

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

In the Matter of)
)
Advanced Methods to Target and)
Eliminate Unlawful Robocalls) **CG Docket No. 17-59**

COMMENTS OF SPRINT CORPORATION

Sprint Corporation (“Sprint”) submits Comments in response to the FCC’s Public Notice in CG Docket No. 17-59.¹ The Federal Communications Commission (“FCC” or “Commission”) has appropriately focused the industry’s attention on the reduction of unwanted and illegal robocalls. Sprint supports these efforts and will continue to work with the Commission and the industry to reduce these intrusions into daily life, including efforts to build the SHAKEN/STIR call authentication system. There are additional steps, however, that the Commission can take to assist carriers and their partners in blocking illegal robocalls and empowering consumers to decide for themselves which calls they want to receive.

Industry and regulatory efforts should focus on the tiny fraction of carriers and their customers that originate the vast majority of illegal calls, rather than imposing widespread burdens on carriers, legal call originators, and the consumers that receive these calls. Legitimate carriers such as Sprint do not benefit from illegal robocalls. Sprint terminates these calls at its own expense under the bill-and-keep regime, and, even worse, deals with customer complaints

¹ Advanced Methods to Target and Eliminate Unlawful Robocalls, Public Notice, CG Docket No. 17-59, released August 10, 2018

and the burden on its network. Accordingly, Sprint shares the Commission's desire to address this problem as effectively as possible.

I. Traceback Must Be Universal to be Effective

Sprint is an active participant in USTA's Industry Traceback Group that has had success in identifying illegal callers for referral to the FTC and FCC for enforcement action. The effectiveness of the traceback efforts is limited, however, by non-participating carriers. Sprint urges the FCC to take steps that would incentivize all carriers to participate in this program.

Although many, if not most, illegal calls originate overseas, they eventually enter the PSTN in the United States. These calls then often pass through several carriers before terminating with Sprint or another carrier. As USTA noted in its comments, the Industry Traceback Group relies on industry data and customer complaints to trace these calls as far upstream as possible and then provides information to enforcement agencies for subsequent action.² Without the participation of all carriers in the chain, however, these efforts are necessarily limited. Of particular concern are carriers that knowingly turn a blind eye toward originating illegal robocalls or knowingly serving as a gateway to pass robocalls to downstream carriers.

Sprint's experience shows that illegal calls generally do not originate on the networks of the more established large carriers, but rather with smaller carriers that ignore illegal call origination, or, worse yet, are active participants. USTA's traceback efforts frequently hit a dead end with a carrier that has no incentive to participate. It is in this area that the FCC can take steps

² Comments of US Telecom Association at 6-8 (Sept. 24, 2018).

to increase the effectiveness of the Industry Traceback Group efforts.

The traceback efforts have not presented a large burden on participating carriers, and the benefits of universal traceback have the potential to be substantial. By incentivizing participation in industry traceback, the FCC can narrow its investigative and enforcement focus to those carriers that are the source of the problem. The Commission should explore options that will bring all carriers to the traceback process so that carriers participating in originating illegal robocalls can no longer avoid scrutiny.

II. Sprint Supports Network-Level Blocking of Illegal Calls

Sprint supports Commission authorization to allow voluntary blocking of illegal calls. As Sprint explained in its earlier comments, however, blocking these calls encourages illegal callers to spoof legitimate numbers, thereby making additional victims out of the owners of the numbers that were spoofed.³ Accordingly, network blocking must be done judiciously as outlined below.

Sprint agrees with other industry participants that the most effective place to block illegal robocalls is at the source—carriers should not take them as originating customers—and at the terminating end, whether at the input to the terminating carrier or at the handset itself. Blocking efforts by other intermediate carriers are likely to be ineffective as the calls can be rerouted to avoid such blocking efforts.

Network-level blocking is necessary as a partial solution in certain circumstances. Sometimes illegal calls come in at such high volumes that they have the potential to overwhelm the network, impeding the ability of Sprint customers to place and receive important calls,

³ Comments of Sprint at 5(July 24, 2018)

including emergency calls. In these circumstances, network level blocking is entirely appropriate. Sprint would err on the side of blocking only the most egregious violations, but call blocking would clearly be warranted. Sprint recognizes that there should be different levels of scrutiny in different situations. Performing opt-in blocking at the device level, based on a customer's request that they do not want to receive illegal or unwanted calls, allows carriers greater flexibility than blocking all calls within the network regardless of customer request.

Sprint is confident that judicious network-level blocking can be done with little risk to legal callers. Carriers use call routing information, call durations, Caller ID (admittedly imperfect) and other network analytics to identify illegal robocalls. Sprint currently uses these analytics to empower consumer choice through Sprint's Premium Caller ID product. But the same analytics could be used to implement network level blocking. AT&T has implemented some network level blocking at the wholesale level and according to its comments, legal callers have not been erroneously blocked.⁴

The Commission should permit network level blocking and provide a pathway for legal callers to challenge blocking. That pathway need not be a government regulator, but rather carriers could work through industry groups and other means to allow customers and carriers who believe their traffic is being blocked without justification to promptly challenge the blocking and reach resolution.

A safe harbor is an essential element of network-level blocking. Sprint plans to be judicious by blocking only the most egregious calls that are harming the network and our

⁴ AT&T Comments at 9-12 (July 20, 2018).

customers. Nevertheless, without a safe harbor, carriers will be reluctant to engage in any network level blocking of even the most obvious and flagrantly illegal calls.

III. “Know Your Customer” Proposals are Promising to Provide a Path for Legal Callers

Sprint supports industry efforts, led by PACE’s Communication Protection Coalition, to develop best practices for carriers to vet customers that originate or pass large numbers of calls. Sprint agrees with PACE that legal calls should not be blocked by carriers in network. Instead of blocking legal calls, carriers should present accurate labeling information to its customers and empower them to answer calls, ignore them, or to block them at their individual discretion.

Sprint’s analytic provider, TNS, works with legal callers who report that their calls are inaccurately labeled or blocked.⁵ Sprint is committed to cooperating with callers who report inaccurate treatment. Industry discussions with PACE have focused on a process for call originators to inform carriers and their analytics provider partners about entities making legal calls. Sprint does not support a white list process by which callers can bypass the analytics process. The phone number of a legal caller may be spoofed and be placing spam calls, and a white-list automatic approval would undermine customer confidence if the illegal calls spoofing the number were bypassing the customer’s chosen settings for call blocking and labeling. Nevertheless, Sprint sees value in receiving input from legal call originators about their numbers and calling practices and working with them to ensure that legal calls traverse the network and reach the customer device with accurate labeling information, at which point the customer can choose how to handle the incoming call. That choice may be to block calls even when those calls

⁵ TNS Comments at 6-7.

are legal, whether it's political calls or debt collection calls or telemarketing calls.

IV. Industry Data on Robocalls is Incomplete

Industry efforts to combat illegal and unwanted robocalls are hampered by a lack of data as to the prevalence of the calls, the incidences of "false positive" labeling and blocking of legal calls, and which carriers are originating illegal calls for their customers.

The legal calling industry has not presented convincing data about the prevalence of false positives. PACE, the trade association for legal callers, has stated that its members have experienced up to a 20 to 30 percent reduction in call completion rates.⁶ The decrease in call completion rates, if accurate, cannot be fully attributed to erroneous blocking or labeling. Sprint's only blocking at this time is its Premium Caller ID that allows customers who pay a monthly fee to have calls labeled by category and gives them the option to block calls based on their preferences. The percentage of Sprint's customers who have purchased this service is substantially less than 30 percent, showing that, at least as to Sprint, blocking and labeling cannot account for the decrease in call completion rates. Other factors likely account for the reduction legal callers are reporting, such as a lack of trust in calling in general and customers ignoring callers who aren't in their address book.

V. SHAKEN/STIR Will be Helpful to Carriers Battling Illegal Robocalls but is not a Complete Solution

Sprint continues to support the development and implementation of SHAKEN/STIR, but again cautions that implementation by VOIP-only and large carriers ignores legacy TDM call origination sources and intermediate carriers and will not solve the problem of illegal and

⁶ PACE Comments at 3 (July 20, 2018).

unwanted robocalls. As Sprint stated in its earlier comments, the call authentication information provided by SHAKEN is just one factor that will serve as an input to analytics that could be used at the network level or device level to identify and possibly block illegal calls.

But SHAKEN tells us nothing about the content of a call or whether it is legal. It just authenticates origination of the call path and the Caller ID information of individual calls. Without universal adoption of SHAKEN from originating carrier to completing carrier, call authentication will not be passed to the terminating carrier.

Sprint is also concerned about the costs of implementing the certificate management requirements of SHAKEN and encourages the Commission and industry to explore more cost-effective alternatives to the central repository process originally contemplated in the development of SHAKEN. Ledger-based technologies may be a more secure, less expensive alternative to a traditional “dip” system for certificate management.

VI. Conclusion

Sprint fully supports the Commissions actions to address the plague of illegal robocalls. Neither carriers nor consumers benefit from the surge in illegal calls and Sprint will continue to work with the Commission and the industry to find solutions to this complex problem.

Respectfully submitted,

SPRINT CORPORATION



Keith C. Buell

*Senior Counsel, Government Affairs
Federal Regulatory*

900 Seventh St. NW
Suite 700
Washington, DC 20001
(703) 592-2560

October 8, 2018