

**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)	

To: The Commission

COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (“VON”)¹ respectfully files these comments in response to the Commission’s Further Notice of Proposed Rulemaking (“FNPRM”) in the above-captioned proceeding.² Specifically, the Commission seeks comment on 1) potential mechanisms to ensure that erroneously blocked calls can be unblocked as quickly as possible; and, 2) ways to measure the effectiveness of its initiatives to combat illegal robocalls.³ As discussed below, voice service providers should have the flexibility to develop the processes that work best for them to resolve complaints about wrongfully blocked calls. The Commission should not mandate mechanisms for unblocking but the existing informal complaint process could serve as a backstop to resolve disputes, as needed. In addition, the Commission should not impose new reporting obligations on voice service providers related to blocking, but instead rely

¹ VON is the leading advocacy organization for the Internet communications industry, working with policymakers to develop policies that support the availability and adoption of Internet communications products and services. For more information, see www.von.org.

² *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking (“Report and Order”), CG Docket No. 17-59, FCC 17-151 (rel. November 17, 2017); *see also*. 83 Fed. Reg. 770, rel. Jan. 8, 2018 (setting a comment deadline of January 23, 2018).

³ *Id.* at paras. 57-59.

on data from its and the Federal Trade Commission's complaint databases to measure the effectiveness of permissive blocking.

DISCUSSION

VON supports the Commission's decision to permit voice service providers to block telephone calls that are likely to be illegal and in many cases will result in fraud or identity theft.⁴ However, as VON cautioned in its initial comments in this proceeding, call blocking is an extreme response that may lead to unintended consequences, particularly when used with new technologies and services.⁵ The public's perception of the reliability of the nation's communications network must be balanced with policy decisions to stop illegal robocalls.

Erroneous call blocking. Thus, the Commission now logically addresses how callers may challenge a service provider's decision to block certain suspect calls. The FNPRM lacks specific proposals (there are no proposed rules) but asks a series of important questions on how callers and service providers should manage disputes under the new rules. VON believes the Commission should proceed deliberately to give voice service providers time to determine how and whether they will block calls, and, if they do, gauge whether blocking was appropriate.

As an initial point, these comments focus on the process for calls blocked by an intermediate or terminating carrier.⁶ In those circumstances, blocking voice service providers may notify originating carriers when their customers' calls are blocked. For VoIP networks, the

⁴ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 17-59, FCC 17-151 (rel. November 17, 2017); *see also*, 83 Fed. Reg. 1566, rel. Jan. 12, 2018 (establishing February 12, 2018, as the effective date for new rules).

⁵ Comments of the Voice on the Net Coalition, CG Docket No. 17-59, filed June 30, 2017, at 1, 3-6 (noting specific use cases where legal calls may be blocked).

⁶ In cases where the originating voice service provider blocks the call, VON expects that the provider's terms of service would provide an aggrieved customer appropriate recourse and opportunity to prevent future blocking.

Internet Engineering Task Force has developed a way to do this in signaling via a SIP response code, specifically a “607” signal back to the originating carrier for unwanted calls (see RFC 8197). The originating carrier could translate this signal to their customers through either a recording or a textual display. VON does not believe there is a separate need for a blocking provider to notify callers that their calls were blocked, as it should be obvious when those calls are not completed.

Eventually, calls may be blocked that should not be blocked. In those circumstances, VON recommends that it would be most efficient for callers and voice service providers to resolve those issues amongst themselves, without FCC involvement. Each provider should have the flexibility to develop the methods that best suit their own processes. VON expects that it could take a voice service provider one to four weeks to research a claim of erroneous blocking (depending on the volume of unblocking requests). If it is determined that calls were erroneously blocked, the blocking voice service provider should cease blocking as soon as reasonably practicable. The Commission should not impose specific timeframes on this process because claims will need to be evaluated on a case-by-case basis.

If callers and voice service providers cannot amicably resolve blocking disputes, the existing Commission informal complaint process may be used as a backstop. In those instances, the FCC should minimize procedural requirements and commit to resolving the dispute within a specific period (e.g., within 90 days after the complaint is served). Either the blocked voice service provider or the blocked caller would have standing to file an informal complaint.

Measuring effectiveness. Finally, the FCC should not adopt a reporting obligation for voice service providers related to call blocking. The FCC (and FTC) should instead monitor trends in consumer complaints and use their own databases to determine whether its initiatives

are working. VON would be particularly concerned about a requirement to report false positives – which are arguably violations of the FCC’s call blocking rules. As an initial matter, it may not always be clear how to define a false positive. In addition, an obligation to report false positives could lead to the perverse result of voice service providers not blocking (to avoid disclosing potential FCC violations) and an increase in the number of illegal robocalls.

A new reporting obligation would also be expensive and provide little benefit to the public. Development of the reports would likely involve the cost of software licensing, and impose considerable expenses for full time employees or vendors to manage the process, and to collect and prepare the reports for the FCC, including auditing those reports internally before submitting them. Reports will not deter robocalls; the public will have to remain diligent in its efforts to report caller ID fraud and telephone scams to the FCC, FTC and state authorities.

The Commission’s Consumer and Governmental Affairs Bureau (CGB), in consultation with the Federal Trade Commission’s Bureau of Consumer Protection, is required to prepare a report by January 12, 2019 on the state of robocalling.⁷ This report will encompass progress made by industry, government and consumers in combatting illegal robocalls. Rather than requiring reports from voice service providers, CGB should solicit input from industry, including quantitative data, on the current state of the problem and additional measures that may be implemented to address remaining challenges.

⁷ Report and Order at para. 63.

CONCLUSION

The VON Coalition suggests that cooperation between service providers provides the best mechanism to ensure that erroneously blocked calls may be unblocked as quickly as possible. Moreover, the FCC should not mandate new reporting requirements to track erroneously blocked calls.

Respectfully submitted,

VOICE ON THE NET COALITION

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