

FCC Consumer Advisory Committee Recommendation Regarding Collection of Data and/or Sources of Data on the Availability and Effectiveness of Call Blocking Tools

1. WHEREAS the top consumer complaint to the Federal Communications Commission (“Commission” or “FCC”) is illegal and unwanted robocalls¹ and consumers want the Commission, voice service providers, analytics engines, third-party applications, and other stakeholders to protect them from abusive robocallers;
2. WHEREAS the Commission has taken significant actions to encourage voice service providers and other entities to deploy tools and solutions to fight robocalls;²
3. WHEREAS industry has developed and implemented a variety of call blocking tools and mechanisms,³ which can benefit many consumers by blocking billions of calls annually and protect consumers from receiving a significant amount of unwanted and illegal robocalls;
4. WHEREAS consumers may not be aware of the tools at their disposal, or their efficacy;
5. WHEREAS the Commission directed the Consumer and Governmental Affairs Bureau (CGB), in consultation with the Wireline Competition Bureau (WCB) and Public Safety and Homeland Security Bureau (PSHSB), to report on the state of deployment of advanced methods and tools to eliminate such calls;⁴
6. WHEREAS the Commission adopted the recommendation of its Consumer Advisory Committee to study the implementation and effectiveness of blocking measures, to include: [T]he availability to consumers of call-blocking solutions; the fees charged, if any, for call blocking tools available to consumers; the proportion of subscribers whose providers offer and/or enable call blocking tools; the effectiveness of various categories of call blocking tools; and an assessment of the number of subscribers availing themselves of available call blocking tools;⁵
7. WHEREAS the call-blocking ecosystem is still evolving and data regarding solutions in addition to call blocking, including but not limited to call labeling, will help inform the Commission’s report;

¹ See *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor, Declaratory Ruling and Third Further Notice of Proposed Rulemaking*, FCC 19-51, ¶ 10 (rel. June 7, 2019) (quoting multiple consumers who have stopped answering their phones unless they already recognize the number) (“*June 2019 Robocalling Order*”); *FCC Consumer Guides: Stop Unwanted Robocalls and Texts*, FCC, <https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts> (last visited Jan. 9, 2020).

² See, e.g. *June 2019 Robocalling Order; Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9710, (2017).

³ For recent examples of industry efforts, see FCC, *Combating Spoofed Robocalls with Caller ID Authentication*, <https://www.fcc.gov/call-authentication>; FCC, *Commissioner Starks Releases Free Robocall Blocking Responses*, <https://www.fcc.gov/document/commissioner-starks-releases-free-robocall-blocking-responses>.

⁴ The reports shall be submitted to the Commission in June 2020 and June 2021. See *June 2019 Robocalling Order* ¶¶ 87-90.

⁵ *Id.* ¶ 88.

8. WHEREAS accurate data and information are critical to assessing the problem of unwanted and illegal robocalls and the efficacy of industry and government action to abate the problem, as well as helping the Commission and Congress develop sound policy responses;
9. WHEREAS counting the number of robocalls does not measure whether consumers are receiving the calls they want and are protected from unwanted and illegal calls;
10. WHEREAS the number of consumer complaints does not accurately reflect the consumer experience or the amount of fraud and abuse given that the FTC has reported that one complaint arising from calls typically means that there were about 5-10,000 calls related to that case of abuse/fraud; and
11. WHEREAS reporting on and defining the effectiveness of robocall mitigation effectiveness is complex and challenging due to the lack of consistent definitions and metrics used in reporting, a lack of data from consumers, the nascent state of the call blocking ecosystem, and the diversity of call blocking options available to consumers and used by providers to reduce illegal and unwanted robocalling.

NOW, THEREFORE IT IS

1. RECOMMENDED that the Commission's data collection provide feedback on the effectiveness of call-blocking solutions that will incentivize appropriate behavior from call-blocking solution providers;
2. RECOMMENDED that the Commission use consistent and clear definitions of key terms and concepts, including clearly differentiating between unwanted and illegal calls and the various types of call blocking and filtering that exist on the network side and those that are consumer-initiated and controlled;
3. RECOMMENDED that the Commission adopt a consistent and robust methodology(s) for analyzing the validity, reliability, utility, and scope of any data reviewed or collected and, to promote transparency, the Commission should disclose the sources of its data and how data is used to measure various inputs and inform conclusions;
4. RECOMMENDED that the Commission undertake the development of metrics and methodologies in consultation with industry, consumers, and other relevant stakeholders;
5. RECOMMENDED that the Commission consider the data quality and availability of existing data sets at the FTC and FCC, and continue to seek information on deficiencies and suggestions for improvements for future reports;
6. RECOMMENDED that the Commission's measurement of trends in and effectiveness of call blocking be informed by relevant research and reports such as those that were presented to the Robocall Report Working Group of the Consumer Advisory Committee;
7. RECOMMENDED that the consumer experience with call-blocking solutions be reflected in the Commission's report, which should be informed by studies such as those that were presented to the Robocall Report Working Group of the Consumer Advisory Committee. Such reports should include information on the following issues, among others: data regarding the number and percentage of consumers that are using and benefiting from call treatment tools and services; the experience of various demographic groups with call blocking tools and services; and the number of consumer complaints

about robocalls reflected in the Commission's own records and the Federal Trade Commission's databases;

8. RECOMMENDED that the Commission collect available data and information from analytics engines, third-party app and call-blocking solution providers, voice service providers, and others regarding robocall volume, suspicious call trends, number of calls blocked, costs to consumers, and other useful metrics and on the methodologies, definitions, and metrics these providers use in tracking and reporting on their own data;
9. RECOMMENDED that the Commission collect the relevant data in a manner that minimizes excessive burdens on respondents, consult with the parties providing the data about metrics and categories of data to be included, and protect confidential and proprietary information from public disclosure or disclosure to third parties;
10. RECOMMENDED that the Commission report on the status of enforcement against illegal robocallers by collecting data such as a list of voice service providers deemed non-cooperative by the USTelecom Industry Traceback Group, federal and state law enforcement, and state attorneys general to track the number of citations and enforcement actions against illegal robocallers and resolution of cases of fraud or other criminal activity;
11. RECOMMENDED that the Commission conduct consumer surveys on the nature and scope of the problem of unwanted and illegal robocalls, as well as the awareness, availability, adoption, cost, and provider of, and satisfaction with, call-blocking solutions to inform future reports; and
12. RECOMMENDED that the Commission use its first report on robocall mitigation effectiveness to provide a building block for future reports, and conduct an iterative process to measure effectiveness, given that there is insufficient data currently available and the robocall blocking ecosystem is nascent and evolving.

APPENDIX:
**Recommendations of the Robocall Report Working Group of the
Consumer Advisory Committee**

Below are examples of relevant research, resources, and reports that were presented to the Robocall Report Working Group of the Consumer Advisory Committee, as referenced in the foregoing recommendations:

1. YouMail's Robocall Index, <https://robocallindex.com/>
2. Lavinia Kennedy, *Impacts of TN Validation on User Display: Cequent User Study Findings* (May 1, 2019)
3. Hiya, *State of the Phone Call: Half Yearly Report 2019* (2019), <https://assets.hiya.com/public/pdf/HiyaStateOfTheCall2019H1.pdf?v=6b7b682837c56c47656c012c1da0e6a0>
4. First Orion, *Scam Call Trends and Projections Report, Summer 2019*, http://firstorion.com/wp-content/uploads/2019/07/First-Orion-Scam-Trends-Report_Summer-2019.pdf
5. Consumer Reports Survey, *Mad About Robocalls* (Apr. 2, 2019), <https://www.consumerreports.org/robocalls/mad-about-robocalls/>
6. AARP, *Many Americans Still Vulnerable to Spoofing* (May 2019), https://www.aarp.org/content/dam/aarp/research/surveys_statistics/econ/2019/national-robocall-spoofing-survey.doi.10.26419-2Fres.00298.001.pdf
7. Consumer Sentinel Network, <https://public.tableau.com/profile/federal.trade.commission#!/vizhome/FraudReports/FraudFacts>.
8. Do Not Call Complaints Registry, <https://public.tableau.com/profile/federal.trade.commission#!/vizhome/DoNotCallComplaints/Maps>

Unanimously Adopted on February 13, 2020.

Respectfully submitted,
Steve Pociask, Chairperson
FCC Consumer Advisory Committee