

**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
Consumer and Governmental Affairs Bureau Seeks Input to Refresh the Record on Advanced Methods to Target and Eliminate Unlawful Robocalls)))))	DA 18-842

REPLY COMMENTS OF CTIA

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I. INTRODUCTION AND SUMMARY

CTIA submits these reply comments in response to the *Public Notice* released by the Consumer and Governmental Affairs Bureau of the Federal Communications Commission (“FCC” or “the Commission”) seeking to refresh the record regarding “empower[ing] voice service providers to block illegal calls.”¹ To effectively target and eliminate illegal robocalls, the FCC must give carriers the flexibility to combat these calls in multi-faceted and creative ways; carriers that are combatting illegal robocalls in good faith must have protection from associated legal and regulatory liability; and the ecosystem should not be stifled by rules aimed at addressing false positives, an issue that is not fully understood and that is unlikely to be caused by carrier-initiated blocking.

¹ *Consumer and Governmental Affairs Bureau Seeks to Refresh the Record on Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Public Notice, DA 18-842, at 1 (Aug. 10, 2018) (“*Public Notice*”).

II. THE COMMISSION SHOULD AFFIRM ITS COMMITMENT TO REGULATORY FLEXIBILITY, WHICH WILL ENABLE A HOLISTIC APPROACH TO FIGHT ILLEGAL ROBOCALLS.

The Commission should remain focused on regulatory flexibility, which it has consistently championed during its efforts on illegal robocalling. The Commission rightly recognized the need for regulatory flexibility in the *2017 Call Blocking Order* by ensuring that carrier-initiated blocking was voluntary, not required.² By creating this permissive blocking framework, the Commission “further[ed] [its] goal of removing regulatory roadblocks and g[a]ve industry the flexibility to block illegal calls.”³ CTIA is encouraged that the *Public Notice* makes clear that the Commission intends to “ensure[] providers have sufficient flexibility available to adapt to dynamic calling patterns.”⁴

Carriers need the ability to pursue a holistic approach to fighting illegal robocalls, with know-your-customer practices, stipulations in contracts, SHAKEN/STIR, tools that enable and empower consumers to label and block illegal robocalls, consumer education, traceback, and/or techniques and technologies that have not yet been thought of or deployed. This is in addition to carrier-initiated blocking. While the *Public Notice* focuses on “voice service provider blocking of illegal calls,”⁵ the Commission must not let this narrow focus obscure the bigger picture: carriers and others in the voice service ecosystem must be allowed to employ as many tools as is practicable at as many stages in call transmission as possible to effectively stop bad actors, whose tactics and targets evolve rapidly. As AT&T explained, “blocking alone is insufficient to address . . . illegal robocalls—cooperation with law enforcement and active customer

² *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and FNPRM, 32 FCC Rcd. 9706 (Nov. 17, 2017) (“*2017 Call Blocking Order*”).

³ *2017 Call Blocking Order* ¶ 9.

⁴ *Public Notice* at 1.

⁵ *Id.* at 1, n.1.

management are just as important.”⁶ Likewise, T-Mobile’s “focus . . . is and will continue to be holistic solutions that do not rely solely on blocking calls.”⁷

The alternative to regulatory flexibility—regulation and mandates—will threaten carriers’ ability to mitigate illegal robocalls. Prescriptive rules in this technological context will, among other things, ossify solutions; divert resources to compliance versus active and creative mitigation and defense; and provide bad actors a roadmap to evade defenses and continue to victimize consumers. Some are understandably impatient to throw more regulatory solutions at the problem of illegal robocalls, but a move to regulation is neither prudent nor appropriate. In short, mandates will make the problem worse, not better.

The refreshed record is replete with calls for regulatory flexibility. Comcast explained that “voice providers should retain flexibility to address abusive calling activity in other ways, such as by labeling suspicious calls on device displays rather than blocking them outright,” and that “[v]oice providers need the flexibility to take action against abusive calling without the need to wait for regulatory approval every time a new fraudulent practice is invented.”⁸ “USTelecom agrees that such flexibility better ensures that any such effort, ‘helps, rather than harms, consumers.’”⁹

⁶ Comments of AT&T, CG Docket No. 17-59, at 10 (Sept. 24, 2018) (“*AT&T Comments*”).

⁷ Comments of T-Mobile, CG Docket No. 17-59, at 3 (Sept. 24, 2018) (“*T-Mobile Comments*”).

⁸ Comments of Comcast, CG Docket No. 17-59, at 3, 8 (Sept. 24, 2018).

⁹ Comments of USTelecom, CG Docket No. 17-59, at 3 (Sept. 24, 2018) (“*USTelecom Comments*”) (citing *2017 Call Blocking Order*, ¶ 9). See also *AT&T Comments* at 11 (proposing a solution that would “strike an appropriate balance among a number of competing interests, including: (i) providing flexibility to service providers to further develop, hone, and evolve best practices; (ii) avoiding the enshrinement of arbitrary thresholds/requirements that would enable illegal robocallers to evade provider blocking programs; (iii) shielding critical proprietary data; (iv) limiting any negative impact on legitimate traffic; and (v) avoiding the potential for abuse and/or arbitrage opportunities by service providers and/or third parties.”); Comments of American Cable Association, CG Docket No. 17-59, at 3, 6 (Sept. 24, 2018) (“[t]he Commission

To the extent that the Commission feels the need to provide guidance or create expectations for carriers engaged in broader carrier-initiated blocking beyond the limited blocking authorized in the *2017 Call Blocking Order*, expectations should be flexible and industry-driven.¹⁰ Importantly, the FCC should reject calls to move to a more prescriptive approach.¹¹ The Commission made the right decision in the *2017 Call Blocking Order* to adopt a permissive and flexible framework for carrier-initiated call blocking.¹² There is no reason to abandon that approach now, as there has not been enough time to determine if the adopted approach can or will be successful.¹³

can help promote wider deployment of such technologies by affirming that providers have flexibility to offer them through an informed opt-out process. . . . Such flexibility is particularly appropriate in a legal environment where providers have limited authority to engage in call-blocking without customer consent, leaving consumer call-blocking technologies as the primary tools available to protect customers from unlawful calls.”).

¹⁰ See, e.g., *AT&T Comments* at 9-11 (proposing minimum expectations if a carrier wants to *permissively* engage in broader call blocking); Comments of Charter Communications, CG Docket No. 17-59, at 5 (Sept. 24, 2018) (“Because of the rapid pace at which technology evolves, and the speed at which electronic harassment can shift to avoid detection, voice service providers and industry standards-setting bodies are best equipped to efficiently adapt and implement effective solutions to combat fraudulent and abusive practices.”).

¹¹ See, e.g., Comments of Consumers Union, CG Docket No. 17-59, at 5 (Sept. 24, 2018) (calling for SHAKEN/STIR to be mandatory); Comments of EPIC, CG Docket No. 17-59, at 4-6 (Sept. 24, 2018) (urging the Commission to require call blocking of unassigned, unallocated, and invalid numbers and calling for mandatory privacy protections accompanying the implementation of SHAKEN/STIR).

¹² The North American Numbering Council’s (“NANC’s”) Call Authentication Trust Anchor (“CATA”) Working Group recommends a similar, voluntary approach to the deployment of SHAKEN/STIR. See *Report on Selection of Governance Authority and Timely Deployment of SHAKEN/STIR*, NANC Call Authentication Trust Anchor Working Group, at 164 (May 3, 2018) (“*CATA Working Group Report*”), http://www.nanc-chair.org/docs/mtg_docs/May_18_Call_Authentication_Trust_Anchor_NANC_Final_Report.pdf

¹³ See Comments of ITTA, CG Docket No. 17-59, at 5 (Sept. 24, 2018) (“*ITTA Comments*”) (“[The] Commission’s approach heretofore that call blocking is permissive, not mandatory – [is] an approach the Commission should continue to apply going forward.”).

III. THE RECORD FAVORS ADOPTING ROBUST CALL-BLOCKING SAFE HARBOR LIABILITY PROTECTIONS FOR CARRIERS ENGAGED IN BLOCKING.

There is a clear need for safe harbors to encourage aggressive call blocking to protect consumers from illegal robocalls. Providing robust safe harbors for carriers to aggressively combat illegal robocalls is the most effective way to encourage the behavior that the Commission wants to see from carriers, protect responsible carriers from liability, and continue to give industry the flexibility it needs to innovate. Safe harbors will provide the protections needed to encourage even more aggressive action.

The Commission should establish: (1) a safe harbor for the limited carrier-initiated blocking it authorized in the *2017 Call Blocking Order*; and (2) a safe harbor for broader carrier-initiated blocking that results from procedures that are reasonably likely to confirm that blocked calls are illegal robocalls, so long as the carrier has a good-faith reason to believe that the call was an illegal robocall, the carrier followed its procedures, and the carrier has a process in place to unblock legal callers that might be inadvertently blocked.¹⁴

There is a clear need for safe harbor protections. First, call blocking is antithetical to principles of common carriage, as the Commission has made clear: “Because call blocking poses

¹⁴ Additionally, CTIA calls for safe harbor protections outside of the carrier-initiated blocking context. Specifically, CTIA supports the *CATA Working Group Report*’s recommendations for “a safe harbor for unintended blocking or mis-identification of the level of trust for individual calls would provide a strong incentive for communications service provider adoption of SHAKEN, particularly where analytics are overlaid on the framework. Such liability protection may override reluctance to participate in SHAKEN, particularly in its early stages.” *CATA Working Group Report*, at 14. And, CTIA calls for a safe harbor for carriers that offer *optional* (either opt-in or opt-out) call labeling and blocking services, or that partner with third-party providers of such services for the benefit of their customers.

a threat to the ubiquity and seamlessness of the network, the Commission has long had a strong policy against allowing voice service providers to block calls. As a result, the Commission has allowed call blocking only in ‘rare and limited circumstances.’”¹⁵ Second, the regulatory and legal risks associated with blocking are real. The *Public Notice*, along with docket submissions, appears to suggest that the Commission will or should increase enforcement activity against carriers engaged in blocking.¹⁶ Carriers have seen increased litigation threats and activity in connection with efforts to mitigate illegal robocalls. Carriers should not be expected to stop illegal robocalls from reaching consumers at the same time that they face legal and regulatory liability for doing so.

There is ample support in the docket for robust safe harbors. When industry asked the FCC to establish a robust safe harbor in connection with the blocking authorized in 2017, the Commission declined to do so “because [it did] not have a sufficiently developed record on the subject.”¹⁷ Recent filings to refresh the record offer ample basis for the Commission to act to provide robust protections for good-faith actors in this ecosystem.¹⁸

¹⁵ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd. 2306, ¶ 9 (Mar. 23, 2017).

¹⁶ See *Public Notice* at 2 (“However, specific, enforceable criteria might be necessary to prevent improper blocking, i.e., for any reason other than to stop illegal calls.”); Comments of Voice on the Net, CG Docket No. 17-59, at 2 (Sept. 24, 2018) (“*VON Comments*”) (“The FCC would not be able to protect legitimate callers and their intended recipients against a voice provider with a proclivity for overzealous blocking if that provider’s actions technically fall within safe harbor parameters.”).

¹⁷ *2017 Call Blocking Order* ¶ 9, n.28.

¹⁸ See, e.g., *AT&T Comments* at 11 (“Service providers need the protection of a safe harbor to ensure continued innovation and experimentation to combat illegal robocalls.”); *ITTA Comments* at 4 (“ITTA urges that, as long as the provider is acting in good faith within the contours of the rules the Commission adopts, it should be immune from any Commission enforcement liability for legitimate calls blocked or illegal calls that are not blocked. So long as the provider complies with the guidelines the Commission sets forth to protect legitimate callers, a provider should not be subject to any enforcement liability where a legitimate call ends up being blocked accidentally or, conversely, where an illegitimate caller mistakenly ends up on the white list.”); Comments of

On the other hand, the arguments against establishing robust safe harbors for well-meaning carriers miss the mark. Some argue that the FCC should not establish safe harbor protections, claiming that the FCC’s “deferral on a safe harbor has already led to the advent and implementation of advanced call screening approaches and more agile algorithms from voice service providers. Without a safe harbor, call blocking solutions will continue to improve while still defaulting to allow legitimate calls to reach their intended recipients.”¹⁹ This argument is flawed on several levels. First, the argument appears to conflate carrier-initiated blocking with consumer opt-in blocking and labeling services. The impressive proliferation of call labeling and blocking tools²⁰ has been supported and facilitated by carriers, but has been *led* by third-party providers that do not have the same disincentives to block as carriers do. The safe harbor protections called for by CTIA are for *carriers* in order to overcome the significant legal and regulatory disincentives they face when blocking calls. Second, carriers’ significant advancements in carrier-initiated call blocking tools and techniques have been *despite*—not because of—the Commission’s failure to provide safe harbor protections. Carriers’ aggressive actions to this point—in the face of real liability risk—are a testament to carriers’ commitment to protect networks and consumers from illegal robocallers. Safe harbors will provide carriers with even greater incentive and flexibility to enhance these protections.

TNS, CG Docket No. 17-59, at 3 (Sept. 24, 2018) (“*TNS Comments*”) (“However, some operators seek more clarity on safe harbor provisions before implementing more aggressive blocking practices. Apart from this comment, TNS defers to our carrier partners with respect to any questions about whether and which additional steps may be appropriate before service providers consider blocking a call.”); *USTelecom Comments* at 4 (“The Commission should adopt a safe harbor to provide certainty to voice providers that choose to institute blocking measures consistent with the rules adopted in this proceeding.”).

¹⁹ *VON Comments* at 2.

²⁰ App platforms saw a 495% increase in the number of available call blocking apps between October 2016 and March 2018.

One filer argues that “[a]s long as false positives occur, the Commission should not extend safe harbors to carriers before exhaustive efforts to explore trusted identification of calling entities has been fully vetted.”²¹ The total elimination of false positives cannot be a condition precedent for establishing a safe harbor. First, as CTIA has made clear, because of the limited nature of carrier-initiated blocking, it is unlikely that carrier-initiated blocking is the source of significant false positive errors, to the extent this is a substantial problem at all. False positives, which likely are more relevant to consumer opt-in blocking and labeling services, should not dictate what the Commission does to facilitate more network-level blocking. Second, the Commission must understand that false positives can never be completely eliminated, just as illegal robocalls can never be completely eliminated. False positives are an inherent risk of call blocking. CTIA is not opposed to safe harbor protections coming with guidance or expectations to protect against false positives; however, any such criteria should be reasonable, flexible, and industry-driven.

Other arguments in opposition to safe harbor protections for well-intentioned carriers are flawed as well. One commenter argues that “[t]he establishment of a safe harbor for erroneous call blocking would represent a significant reversal of longstanding FCC policy.”²² Indeed, it is *precisely because of* longstanding FCC policy—the policy in favor of call completion and in strong opposition to call blocking—that robust safe harbor protections are needed. The same commenter suggests that “the FCC should defer judgment on a safe harbor until SHAKEN/STIR is fully implemented and its results studied.”²³ This argument assumes that SHAKEN/STIR is a

²¹ Comments of Numeracle, CG Docket No. 17-59, at 5 (Sept. 25, 2018) (“*Numeracle Comments*”).

²² *VON Comments* at 1.

²³ *VON Comments* at 1-2.

substitute for call blocking, when in fact, SHAKEN/STIR is a call authentication tool that can be used to assist in certain call blocking efforts, but should not be used as a substitute for other forms of call blocking. As CTIA has emphasized, the Commission, like carriers, needs to take a multi-pronged approach to fighting illegal robocalls.²⁴

Finally, the same commenter worries that a safe harbor would invite bad behavior and limit the FCC's "broad prosecutorial discretion in enforcement proceedings" to go after carriers.²⁵ The commenter laments that with a safe harbor in place, "[t]he FCC would not be able to protect legitimate callers and their intended recipients against a voice provider with a proclivity for overzealous blocking if that provider's actions technically fall within safe harbor parameters."²⁶ This presupposes bad behavior by carriers and overlooks their incentives to complete calls. It also urges the Commission to shift enforcement away from illegal robocallers and toward carriers reasonably attempting to heed calls to aggressively tackle illegal robocalls. Whatever it does with a safe harbor, CTIA urges the Commission to exercise its discretion to protect well-intentioned carriers fighting illegal robocalls rather than in a way that punishes them for their good faith efforts to protect consumers. Safe harbor protections would provide more consistency and stability than the Enforcement Bureau's discretion.

In sum, there is ample record support to conclude that robust safe harbor protections will allow carriers to overcome legal and regulatory barriers to carrier-initiated call blocking and other illegal robocall mitigation tools and techniques. The arguments against such protections do

²⁴ Further, with regard to the SHAKEN/STIR-specific safe harbor that is recommended by the *CATA Working Group Report*, a safe harbor is a regulatory tool that will *encourage* adoption of the SHAKEN framework; full implementation of SHAKEN/STIR, which is what this argument calls for before a safe harbor is established, will be harder to achieve without such an incentive.

²⁵ *VON Comments* at 2.

²⁶ *Id.*

not serve the interests of consumers and should be dismissed.

IV. CONCERN ABOUT FALSE POSITIVES SHOULD BE BETTER UNDERSTOOD AND CONTEXTUALIZED.

CTIA agrees with some commenters that false positives are a concern; but, the “problem” must be better understood and contextualized before any action is appropriate. False positives—which lead to legitimate traffic not being terminated (received)—have a negative impact on the voice network as a whole. This is bad for everyone in the ecosystem, from call originators to carriers to call recipients. Indeed, carriers and third-party service providers are focused on preventing false positives, as has been made clear in this docket. AT&T reports that

every suspect telephone number is dialed by a fraud investigator before a block is placed. . . . dialing the suspect telephone number helps to ensure that AT&T does not inadvertently block an unsuspecting—and innocent—consumer or business. . . . More generally, but perhaps most importantly, AT&T avoids “false positives” by consciously targeting only the most egregious and blatantly illegal traffic. Put another way, AT&T does not attempt to block “close calls.”²⁷

Similarly, T-Mobile explains that it

makes great efforts to ensure that calls labeled as “Scam Likely” are, in fact, from fraudsters. While the service is highly reliable, it is not yet perfect. Consequently, T-Mobile is continuously working to further refine its modeling and analysis and to quickly correct any circumstance where calls have been incorrectly categorized as potentially fraudulent. T-Mobile’s vendor, First Orion, offers a platform (www.calltransparency.com) that enables call originators to proactively engage to minimize any issues.²⁸

And as TNS explains, “it is [its] strong sense that our provider partners bear both the consumer and the needs of legitimate enterprises in mind in every decision they make.”²⁹

Thus, CTIA urges the Commission not to take a reactionary approach to false positives unless there is a better understanding of the issue, including its scope and cause. As was the case

²⁷ *AT&T Comments* at 5-7.

²⁸ *T-Mobile Comments* at 2.

²⁹ *TNS Comments* at 6.

prior to the record refresh, commenters appear to conflate consumer opt-in labeling and blocking services—which the Commission has strongly favored and encouraged³⁰—with carrier-initiated call blocking—which the Commission has only authorized in a limited manner.³¹ By doing this, the record makes it appear as if there is a false positive problem related to carrier-initiated blocking, when in fact, carrier-initiated blocking is highly unlikely to be the root cause of the problems that high-volume callers are reporting. To use AT&T’s robust call blocking program as an example, “AT&T has received virtually no complaints of false positives in the nearly two years following the launch of the robocall blocking initiative.”³² Rather than point to false positives as a problem that needs a regulatory solution, it should be the responsibility of the call-originator—not the carrier—to understand why and how its calls are being labeled and blocked, both under carrier-initiated, network-level blocking programs, and under consumer opt-in blocking and labeling programs.

³⁰ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling and Order, 30 FCC Rcd. 7961, ¶ 2 (July 10, 2015) (“*2015 TCPA Omnibus Order*”).

³¹ *See, e.g.*, ACA International Ex Parte, CG Docket No. 17-59, at 4 (Sept. 25, 2018) (“In 2017, ACA members became increasingly alarmed as they began to discover drops in right party contacts coupled with discoveries that their legitimate business calls were being labeled as ‘suspected scam,’ ‘scam likely,’ or some other label that implied the call was not from a legitimate caller.”); Comments of ABA, CG Docket No. 17-59, at 2, 4 (Sept. 24, 2018) (“Since the Commission released the Report and Order last November, ABA members have continued to report that phone numbers used to place outbound calls may be incorrectly ‘labeled’ as ‘possible fraud,’ ‘scam,’ or ‘debt collector’ in the caller-ID message displayed on the call recipient’s phone. Under these circumstances, the call may be blocked either by the customer’s Voice Service Provider or by a third-party call labeling service, such as a service whose mobile application can be downloaded to the customer’s cell phone. . . . Because available evidence suggests that legitimate calls are today being incorrectly labeled and blocked under the call-blocking authority granted to Providers in the Report and Order, the Commission should exercise caution in granting Providers additional authority to block calls.”).

³² *AT&T Comments* at 8.

The record contains a few ill-conceived proposals to address the perceived problem of false positives. CTIA urges the Commission to consider these proposals with great caution. For example:

- ***Imposing on carriers a “duty to ensure that lawful calls are not blocked.”***³³ As has been explained, false positives will always be a reality if call labeling and call blocking is occurring, particularly call blocking that is directed by consumers. The goal is to minimize the incidents of false positives; it cannot be to eliminate them. The burden of achieving this goal cannot realistically rest solely with the carrier, especially given the fact that the false positive issue does not appear to be one that is particularly relevant to carrier-initiated blocking. Further, imposing such a burden would fly in the face of consumer choice, a principle that the Commission displayed full commitment to in the *2015 TCPA Omnibus Order*.
- ***Requiring uniform call blocking procedures.***³⁴ A technology mandate that standardizes blocking procedures is not simply ill-advised in that it will stifle innovation and lead to a compliance-mindset, it is dangerous in that it will provide a roadmap for bad actors.
- ***Placing restrictions on call labeling, including requiring Caller ID information to be displayed prior to a label.***³⁵ Call labeling is still evolving. It will be driven by consumer reaction and choice. It should not be stifled by regulatory restrictions.
- ***Implementing an Industry-Wide White List or Trusted Caller Database.***³⁶ As CTIA has argued, white lists are difficult to update, they present a target for hackers and security vulnerabilities, and they operate in fundamental opposition to federal telecommunications policy of open and seamless call completion. These types of proposals would ultimately stifle carriers’ ability to mitigate illegal robocalls.³⁷
- ***Requiring Intercept Messages.***³⁸ Even if some carriers determine that intercept messages are appropriate, there should not be a mandate. For the reasons described above, technological mandates have more downsides than upsides, as they stifle innovation, lead to compliance mindsets, and provide helpful information to criminals. More specifically, as CTIA has explained, intercept message requirements would lead to massive network overhead and congestion,

³³ See Comments of PRA Group, Inc., CG Docket No. 17-59, at 6 (Sept. 24, 2018).

³⁴ See *id.* at 7.

³⁵ See Comments of Retail Energy Supply Association, CG Docket No. 17-59, at 3 (Sept. 24, 2018) (“*RESA Comments*”).

³⁶ See *id.* at 4-5; Comments of SiriusXM, CG Docket No. 17-59, at 7 (Sept. 24, 2018) (“*SiriusXM Comments*”).

³⁷ See *TNS Comments* at 7 (“As things stand today, telephone numbers on a white list are an invitation for spoofers. Static lists of general lawful callers are not a viable model as we explore methods to avoid the blocking of lawful calls.”).

³⁸ See *RESA Comments* at 4-5, 7; *SiriusXM Comments* at 9.

and requiring messages to consumers runs counter to the goals of robocall abatement.

- ***Requiring a Challenge Mechanism with Specific Deadlines.***³⁹ Carriers and third-party providers who engage in labeling and/or blocking take false positive complaints very seriously and already engage in fair and fast processes to remedy any possible problems.⁴⁰ There is no need for a Commission mandate in this area, especially in the case of third-party providers, over whom the Commission’s jurisdiction should not reach.

V. CONCLUSION

In response to consumer and policymaker demands, carriers and other stakeholders have significantly stepped up their efforts to combat illegal robocalls. CTIA’s members have led industry efforts to develop cutting edge tools and techniques to combat illegal robocalls and have been on the front lines in deploying not only carrier-initiated call blocking, but also other mitigation tools, from know-your-customer practices to traceback. CTIA’s members are equally committed to a ubiquitous and seamless voice service network where legitimate calls are delivered. These issues touch on the very future of the voice service network, and as such, carriers and others in the wireless ecosystem take them very seriously.

The Commission should avoid overly-prescriptive requirements that would undercut the

³⁹ See Comments of Securus, CG Docket No. 17-59, at 3 (Sept. 24, 2018); *SiriusXM Comments* at 11.

⁴⁰ See, e.g., *AT&T Comments* at 8 (“Notwithstanding the fact that AT&T has received virtually no complaints of false positives in the nearly two years following the launch of the robocall blocking initiative, AT&T has a documented process in place to receive and address complaints from providers regarding impacts on legitimate traffic. Callers who experience a blocked call may contact AT&T’s fraud department by dialing 1-800-337-5373, and select the first prompt (misuse and abuse issues), to provide information in the event of a suspected mistaken call block.”); *TNS Comments* at 6-7 (“In some cases, however, true false positives will arise. To address this, TNS has, since its inception several years ago, offered a robust dispute resolution process. We have also aided our partners in creating publicly available feedback mechanisms. TNS continues to refine and automate aspects of the dispute resolution process both as bad actor tactics evolve and as enterprises further engage with us. TNS provides this as a service to our partners and treats these disputes as high priority.”).

positive momentum in this important area. To achieve the goals that all participants in the robocall mitigation dockets agree upon—fewer illegal robocalls and fewer incidents of truly erroneous blocking—the Commission must give industry the flexibility it needs to respond nimbly to an evolving threat with as many tools as can be innovated. It must also give carriers protections—in the form of robust safe harbors—from the real liability risks associated with robocall mitigation. Finally, the Commission must not pursue heavy-handed, prescriptive solutions to the perceived problem of false positives without first understanding the scope and cause of the issue. CTIA urges the Commission to stick to the principles of flexibility and consumer choice, which are facilitating the development and introduction of new and varied tools for consumers. Together with robust safe harbors, these principles will best combat the scourge of illegal robocalls.

Respectfully submitted,

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