

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

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

**COMMENTS OF CTIA**

CTIA<sup>1</sup> respectfully responds to the Further Notice of Proposed Rulemaking (“FNPRM”) released by the Federal Communications Commission (“FCC” or “Commission”) seeking input on possible remedies for erroneously blocked calls and on potential reporting requirements.<sup>2</sup>

**I. INTRODUCTION AND SUMMARY.**

CTIA appreciates the Commission’s support for industry efforts to combat illegal robocalls. CTIA and its members have engaged in ongoing activities to empower consumers and develop methods to help stop bad actors. CTIA and its members helped lead the Robocall Strike Force and have actively participated in proceedings on call blocking<sup>3</sup> and a call authentication

---

<sup>1</sup> CTIA® ([www.ctia.org](http://www.ctia.org)) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21<sup>st</sup>- century connected life. The association’s members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry, and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

<sup>2</sup> See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 9706 (2017) (“FNPRM”). Where the comments refer to *Report and Order*, it is to that portion of the same item.

<sup>3</sup> Comments of CTIA, CG Docket No. 17-59 (filed June 30, 2017) (“Call Blocking Comments”); Reply Comments of CTIA, CG Docket No. 17-59 (filed July 31, 2017) (“Call Blocking Reply Comments”).

trust anchor.<sup>4</sup> The industry is working on implementation issues related to third-party blocking initiated by consumers and carrier-initiated blocking as authorized in the *Report and Order*. As the Commission recognized, this includes tensions between enhancing consumer control and completing legitimate calls.<sup>5</sup>

CTIA supports the *Report and Order*, which authorized carriers to voluntarily block calls when the subscriber to a number requests blocking of calls appearing from that number, as well as to voluntarily block calls originating from three types of numbers: invalid, unallocated, and unassigned numbers.<sup>6</sup> Nevertheless, more needs to be done. As CTIA urged, the FCC should:

- Adopt a safe harbor to mitigate risks and encourage voluntary blocking,<sup>7</sup>
- Work internationally to reduce illegal robocalls,<sup>8</sup> and
- Continue effective enforcement against illegal robocallers.<sup>9</sup>

The FNPRM raises important issues with respect to implementation of call blocking, but regulatory action is premature. CTIA agrees that carriers should respond appropriately when

---

<sup>4</sup> Comments of CTIA, WC Docket No. 17-97 (filed Aug. 14, 2017) (“Trust Anchor Comments”); Reply Comments of CTIA, WC Docket No. 17-97 (filed Sept. 13, 2017).

<sup>5</sup> See *FNPRM* ¶ 58 (noting “the balance between quickly identifying and rectifying erroneous blocking against imposing unduly onerous burdens on providers”); *Report and Order* ¶ 54 at (encouraging providers who block numbers to “establish a means for a caller whose number is blocked to contact the provider and remedy the problem”).

<sup>6</sup> See *Report and Order* ¶ 18.

<sup>7</sup> Call Blocking Comments at 13-16; Letter from Krista L. Witanowski, Asst. Vice President – Reg. Affairs, CTIA, to Ms. Marlene H. Dortch, Secretary, FCC, CG Docket No. 17-59 (filed Nov. 8, 2017).

<sup>8</sup> Trust Anchor Comments at 7-9.

<sup>9</sup> See, e.g., *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Notice of Apparent Liability for Forfeiture, 32 FCC Rcd. 5418 (2017) (imposing a \$120 million penalty for spoofing calls and placing illegal robocalls); *Best Insurance Contracts, Inc., and Philip Roesel, dba Wilmington Insurance Quotes*, Notice of Apparent Liability for Forfeiture, 32 FCC Rcd. 6403 (2017) (imposing a \$82,106,000 fine for spoofing calls).

calls originating from a blocked number are legitimate. But CTIA urges the Commission not mandate at this time particular mechanisms to require carrier unblocking of calls allegedly blocked in error or impose reporting requirements.

We have much to learn from efforts that are just getting underway: calling patterns and consumer behavior are changing; new applications and services are being rolled out; industry is working to deploy call authentication; and collaboration is ongoing across the ecosystem. Industry is addressing unblocking of numbers that may have been blocked in error and the underlying data analytics even as diverse participants work through call authentication and blocking. Simply put, adopting rules in this period of significant ongoing innovation and activity would be counter-productive.

## **II. A MANDATE REQUIRING CARRIERS TO DEVELOP MECHANISMS TO ADDRESS NUMBERS ALLEGEDLY BLOCKED IN ERROR IS UNNECESSARY.**

Carriers share the FCC's longstanding priority of call completion and want to keep their customers satisfied. It is possible that call-blocking technology could be over-inclusive and inadvertently sweep-in calls from legitimate numbers.<sup>10</sup> Carriers should, and intend to, respond quickly to address claims of erroneous blocking resulting from the voluntary activities authorized in the *Report and Order*. In addition, carriers have every incentive to address the claims of their customers who believe that their numbers are blocked in error. The Commission should encourage the entire ecosystem to address the complexities of call authentication and blocking.<sup>11</sup> But the Commission should not require carriers to adopt a particular mechanism to remedy

---

<sup>10</sup> See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd. 2306 ¶ 37 (2017) (discussing how legitimate calls could be blocked inadvertently).

<sup>11</sup> FNPRM ¶ 57.

numbers potentially blocked in error. As the Commission notes, there is an important balance to strike “between quickly identifying and rectifying erroneous blocking against imposing unduly onerous burdens on providers that might disincent helpful call blocking.”<sup>12</sup> In addition, the Commission’s proposal only applies to carriers engaged in the blocking categories authorized by the Commission’s rules,<sup>13</sup> and not to other call blocking or call labeling services. Thus, any mandate that the FCC may be inclined to adopt on unblocking would be under inclusive of the entire ecosystem involved in potential blocking activities.

The Commission has correctly taken a voluntary approach throughout this proceeding—encouraging voluntary call blocking and encouraging providers who block calls to quickly rectify any erroneous blocking.<sup>14</sup> It should continue that approach to challenge mechanisms, allowing the industry to develop voluntary mechanisms to unblock a number based on how a particular carrier might choose to block a number. Different carriers may have their own ways of approaching the issue, and a one-size-fits-all solution is not necessarily the best approach for every stakeholder. Furthermore, a carrier mandate is premature and will likely prove to be unnecessary. As participants gain experience with blocking, we will see whether and to what extent legitimate numbers are erroneously blocked by carriers and callers have problems seeking assistance. It is unlikely that large numbers of legitimate calls<sup>15</sup> will be inadvertently blocked by carriers blocking one of the categories of numbers authorized by the *Report and Order*: i.e.-

---

<sup>12</sup> FNRPM ¶ 58.

<sup>13</sup> See 47 C.F.R. 64.1200(k)(1)-(2).

<sup>14</sup> *Report and Order* ¶ 39; FNPRM ¶ 57.

<sup>15</sup> See, e.g., Letter from Michele A. Shuster, General Counsel, Professional Association for Customer Engagement, to Ms. Marlene H. Dortch, Secretary, FCC, CG Docket No. 17-59 (filed Nov. 9, 2017).

invalid numbers, unassigned numbers, or unallocated numbers. Legitimate calls rarely, if ever, originate from these numbers. Much of the work on illegal robocalls thus does not center on the types of blocking authorized in the *Report and Order*. Instead, many solutions are opt-in services designed to label calls to allow *customers* to decide whether to answer.<sup>16</sup> Examples of opt-in services include:

- AT&T’s Call Protect, which identifies fraud calls before they ring through to customers with compatible devices.<sup>17</sup>
- T-Mobile’s Scam Scan ID and Scam Block, which are powered by First Orion’s analytic scoring system, help customers know whether a call is safe or likely a nuisance or scam call. Scam ID allows the customer to decide whether to answer a call, rather than having the provider perhaps erroneously block calls. Consumers taking the additional step of opting-into Scam Block, can have these calls blocked automatically across all devices.<sup>18</sup>
- Sprint’s Premium Caller ID service, which is offered on a subscription basis and offers the ability to identify a higher percentage of nuisance calls, and has an option to block them.<sup>19</sup>
- A service tested by Verizon Wireless that scores all incoming calls to its Caller Name ID customers, identifies potential spam and calls-out the level of risk with a “risk meter.”<sup>20</sup>

---

<sup>16</sup> The Commission should clarify that permissible customer opt-in services and blocking services offered by third-parties are not affected by this proceeding.

<sup>17</sup> Reply Comments of AT&T, CG Docket No. 17-59 at 2-3 (filed July 31, 2017).

<sup>18</sup> See Comments of First Orion Corp., CG Docket No. 17-59 at 1, 16 (filed July 3, 2017); see also First Orion: Making it Safe for Businesses to Call and Safe for Customers to Answer attached to Letter from John Ayers, VP Corporate Development, First Orion, Marlene H. Dortch, Secretary, FCC, CG Docket No. 17-59 (filed Oct. 23, 2017) (“First Orion Ex Parte”).

<sup>19</sup> Industry Robocall Strike Force Report at 17-18 (Apr. 28, 2017), attached to Letter from ACT-The App Association, Alliance for Telecommunications Industry Solutions (“ATIS”), CTIA, and USTelecom, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 17-59 (filed Apr. 28, 2017).

<sup>20</sup> *Id.* at 18.

These are in addition to the mobile apps and other solutions that abound. These services may lead to unanswered calls, but they are not carrier blocking as authorized in the *Report and Order*. If legitimate callers see a drop in call completion, it is likely to be because of third-party services and apps, or because consumers are simply not picking up the phone. Thus, because the limited carrier blocking authorized in the *Report and Order* is unlikely to be the source of significant errors, a carrier unblocking mandate for those categories is unnecessary.

If a problem emerges from the carrier blocking authorized in the *Report and Order*, and legitimate callers are not receiving help, then the FCC can consider acting based on evidence and experience. At present, with the new blocking rules not yet in effect, the FCC would be implementing a mandate with no real-time evidence of need or efficacy. Further, a mandate could have unintended consequences by reducing carriers' willingness to engage in the blocking authorized by the *Report and Order* in the first place. Mandates will make voluntary blocking more complicated and burdensome, as carriers may field misplaced inquiries resulting from third-party solutions or efforts by illegal robocallers to game the mandated system. Some carriers may be ready to implement a formal challenge or feedback mechanism (and should be encouraged to do so), but others may not be ready. Nevertheless, carriers are committed to addressing any unintended consequences of call blocking. The FCC should not impose a new mandate, particularly as it may only serve to discourage providers from engaging in blocking activity in the first place.

A mandate also threatens to stifle innovation. There are many ways to block and unblock numbers. The Commission should encourage all providers to develop methods for identifying and unblocking calls blocked in error. Given a competitive market, varied solutions can differentiate services and lead to more effective ways to identify illegal robocalls. Stakeholders

have already started work to limit erroneous blocking. US Telecom recently hosted a workshop “aimed at helping develop ‘best practices’ for creating and maintaining blacklists.”<sup>21</sup> The principal focus of the workshop was on preventing false positives and input was received from the commercial calling (legal robocallers) sector, data analytics companies, and service providers. This work will continue into 2018. In addition, third party solutions in the market already are innovating with feedback mechanisms. For example, First Orion/PrivacyStar’s calltransparency.com allows call originators to register their numbers to prevent them from being erroneously blocked.<sup>22</sup>

Because of innovation and other collaborative efforts, the Commission does not need to define how carriers inform customers that their phone numbers are blocked, set an appropriate response time, or prescribe how to determine credible claims.<sup>23</sup> The Commission should maintain a flexible environment that encourages all parties—carriers, application developers, legitimate callers, vendors, data analytics firms—to share information and develop tools to protect consumers and legitimate callers. There is no need for a mandate.

### **III. THE COMMISSION SHOULD WAIT TO MEASURE THE EFFECTIVENESS OF ROBOCALL ABATEMENT AND INSTEAD FOCUS ON ENFORCEMENT AGAINST BAD ACTORS.**

The Commission is understandably interested in whether its multi-faceted efforts bear fruit, but it is premature to try to measure the effectiveness of newly-authorized robocall

---

<sup>21</sup> Comments of the USTelecom Association, CG Docket No. 17-59 at 18 (filed July 3, 2017).

<sup>22</sup> First Orion Ex Parte at 8. The information provided can also improve the accuracy of nuisance and spam tagging.

<sup>23</sup> FNPRM ¶ 58.

abatement efforts, which are only one part of ongoing work.<sup>24</sup> Industry and the Commission are still in the early stages of many efforts. Reporting obligations at this point are likely to generate more unhelpful information than useful insights.

Robocalling data that is currently available may be incomplete or not comparable. Given the ecosystem's focus on call completion, practices are not designed to track the sort of information necessary to evaluate the success of robocall abatement. Organizations capture data in different ways. Carriers' traffic types, volumes and patterns are inherently different, making comparisons difficult. Industry is working on identifying, generating and analyzing the right kind of data. Thus, the FCC should wait to consider any such requirements until both industry and the FCC gain experience with blocking and are in a better position to comment on the need for reporting and what information or data to report.

The Commission should not use data from its Consumer Complaint Data Center or other sources as a benchmark for determining the effectiveness of FCC and industry efforts at this time.<sup>25</sup> Although the Consumer Complaint Data Center provides some important data, it is by its very nature a crowd-sourced dataset where there are few requirements for uniform data entry. Further, the opportunities, both intentional and inadvertent, for entering duplicate (or more) complaints, and for lodging complaints about calls that are not illegal robocalls or that originate from legitimately spoofed numbers make it ill-suited for measuring effectiveness and could even lead to more erroneous blocking. The FCC would need to improve the accuracy of this dataset before using it to measure effectiveness. The Commission can revisit this issue after industry has had more experience with call blocking.

---

<sup>24</sup> FNPRM ¶ 59.

<sup>25</sup> FNPRM ¶ 59.



In the meantime, as the ecosystem refines blocking practices and considers proper metrics, the Commission should continue enforcement efforts against bad actors who are the source of most illegal robocalls. The FCC can use creative partnerships with industry while working internationally to help thwart global bad actors. Such actions would be more effective at reducing robocalls than imposing new requirements on carriers.

#### **IV. CONCLUSION**

CTIA appreciates the Commission's support of and partnership with industry efforts to combat illegal robocalls. As carriers continue to develop tools and engage in blocking, the Commission should promote innovative tools and offerings, remain flexible in its approach, and refrain from imposing mandates. Accordingly, the Commission should decline mandating challenge or feedback mechanisms and information-reporting obligations at this time. Flexibility is necessary to encourage carriers to engage in voluntary efforts and to enable the ecosystem to continue developing tools to protect consumers.

Respectfully submitted,

/s/ Krista L. Witanowski

Krista L. Witanowski  
Assistant Vice President, Regulatory Affairs

Thomas C. Power  
Senior Vice President, General Counsel

Scott K. Bergmann  
Senior Vice President, Regulatory Affairs

**CTIA**  
1400 Sixteenth Street, NW  
Suite 600  
Washington, DC 20036  
(202) 785-0081

January 23, 2018