

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

REPLY COMMENTS



The American Cable Association (“ACA”) hereby files reply comments in response to the above-captioned Federal Communications Commission (“Commission”) Consumer and Governmental Affairs Bureau (“Bureau”) Public Notice seeking comment on, among other matters, “the extent to which [voice] providers include access to [third-party robocall blocking] services as part of their own offerings . . . on an opt-in or opt-out basis.”¹ As ACA suggested in its initial comments, the Commission can and should empower voice providers to offer such services on an opt-out basis to a greater extent than they do today by affirming the permissibility of such offerings.² As it turns out, ACA was not alone in recognizing the potential for opt-out robocall blocking tools to benefit

¹ See *Consumer and Governmental Affairs Bureau Seeks to Refresh the Record on Advanced Methods to Target and Eliminate Unlawful Robocalls*, Public Notice, DA 18-842 at 3 (rel. Aug. 10, 2018).

² See Comments of ACA on NOI, CG Docket No. 17-59 (filed Sept. 24, 2018) (ACA Comments).

consumers. A coalition of leading consumer advocacy groups also filed comments on the Public Notice recommending that the Commission “encourage phone companies to consider opt-out call mitigation mechanisms.”³ ACA believes this matter, which brings industry together with consumer advocates, is ripe for Commission action.

In expressing support for the use of opt-out tools, the consumer advocacy groups note that “so few consumers opt-in to robocall blocking tools” even though consumers “continually express their frustration with the unending barrage of nuisance calls.”⁴ The consumer advocates maintain that “consumers should have the opportunity to take advantage of [robocall blocking tools], as long as they are made meaningfully aware of [the] trade-offs,” such as the risk of unintentional call blocking.⁵ ACA agrees on all counts, and in its initial comments it offered suggestions on how to implement an informed opt-out process for robocall blocking that upholds customer choice.⁶

In light of consumer groups’ support for robocall blocking performed on an opt-out basis for the benefit of the customer, ACA renews its request that the Commission affirm that such offerings are a permissible form of customer-initiated call blocking. This affirmation, which can be accomplished in short order through issuance of a Declaratory Ruling, would encourage providers to deploy robocall blocking tools more

³ See Comments of Consumers Union, National Consumer Law Center, on behalf of its low-income clients, Consumer Federation of America, Consumer Action, National Association of Consumer Advocates, Public Citizen and Public Knowledge on Public Notice, CG Docket No. 17-59 at 8 (filed Sept. 24, 2018) (Consumer Advocates’ Comments).

⁴ Consumer Advocates’ Comments at 8; see *also* ACA Comments at 5 (noting that “the data suggests that relatively few customers are taking advantage of the ‘advanced call-blocking tools’ available to them on an opt-in basis, even though ‘[u]nwanted calls are far and away the biggest consumer complaint to the Commission with over 200,000 complaints each year’”).

⁵ Consumer Advocates’ Comments at 8.

⁶ ACA Comments at 6-8.

widely than they do today, providing another win for consumers in the Commission's ongoing battle against unlawful robocalls.

Respectfully submitted,



Matthew M. Polka
President and Chief Executive Officer
American Cable Association
Seven Parkway Center
Suite 755
Pittsburgh, Pennsylvania 15220
(412) 922-8300

Brian Hurley
Vice President of Regulatory Affairs
Ross J. Lieberman
Senior Vice President of Government
Affairs
American Cable Association
2415 39th Place, NW
Washington, DC 20007
(202) 573-6247

October 9, 2018