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Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Notice of *Ex Parte* Communication
Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59; *Implementing Section 503 of RAY BAUM's Act*, WC Docket No. 18-335; *Rules and Regulations Implementing the Truth in Caller ID Act of 2009*, WC Docket No. 11-39; *Call Authentication Trust Anchor*, WC Docket No. 17-97

Dear Ms. Dortch:

On 6 February 2019, the undersigned and Gunnar Halley, both from Microsoft Corporation, met in person with Lisa Hone, Alex Espinoza, Annick Banoun, and by phone with Terri Natoli, all of the Wireline Competition Bureau. We also met separately with Travis Litman, Legal Advisor to Commissioner Rosenworcel, separately with Jamie Susskind, Chief of Staff and Legal Advisor to Commissioner Carr, and separately with Randy Clarke, Legal Advisor to Commissioner Starks to discuss matters pertaining to efforts to combat unlawful robocalls and caller ID fraud. On 7 February 2019, the undersigned and Mr. Halley met with Arielle Roth, Legal Advisor to Commissioner O'Rielly, separately with Zenji Nakazawa, Legal Advisor to Chairman Pai, and separately with Nirali Patel, Legal Advisor to Chairman Pai and Will Holloway, Intern in the Office of the Chairman, to discuss matters pertaining to efforts to combat unlawful robocalls and caller ID fraud.

Microsoft is committed to battling and eliminating unlawful robocalls and caller ID fraud. We described, for example, the significant efforts that Microsoft has undertaken and continues to undertake in cooperation with law enforcement officials around the world to combat and seek prosecution of those engaged in tech support fraud and caller ID scams. We also noted Microsoft's participation in the development of the SHAKEN/STIR caller authentication standard. Finally, we described the substantial anti-fraud efforts that Skype is undertaking.

We explained to Mr. Litman, Ms. Susskind, Mr. Clarke, Ms. Roth, and Mr. Nakazawa that while there are a number of promising and effective tools available and under development to blunt caller ID scams and illegal robocalls, blocking legitimate calls without consumer consent is not one of those ways, and we discouraged the Commission from adopting a safe harbor for blocking legitimate voice calls. We explained that, in its history, the FCC has never before authorized a voice provider to block a legitimate voice call without first obtaining customer consent to do so. Reliable operation of the network which promotes consumer trust has always been of paramount importance. The unprecedented step of authorizing legitimate calls to be blocked without customer consent would reduce the effectiveness of the voice network. Further, we explained, unconventional calling technologies such as Skype's outbound-only Skype to Phone calling feature (formerly known as Skype Out) are likely to be disproportionately affected by authorized blocking of legitimate calls. We reminded them that a major U.S. carrier blocked over 1.2 million legitimate Skype Out calls during a three-month period just over a year ago.

Microsoft understands that carriers might be concerned about liability for inadvertently blocking legitimate calls in an effort to stop illegal robocalls. In such circumstances, Microsoft encourages the FCC to utilize common sense and prosecutorial discretion when making enforcement decisions and respectfully suggests that, instead of a safe harbor, the Commission should take into consideration a carrier's level of care in assessing liability for blocking legitimate calls.

Ultimately, call filtering driven by consumer preference should remain the goal. For decades, consumers have filtered their calls, either by "disconnecting the phone" when they didn't want to be interrupted, or by screening calls by using external answering machines, or via caller ID. Unfortunately, caller ID fraud has shaken consumer confidence and trust in the validity of caller ID. We are hopeful that SHAKEN/STIR will help to restore that confidence so that, once again, consumers will be able to determine for themselves, based upon reliable information, who is calling them and whether to answer the call.

In all of our meetings, we explained that SHAKEN/STIR is not quite available yet for widespread implementation, but we are encouraged by industry's progress. We explained the potential for multiple levels of attestation as well as the potential eligibility factors (still undecided) for authorizing a company to sign its own calls to achieve the highest level of attestation. We emphasized the importance of maximizing the ability of providers across the voice ecosystem, including those that employ unconventional technologies and business models, to achieve the highest level of attestation. This outcome, we believe, is important to ensuring that consumers rely on the SHAKEN attestation and avoiding a scenario in which consumers ignore SHAKEN attestation designations because entire categories of legitimate calls receive inferior attestation designations, akin to the "car alarm" effect.

In all of our meetings (except with Mr. Nakazawa), we explained that, in the draft Notice of Proposed Rulemaking in WC Docket Nos. 18-335 and 11-39, the proposed interpretation of "interconnected with the public switched telephone network" (a component of the statutory "voice service" definition) might have unintended consequences if applied in the context of subsequent legislation that uses the same definition of "voice service." In that event, we urged the Commission to ensure that its interpretation of "interconnected with the public switched telephone network" is not extended to implementation of future legislation that might employ the same term without first ensuring that such an interpretation is appropriate for the subsequent purposes and technically feasible to implement.

Respectfully submitted,

/s/ Paula Boyd

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cc (via e-mail):
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Zenji Nakazawa
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