<div align="center">

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

</div>

In the Matter of	)
	)
Implications of Artificial Intelligence	) CG Docket No. 23-362
Technologies on Protecting Consumers	)
from Unwanted Robocalls and Robotexts	)

<div align="center">

REPLY COMMENTS OF 26 STATE ATTORNEYS GENERAL

</div>

I.   INTRODUCTION

The undersigned State Attorneys General (State AGs) submit these Reply Comments in response to the Federal Communication Commission's (FCC) Notice of Inquiry (NOI), by which the FCC "seek[s] to better understand the implications of emerging artificial intelligence (AI) technologies as part of [its] ongoing efforts to protect consumers from unwanted and illegal telephone calls and text messages under the Telephone Consumer Protection Act (TCPA)."[1] The State AGs, as the chief law enforcement officers of our respective jurisdictions, steadfastly support the work of the FCC and other federal regulators, as well as the responsible actors within the telecommunications industry, all of whom have worked collaboratively to identify and hold accountable the bad actors responsible for originating and/or facilitating the transmission of illegal robocalls and text messages.

Based upon the comments received, it is apparent that AI technologies will continue to both rapidly develop and permeate an already complex telecommunications ecosystem. As such, the State AGs look forward to a continuing and collaborative dialogue on this very important subject matter. By working together, we can better protect consumers from the harms resulting from the illicit use of these emerging technologies.

---

[1] NOI at ¶ 1.

II. STATE AG'S COMMENTS

In its NOI, the FCC seeks comment on whether it would "be helpful to define AI technologies in a more specific way to take into consideration the potential ability of AI technologies to function as the equivalent to a live agent when interacting with consumers"[2] and "on whether AI technology can minimize the nuisances associated with the use of artificial or prerecorded voice messages by acting as the functional equivalent to calls with live agents."[3]

Based on these inquiries, it appears the FCC is opening the door to potential, future rulemaking proceedings wherein outbound calls utilizing AI technology will be permitted without the prior express written consent of the consumer. Such a line of inquiry may also act as a 'stamp of approval' for unscrupulous businesses seeking to employ AI technologies to inundate consumers with unwanted robocalls for which they did not provide consent to receiving, all based on the argument that the business's advanced AI technology acts as a functional equivalent of a live agent because it has been programmed to interact with the called party. The FCC has rejected similar arguments in the past with respect to "soundboard technology,"[4] and should reject any future arguments with respect to any type of AI technology utilized by calling parties subject to the TCPA.

As the FCC recognized in its NOI, the TCPA's prohibition on artificial voice messages encompasses current AI technologies that generate human voices.[5] The State AGs respectfully submit that any type of AI technology that generates a human voice should be considered an "artificial voice"[6] for purposes of the TCPA. If any TCPA-regulated entity wants to call a

---

[2] NOI at ¶ 13.
[3] NOI at ¶ 17.
[4] NOI at ¶ 12 (soundboard technology allows a live agent to interact with consumers via the use of prerecorded messages selected by the agent monitoring the call).
[5] NOI at ¶ 12.
[6] 47 U.S.C. § 227(b)(1).

consumer utilizing such technology, it should follow the TCPA's requirements, including those with respect to prior express written consent.[7]

III.   CONCLUSION

The State AGs thank the FCC for the opportunity to weigh in on this very important matter. We reiterate our commitment to collaboratively work with our federal partners and the communications industry in protecting consumers from unwanted robocalls and robotexts, as well as holding bad actors accountable. As the development of AI technologies continues to evolve, we look forward to a continued discussion.

BY THE UNDERSIGNED STATE ATTORNEYS GENERAL:

MICHELLE A. HENRY
Pennsylvania Attorney General

STEVE MARSHALL
Alabama Attorney General

KRIS MAYES
Arizona Attorney General

ROB BONTA
California Attorney General

---

[7] *See* Comments of USTelecom – The Broadband Association, CG Docket No. 23-362, December 18, 2023, pg. 4 (calling for the FCC to publish clear guidance to the industry that outbound AI-generated calls use an artificial voice and therefore must comply with the TCPA's consent requirements).

PHILIP J. WEISER
Colorado Attorney General

WILLIAM TONG
Connecticut Attorney General

KATHLEEN JENNINGS
Delaware Attorney General

BRIAN L. SCHWALB
District of Columbia Attorney General

KWAME RAOUL
Illinois Attorney General

AARON M. FREY
Maine Attorney General
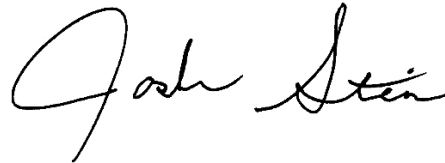
ANTHONY G. BROWN
Maryland Attorney General

ANDREA JOY CAMPBELL
Massachusetts Attorney General
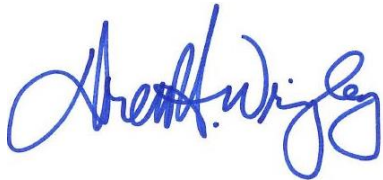
DANA NESSEL
Michigan Attorney General

KEITH ELLISON
Minnesota Attorney General

MATTHEW J. PLATKIN
New Jersey Attorney General

JOSHUA H. STEIN
North Carolina Attorney General

DREW H. WRIGLEY
North Dakota Attorney General

GENTNER DRUMMOND
Oklahoma Attorney General

ELLEN F. ROSENBLUM
Oregon Attorney General

MARTY J. JACKLEY
South Dakota Attorney General

JONATHAN SKRMETTI
Tennessee Attorney General

CHARITY R. CLARK
Vermont Attorney General

BOB FERGUSON
Washington State Attorney General

ANNE E. LOPEZ
Hawaii Attorney General

LYNN FITCH
Mississippi Attorney General

DAVE YOST
Ohio Attorney General