



January 22, 2018

Submitted via <http://apps.fcc.gov/ecfs/>

Commission's Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**RE: CG Docket No. 17-59
Advanced Methods to Target and Eliminate Unlawful Robocalls**

To Whom It May Concern:

Encore Capital Group, Inc. (along with its subsidiaries, collectively referred to as "Encore") applauds the Commission's efforts to target and eliminate unlawful robocalls, and appreciates the thoughtful *Report and Order and Further Notice of Proposed Rulemaking* it adopted on this topic on November 16, 2017. We also appreciate that the Commission is seeking further comments on mechanisms to notify service providers of erroneous call blocking. Erroneous call blocking is indeed a significant concern, as companies like Encore make large volumes of phone calls not to defraud, but rather to provide important, and often time-sensitive, account information to our consumers. We have a grave concern that when these rules take effect, erroneous blocking of our calls will create significant disruption to our consumer communications unless there are proper mechanisms in place to prevent that from happening.

Clarify Definition of Robocall

As an initial matter, we think it is critical that the Commission issue a formal definition of robocall, as today we understand that it is defined inconsistently across various service providers. As is, the lack of a standard definition would create confusion for service providers as they seek to identify what is and is not an illegal robocall.

Unfortunately, valid debt collection calls often get lumped into the same category of "robocall" as *any* call made to a wireless number using a dialer. The overly broad term "robocall" sweeps in normal, expected and desired communications into the same bucket as telemarketing and scam calls, and is an impediment to much-needed clarification under the TCPA.



To that end, we urge the Commission to clarify the definition of illegal robocall. The words in the definition “as well as any call” should be replaced with “and is,” so as to read:

“A call that violates the requirements of the TCPA, the related FCC regulations implementing the TCPA, or the Telemarketing Sales Rule, ~~as well as any call~~ and is made for the purpose of defrauding a consumer, as prohibited under a variety of federal and state laws and regulations, including the federal Truth in Caller ID Act.”

With such clarification, valid debt collection calls will be less likely lumped together with illegitimate calls as “robocalls,” which is an overly-broad word that stands in the way of common-sense clarification.

Create Clear Approval Process for White List

It is imperative that legitimate callers like Encore should be able to upload legitimate numbers to a white list with relative ease, and update numbers regularly as needed. This should be accomplished through a clear, efficient process, such as a hotline or email. As we stated in our prior filing, we routinely have approximately five to eight outbound phone numbers in use at any given time, and those numbers may change on a periodic basis.

We think it is reasonable to require that service providers must upload legitimate numbers submitted by companies on the white list within five business days of their submission. There should be a penalty assessed to service providers that fail to appropriately upload legitimate numbers within five business days.

Create a Near Real-Time Notice Mechanism to Service Providers of Inappropriate Blocking

To protect legitimate callers and their consumers, there should be a formal mechanism – through a dedicated email or hotline number – to immediately notify service providers of inadvertent blocking. A near real-time process should be developed that would allow a phone number that has been marked as a robocall to be appealed in the flagging logic, to prevent damage to both the callers and the consumers themselves.



Promote Information Sharing Among Service Providers to Mitigate Bad Actor Behavior

We understand that bad actors trying to get onto the white list, or to assert that their robocalls were erroneously blocked, is a concern. To address this, we think it would be helpful to create an information sharing mechanism, such that service providers share phone numbers identified as robocalls across the white list network to ensure that the bad actors are not simply switching carriers in order to resume making robocalls, this time from another provider.

Require Service Provides to Unblock Legitimate Calls Expeditiously

For our industry, many debt collection calls are time-sensitive, given federally-governed validation and dispute periods, statute of limitations timetables, credit reporting time frames, and the fact that many collection agencies cause interest and fees to accrue on a consumer's account with each passing day.¹ Indeed, even with just 24 hours of our calls being improperly blocked, the result would be harmful to thousands of consumers with whom we were unable to make contact. It is therefore critical that there be an expedited process for service providers to unblock legitimate calls, upon notice by a legitimate caller on the white list. Should a service provider mistakenly block a legitimate number, it is vital that unblocking take place within 24 hours of the error. If a service provider does not timely unblock a legitimate number as directed, a penalty should be assessed to the service provider.

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Thank you for your efforts to create a clear and efficient process for service providers to identity not just robocalls, but also legitimate callers, as well as a mechanism for service providers to quickly unblock callers that were blocked in error. Please don't hesitate to let us

¹ At Encore, we do not charge consumers any new interest or fees on debt we purchase. However, this policy, and other consumer protections set forth in our Consumer Bill of Rights (<https://www.encorecapital.com/about/consumer-bill-of-rights-english>), go well beyond federal and state law requirements and are industry-leading standards.



know if you have any questions about our comments and suggestions, or need further information.

Respectfully submitted,

/s/ Sheryl A. Wright
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