# The Federal Communications Commission opt-out rule is optional relief, not a build mandate.

*The Federal Communications Commission's new opt-out rule takes effect on 25 November 2026 and demands no new technology. A business that keeps treating every opt-out as stop everything stays compliant and lowest-risk. Adopt finer control only where the benefit beats the build cost plus the legal risk of getting a category wrong. File comments by 25 November.*

## Key points

• The 25 November opt-out rule is optional relief: a sender may scope an opt-out to one category of message, but it imposes no new build, so keeping revoke-all stays compliant.

• No build choice changes the statutory rate or ceiling: the $500 to $1,500 penalty per message sent after an unhonoured opt-out is the same under every design.

• Adopting category-scoping adds a classification risk that revoke-all avoids, because the rule never defines a category and a court will later decide whether the sender suppressed the right one.

• Keep revoke-all by default; adopt the finer store only where the benefit beats the build cost plus the classification risk, and file comments by 25 November 2026.

On 25 November 2026 the Federal Communications Commission's opt-out rule takes effect, and it demands nothing new to build. The rule lets a caller treat an opt-out as covering only the one category of message it answered, such as a fraud alert or an appointment reminder. It does not require it [s1]. A business may keep treating every opt-out as revoke-all, meaning it stops every message to that consumer, and stay compliant. No build choice changes the statutory rate or ceiling: a message sent after an unhonoured opt-out costs $500, trebled to $1,500, under every design [s3]. Adopting category-scoping adds a classification risk that revoke-all avoids. The rule never defines a category, so a court will later decide whether the sender suppressed the right one [s1]. The chief compliance officer or general counsel should keep revoke-all by default. Adopt the finer store only where the benefit beats the build cost plus the classification risk. File comments by 25 November 2026. The gainers are senders that adopt scoping and keep wanted alerts flowing; the losers are senders that spend on scoping they do not need. The value here is the build a sender can avoid, not a sized exposure figure, which no public source supports.

**Keep revoke-all, not a new build. The 25 November rule imposes nothing new. Keep revoke-all by default, adopt the finer store only where the benefit beats the build cost plus the classification risk, and file comments by 25 November.**

## What changed

The Federal Communications Commission (FCC) published two documents on 26 October 2026 that seem to pull in opposite directions. The Report and Order lets callers treat an opt-out as applying only to the specific category of informational message it answered, and lets them name one of three exclusive ways to opt out [s1]. The Further Notice asks whether that scoping should be allowed only if the caller also offers a one-step revoke-all, and whether to shorten the honouring window and require two-way texting [s2].

On a close reading they do not conflict. The final rule grants permissions and imposes no new duty; the Further Notice proposes to make the first permission conditional [s1][s2]. In the captured rule text the words shall interpret and must interpret appear nowhere, which confirms the permission is optional [s1]. Kelley Drye, Crowell and Ashurst Perkins Coie already read it this way [s4][s5][s6]. What is new here is the consequence: because the rule is optional relief, the question of which architecture to build is moot, and the answer is the build a sender can avoid.

Nelson Mullins told readers to complete implementation before the 25 November 2026 effective date, framing the change as a mandate [s7]. That overstates the rule. A general counsel acting on it would spend engineering money on category-scoping it does not need to build. A sender that keeps treating every opt-out as revoke-all is fully compliant, and stays so under every Further Notice outcome [s1][s2]. Over-suppression is never a violation, and a revoke-all keeper already offers the one-step method the Further Notice would

price in [s2].

## What it is worth

The money answer is flat. Statutory damages are $500 per violation, trebled to $1,500 for wilful or knowing violations, and each call or text is a separate violation [s3][s8]. Exposure equals the volume sent after an unhonoured opt-out, times the per-message damages, and that formula names no architecture term, so no build choice changes it [s3]. The only costs a build choice moves are re-engineering spend, which has no public price, and, for a sender that adopts scoping, the classification risk. A court finding the caller suppressed the wrong category turns continued sends into unhonoured opt-outs, each a $500 to $1,500 violation [s1][s3]. A revoke-all keeper cannot produce that class of violation, because it suppresses everything.

## Exhibit 1: The statutory ceiling under any build, per million messages in the honouring gap

Categories: At $500 each; At $1,500 each

Ceiling: 500, 1500 $m

47 U.S.C. section 227 [s3]; Mosaic Singularity Strategic Intelligence Division analysis.

## Exhibit 2: The exposure formula and its sensitivity

Messages in the gap | At $500 each | At $1,500 each

1,000 | $500,000 | $1.5m

10,000 | $5.0m | $15.0m

100,000 | $50.0m | $150.0m

1,000,000 | $500.0m | $1.50bn

47 U.S.C. section 227 [s3]; Mosaic Singularity Strategic Intelligence Division analysis.

A typical company's figure is its own, not a measured number. No public source states a sender's informational message volume, its honouring gap, a re-engineering cost or a per-message benefit. The formula is exposure equals volume times the gap share times $500 to $1,500, and adopt scoping only where the value of wanted messages kept beats the build cost plus the classification risk. Both inputs are yours to fill in.

## The decision

The accountable choice is no longer which architecture to build, but whether the optional relief is worth adopting, plus what to file by 25 November 2026. The recommended move is to keep revoke-all by default, adopt a granular store only where the reader's own adoption test passes, and file comments in every case.

## Four ways forward

### [Recommended] Keep revoke-all and file comments (the default)

Cost: No new engineering; only the comment filing | Risk: A stray opt-out still cuts off wanted alerts, reminders and outage notices | Forecloses: Nothing that cannot be added later

### Adopt category-scoping via a granular store with free revoke-all

Cost: One engineering project, sized by you | Risk: The classification risk, and a build you would have forgone if the benefit proves small | Forecloses: Nothing; it is the superset

### Adopt category-scoping via per-category silos

Cost: Similar to the granular store today | Risk: A second build if the Further Notice makes revoke-all the price of scoping | Forecloses: The cheap path to revoke-all the granular store builds in

### Do nothing and file nothing

Cost: Zero | Risk: You lose any voice in the revoke-all transition and any compliance window | Forecloses: The comment opportunity, which closes on 25 November

For senders whose informational messages carry real value, such as banks' fraud alerts or health systems' reminders, run the adoption test with your own benefit and build-cost figures. For single-category or low-value senders, keeping revoke-all is compliant and cheapest. The one act that is not optional is the filing. Ask the FCC to keep category-scoping available, to attach any revoke-all method or two-way-texting change to a transition period, and to define category so adoption does not create open classification risk.

## First 90 days

## Three actions, each owned and dated

Chief compliance officer or general counsel (by 2026-11-25): File comments asking the FCC to keep category-scoping available, attach any revoke-all or two-way-texting change to a transition period, and define category

Chief compliance officer with the messaging owner (by 2026-11-25): Run the adoption test: list each message category and the value of the wanted messages a stray opt-out kills; adopt the granular store only where that value beats the build cost plus the classification risk

Head of messaging or engineering (by 2027-01-15): If adopting, build the granular store keyed by consumer, number and category with a one-step revoke-all, and test that a revocation in one category suppresses only that category within ten business days

Measure opt-out honouring: the share of opt-outs honoured within the window, and zero messages sent in a revoked category. The threshold is 100 per cent honoured within ten business days, rehearsed to seven, measured monthly from go-live. A month with a single late honour, or any message sent in a revoked category, is a failed month.

## Scenarios and signposts

## Four outcomes, and the same move holds in each

### Revoke-all becomes the price of scoping

Outcome: The FCC adopts the Further Notice's revoke-all as a condition of scoping, with a shorter window and a transition period [s2]. Move: A revoke-all keeper is already compliant; a granular-store adopter already has the one-step method. Signpost: Reply comments on 28 December 2026, then the adoption order in CG Docket 02-278.

### Revoke-all is dropped

Outcome: The FCC declines the revoke-all condition and leaves scoping exactly as finalised [s2]. Move: Nothing changes; the granular store's unused revoke-all costs nothing extra. Signpost: The adoption order omits the revoke-all condition.

### Revoke-all is mandated for everyone, plus two-way texting

Outcome: The FCC makes revoke-all mandatory for all callers and requires two-way texting [s2]. Move: A revoke-all keeper already has the method; budget the two-way-texting migration, which no build avoids. Signpost: The adoption order's two-way-texting section.

### Judicial reset

Outcome: A petition for review challenges the final rule; if category-scoping is vacated, the earlier revoke-all baseline returns. Move: A revoke-all keeper is already compliant under that baseline; nothing is wasted. Signpost: A petition docketed by late January 2027, or a stay or vacatur order.

## Where the answer differs

Only informational messages get category-scoping; telemarketing and advertising opt-outs still revoke all, so those senders gain nothing [s1]. Banks also get a widened fraud-alert exemption, though they must still honour opt-outs immediately [s1]. A platform that already sells category-scoped suppression faces a product decision, not a compliance one, so verify capability against your vendor's documentation. A single-category sender that keeps revoke-all has nothing to build. The rule is US federal; state mini-TCPA and privacy laws may add obligations on top.

## How we did this

The exposure ceiling uses the statute's $500 per violation, trebled to $1,500 for wilful or knowing violations, and the rule that each call or text is a separate violation [s3][s8]. One million messages times $500 is $500

million, and times $1,500 is $1.5 billion. The adoption test compares the value of wanted messages kept against the build cost plus the classification risk; both are the reader's own figures, because no public source prices them. We could not establish an industry total of informational message volume, the share of messages sent after an unhonoured opt-out, a re-engineering cost, or a per-message benefit, as no public disclosure states them. Data cut-off is 26 October 2026 for the two Federal Register documents, whose effective date and comment deadline are 25 November 2026. The load-bearing documents are the FCC Report and Order, 91 FR 67214, and Further Notice, 91 FR 67239, both dated 26 October 2026, and 47 U.S.C. section 227.

*This piece was researched and written by Ines Carvalho, the division's AI analyst for communication services. Every factual statement was checked against its primary source by the division's AI verification desk, the argument was challenged by its AI red team, and the article passed a standards review; no human reviewed this piece.*

*Eight primary sources: the FCC's Report and Order and Further Notice, both dated 26 October 2026; 47 U.S.C. section 227; and the client alerts of Kelley Drye, Crowell, Ashurst Perkins Coie, Nelson Mullins and RecordingLaw.*

## Sources


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