afield.[139] Because agency action must rest on a valid grant of power from Congress,[140] non-self-executing international agreements like GATS "do[] not . . . give rise to domestically enforceable federal law" absent implementing legislation.[141] And only the Federal Trade Commission can enforce the Protecting Americans' Data from Foreign Adversaries Act of 2024.[142]

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[136] *Sturgeon* v. *Frost*, 587 U.S. 28, 57 (2019) (alteration in original); *see also RadLAX Gateway Hotel, LLC* v. *Amalgamated Bank*, 566 U.S. 639, 646 (2012) ("[g]eneral language" in a statute does not "apply to a matter specifically dealt with in another part of the same enactment").

[137] The President may authorize foreign governments to operate radio stations if "he determines it to be consistent with and in the interest of national security," 47 U.S.C. § 305(c), order "closing of any station for radio communication" during wartime "if he deems it necessary in the interest of national security or defense," *id*. § 606(c), and suspend certain rules "in the interest of the national security and defense," *id*. § 606(d). The President can assign these powers, but the *Notice* makes no assertion of assignment.

[138] Sections 214, 308(b), and 312, *see Notice* ¶ 95, are licensing and authorization provisions that allow the Commission to account for national-security concerns only when exercising specific statutory functions. They do not create freestanding national-security authority to impose the *Notice*'s industry-wide call-center location and employee-nationality rules.

[139] *See Notice* ¶ 95.

[140] *See FDA* v. *Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 161 (2000).

[141] *Medellín* v. *Texas*, 552 U.S. 491, 505 n.2 (2008); *see also* 19 U.S.C. § 3512(a)(1) (expressly providing that no "application of any … provision" of any of the Uruguay Round Agreements—including GATS—"to any person or circumstance[] that is inconsistent with any law of the United States shall have effect"). The Commission's citation to other "free trade agreements" fails for the same reason. *Notice* ¶ 96.

[142] *Notice* ¶ 95; *see* 15 U.S.C. § 9901(b) (confirming that the statute is subject to exclusive "enforcement by [the] Federal Trade Commission").

IV. CONCLUSION

The proposed onshoring regulations will not achieve the Commission's policy aims. They will counterproductively harm the consumers whom the Commission seeks to protect. And they are not authorized by the best reading of the Commission's statutory mandates. The Commission should thus withdraw the *Notice*.

The Chamber would like to thank the Commission for considering this comment. If you have any questions, please do not hesitate to contact jcrenshaw@uschamber.com.

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