



## OFFICE OF CONSUMER PROTECTION

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### Statement of Eric S. Friedman Executive Director, Montgomery County Office of Consumer Protection

#### **In Support of Proposed Rulemaking: *In the Matter of Advanced methods to Target and Eliminate Unlawful Robocalls***

CG Docket No. 17-59

January 23, 2018

Chairman Pai and Commissioners Clyburn, O’Rielly, and Carr and Rosenworcel

My name is Eric Friedman. As Director of Montgomery County's Office of Consumer Protection, I am pleased to offer my support for the Proposed Rulemaking referenced above. This proposal is an important step in consumer protection.

Montgomery County's Office of Consumer Protection (“OCP”) is a law enforcement agency established over 40 years ago to investigate and resolve consumer complaints. Each year, we receive thousands of telephone calls and written complaints from consumers seeking information and assistance. Included in these complaints and calls are consumers impacted by robocalls and scams perpetrated through the use of robocalls and spoofing of telephone numbers. In fact, as you likely know, state<sup>1</sup> and local<sup>2</sup> governments have been the victim of spoofing. These trusted phone numbers are being used to perpetrate a myriad of scams, including, *inter alia*: “Rachel from Cardmember services,” auto warranty extensions, IRS fraud, ransom/extortion, student loan consolidation, lottery/sweepstakes scams, travel discount, and IT support scams.

While legitimate telemarketers honor the “Do Not Call List” and follow the 2009 Truth in Caller ID Act, scammers do not. When scammers spoof trusted telephone numbers of friends, neighbors, family, and the government, additional protections should be put in place. This is especially important for the more vulnerable segments of our society, specifically the elderly, mentally disabled adults, and those adults suffering from cognitive impairments like dementia, Alzheimer’s, etc. The ability to block calls from phone numbers on a “Do Not Originate” list or from invalid, unallocated, or unused numbers, is an important first step in fighting against this pernicious form of fraud. Like Commissioner Rosenworcel,<sup>3</sup> the OCP supports a free-of-charge method for consumers to block these calls.

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<sup>1</sup> E.g., <http://www.marylandattorneygeneral.gov/press/2013/121313.pdf> (Maryland OAG phone numbers); <http://news.maryland.gov/msp/2017/10/30/warning-phone-scammer-uses-msp-number-for-credit-card-recording/> (Maryland State Police phone numbers)

<sup>2</sup> [http://www2.montgomerycountymd.gov/mcgpportalapps/Press\\_Detail.aspx?Item\\_ID=21262](http://www2.montgomerycountymd.gov/mcgpportalapps/Press_Detail.aspx?Item_ID=21262) (Montgomery County, MD)

<sup>3</sup> <https://ecfsapi.fcc.gov/file/111717758568/FCC-17-151A6.pdf>

As the Federal Trade Commission notes,<sup>4</sup> “false positives” are likely to be *de minimus*. For the same reasons, the OCP supports the simple mechanism outlined by that agency for formal challenges to provider call blocking. This can include a third-party challenge if their calls are being blocked to consumers as well as consumer challenges if their calls are being blocked. As Consumers Union and the National Consumer Law Center note,<sup>5</sup> such challenges should include some due diligence to ensure that the challenge and request to un-block are not mere evasion tactics by the scammers themselves.

For reporting requirements, a demonstration of the utility and impact of this rule would be very useful to consumers, marketers and providers. Reports should include (but not be limited to) the number of calls blocks, the number of challenges to blocks made, and the number of challenges sustained versus the number overruled.

Finally, we support the FTC’s request for consumer education on call blocking, its impact, and parameters. Moreover, we agree that creating a “white list” simply creates a valuable commodity to be used in future spoofing attempts if stolen. Or worse, the “white list” could become corrupted by mass infiltration by robocallers rendering this entire scheme worthless.

Thank you for your time and please feel free to contact me for any additional information.

January 23, 2018

Eric S. Friedman, Executive Director

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<sup>4</sup> <https://ecfsapi.fcc.gov/file/1011935375724/2018-01-23%20FCC%20Further%20Notice%20Call%20Blocking%20Comment%201.16%20final.pdf>

<sup>5</sup> <https://ecfsapi.fcc.gov/file/1108038709160/Consumers%20Union%20and%20NCLC%20ex%20parte%20final.pdf>