

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

**COMMENTS OF
THE AD HOC TELECOMMUNICATIONS USERS COMMITTEE**

Sara Crifasi
Andrew M. Brown
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036
202-857-2550

Counsel for
Ad Hoc Telecommunications Users
Committee

Filed: February 22, 2018

TABLE OF CONTENTS

I.	THE COMMISSION SHOULD REQUIRE CARRIERS TO FOLLOW SPECIFIC PROCEDURES FOR ADDRESSING ERRONEOUS BLOCKING AND TO COMMUNICATE THOSE PROCEDURES TO SUBSCRIBERS OF NUMBERS.....	3
A.	THE COMMISSION SHOULD REQUIRE CARRIERS TO TRANSMIT A REAL-TIME, PER-CALL INDICATION OF BLOCKED NUMBERS AND CALLS.....	3
B.	CARRIERS SHOULD SPECIFY DESIGNATED POINTS OF CONTACT TO RECEIVE NOTICE OF ERRONEOUS BLOCKING.	4
C.	ONLY AUTHORIZED, AUTHENTICATED NUMBER HOLDERS OR THEIR DESIGNEES SHOULD BE PERMITTED TO REQUEST UNBLOCKING.....	5
D.	THE COMMISSION SHOULD REQUIRE CARRIERS TO RESOLVE CONFIRMED INSTANCES OF INADVERTENT BLOCKING WITHIN A SPECIFIED PERIOD OF TIME.....	6
E.	THE COMMISSION SHOULD NOT IMPOSE A LIMITATION ON THE PERIOD OF TIME WITHIN WHICH SUBSCRIBERS OF ERRONEOUSLY BLOCKED NUMBERS MUST CHALLENGE A BLOCKED NUMBER.	7
II.	THE COMMISSION SHOULD ESTABLISH A PROCESS FOR EXPEDITED COMMISSION REVIEW IF CARRIERS FAIL TO RESOLVE INADVERTENT BLOCKING COMPLAINTS WITHIN A SPECIFIED TIME PERIOD.	8
III.	THE COST OF UNBLOCKING PROGRAMS SHOULD NOT BE IMPOSED ON THE VICTIMS OF ERRONEOUSLY BLOCKED NUMBERS.	9
	CONCLUSION	10

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

**COMMENTS OF
THE AD HOC TELECOMMUNICATIONS USERS COMMITTEE**

The Ad Hoc Telecommunications Users Committee (“Ad Hoc”) submits these reply comments in response to the Federal Communications Commission’s Further Notice of Proposed Rulemaking¹ (“FNPRM”) in the aforementioned proceeding.

INTRODUCTION

Ad Hoc is a longstanding organization of corporate enterprise customers that individually and collectively purchase large quantities of wireline and wireless telecommunications and information services. Its membership includes companies from a wide variety of industries including manufacturing, financial services, shipping and logistics, and transportation. Ad Hoc’s membership does not include any telecommunications carriers or manufacturers of telecommunications equipment.

Ad Hoc strongly supports the Commission’s initiative and focused effort to eliminate illegal robocalls. As the Commission has detailed in this proceeding, illegal robocalls frustrate

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 17-59, 32 FCC Rcd 9706 (2017) (“*Order and FNPRM*” or “*FNPRM*”).

consumers and often facilitate fraudulent activity. The measures proposed by the Commission in this proceeding to block certain types of illegal robocalls offer many common-sense solutions to this serious problem. We encourage the Commission to ensure that the proposed rules do not inadvertently interfere with legitimate and lawful calling. Ad Hoc member companies regularly contact their customers and potential customers for a variety of reasons. These communications are lawful and facilitate important economic activity through the use of advanced telecommunications and technology. If these calls are inadvertently blocked by overly broad attempts to end illegal robocalling, Ad Hoc member companies and the intended recipients of these lawful calls will be deprived of important communications. For example, if a carrier inadvertently blocks a financial services company contacting a customer with a fraud alert or a shipping company transmitting a delivery notification, the company-customer relationship is seriously harmed through no fault of the calling or called party.

Ad Hoc agrees with the many commenters that have expressed concerns about the unintended consequences of blocking illegal robocalls. Fortunately, the Commission can adopt narrowly tailored clarifications and modifications to its proposed rules. In adopting these new measures, Ad Hoc urges the Commission to ensure that lawful calls are not inadvertently blocked by requiring carriers to: (1) adopt specific and reasonable “redress” procedures for any third party who believes its number has been erroneously blocked, and (2) communicate clearly and with specificity those procedures to potentially aggrieved number holders. If carriers fail to address third party claims of erroneous blocking pursuant to these procedures within a specified amount of time, the Commission should also provide a method for number holders to receive expedited Commission review and resolution of the claim.

I. THE COMMISSION SHOULD REQUIRE CARRIERS TO FOLLOW SPECIFIC PROCEDURES FOR ADDRESSING ERRONEOUS BLOCKING AND TO COMMUNICATE THOSE PROCEDURES TO SUBSCRIBERS OF NUMBERS.

The Commission should require carriers to develop specific and simple procedures that allow number holders to resolve erroneously blocked lawful calls.² These procedures should, at a minimum, contain the following: (A) transmission of a real-time, per-call indication that a call has been blocked; (B) establishment and maintenance of a specified point of contact that number holders can contact to address erroneous blocking; (C) authentication procedures followed by the carrier to ensure the individual who requests unblocking is legitimate; and (D) resolution of erroneous blocking within one business day following verification of the error and authentication of the identity of the individual requesting the unblocking. The Commission should require carriers to publicize these procedures widely.

A. The Commission should require carriers to transmit a real-time, per-call indication of blocked numbers and calls.

Ad Hoc agrees with many commenters that the Commission should require carriers to transmit a real-time, per-call indication when calls are blocked so that number holders can remediate erroneously blocked calls.³ Such a notification would be the most effective and

² See Comments of the Federal Trade Commission's Staff on the FNPRM, CG Docket No. 17-59 (filed Jan. 19, 2018) ("*FTC Comments*") at 5 ("[P]roviders of call blocking services should consider developing clear and specific procedures to address complaints of erroneous blocking and provide a designated point of contact to assist callers and subscribers that experience potentially erroneous blocking."); Comments of Colonial Penn Life Insurance Company on the FNPRM, CG Docket No. 17-59 (filed Jan. 23, 2018) ("*CPL Comments*") at 3 ("CPL urges the Commission to adopt a simple and streamlined mechanism whereby a legitimate caller can have its calls unblocked...").

³ See CPL Comments at 8 ("CPL fully supports adopting a means to notify originating calling parties by a means of an intercept notice that indicates that a call has been blocked..."); Comments of NTCA –The Rural Broadband Association on the FNPRM, CG Docket No. 17-59 (filed Jan. 23, 2018) ("*NTCA Comments*") at 2 ("Blocking providers should be compelled to provide an intercept message to all callers using a blocked number. The message should let the caller know that the call has been blocked and state that the provider believes that the originating number may be associated with illegal robocalling."); Comments of ZipDX on the FNPRM, CG Docket No. 17-59 (filed Jan. 22, 2018) ("*ZipDX Comments*") at 3 ("[A]ny carrier implementing a block should implement... [a]n intercept that identifies the provider implementing the block, informs the caller why their call has been blocked, and gives them contact information... to reach a live operator... that can, in real time with appropriate explanation, suspend the block.").

efficient way to alert callers that they need to take action to get an erroneous block removed. If carriers do not provide a per-call indication when calls are blocked, number holders have no way of knowing that their lawful calls are not being delivered to end users, and end users will be deprived of receiving a necessary or desired call.⁴

Ad Hoc agrees with the commenters who propose that carriers should be required to transmit a unique signaling call code when calls are blocked.⁵ A unique signaling call code is preferable to a busy signal which would be misleading to callers. Ad Hoc agrees with PACE and ACA International that use of such a busy signal is deceptive, leads callers to place additional calls in attempts to reach the end user, and contradicts the Commission's statement that "[i]t is a deceptive or misleading practice, and therefore unjust and unreasonable under section 201(b), to inform a caller that a number is not reachable or is out of service when the number is, in fact, reachable and in service."⁶

B. Carriers should specify designated points of contact to receive notice of erroneous blocking.

The Commission should require carriers to provide a designated point of contact that can respond to instances of erroneous blocking and act upon unblocking requests.⁷ The form

⁴ See, e.g., Comments of ACA International on the FNPRM, CG Docket No. 17-59 (filed Jan. 23, 2018) ("ACA Comments") at 6-7.

⁵ See *id.* at 11 ("ACA strongly urges the Commission to require a per-call indication to the call originator that their call was blocked by defining a unique signaling call code..."); Comments of Hiya on the FNPRM, CG Docket No. 17-59 (filed Jan. 23, 2018) ("*Hiya Comments*") at 2 ("Carriers should be pushed to provide an error code specific to the... call blocking event..."); Comments of Processional Association for Consumer Engagement, Alorica, Inc. and the Consumer Relations Consortium on the FNPRM, CG Docket No. 17-59 (filed Jan. 23, 2018) ("*PACE Comments*") at 5 ("The Commission should require more direct methods of notification [of blocking]. For example, the Commission could require use of a new signaling cause code specifically for calls blocked by carriers").

⁶ See ACA Comments at 10, PACE Comments at 5 citing *Developing a Unified Inter-carrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers*, Declaratory Ruling, CC Docket No. 01-92, WC Docket No. 07-135, 27 FCC Rcd 1351 (2012) at 1357.

⁷ See FTC Comments at 5 ("[A]ll entities engaged in call blocking [should] consider engaging in practices to reduce the potential for erroneous blocking or filtering such as... providing designated points of contact for subscribers and callers alike to address potentially erroneously blocked or labeled calls."); Comments of the

of contact could vary by carrier,⁸ but each carrier should clearly communicate relevant contact information to ensure that the point of contact can effectively address and reverse erroneous blocking. The designated point of contact must be able to respond to erroneous blocking claims in near real-time to minimize any harm to legitimate callers and intended call recipients caused by an erroneous block.⁹

In addition to requiring carriers to create this point of contact, the Commission should also require carriers to communicate the relevant contact information to consumers at multiple points. Specifically, information should be communicated to the contact(s) listed in carriers' agreements with their customers. A caller whose number has been blocked must be made explicitly aware of the point of contact available to redress erroneously blocked calls in order for this system to be effective.

C. Only authorized, authenticated number holders or their designees should be permitted to request unblocking.

Carriers should only be permitted to unblock numbers after confirming that an unblocking request came from an authorized and appropriately authenticated number holder or its designee.¹⁰

Retail Energy Supply Association on the FNPRM, CG Docket No. 17-59 (filed Jan. 23, 2018) at 9 (“[T]he Commission should require... providers that engage in call blocking... to designate a specific individual within the organization to serve as contact person to address complaints regarding unwarranted blocking...”); Comments of SiriusXM Radio Inc. on the FNPRM, CG Docket No. 17-59 (filed Jan. 23, 2018) at 8 (“[P]roviders... engaging in call blocking... should be required to designate a contact person to address complaints regarding unwarranted blocking...”).

⁸ See, e.g., CPL Comments at 6-7 (“[P]roviders should be required to provide... a contact name, email address, and phone number that will be responsive to requests for unblocking... [in addition] providers should provide a web-based interface to accept requests for the unblocking of calls...”); Comments of Encore Capital Group, Inc. on the FNPRM, CG Docket No. 17-59 (filed Jan. 22, 2018) (“*Encore Comments*”) at 2 (“[T]here should be a formal mechanism – through a dedicated email or hotline number – to immediately notify service providers of inadvertent blocking.”).

⁹ Encore Comments at 2 (“A near real-time process should be developed that would allow a phone number that has been marked as a robocall to be appealed... to prevent damage to both the callers and the consumers themselves.”).

¹⁰ Multiple individuals at any organization may be authorized to make changes to the status of the number. Therefore, authorization should not be limited to the number holder alone. See Comments of Noble Systems Corporation on the FNPRM, CG Docket No. 17-59 (filed Jan. 22, 2018) (“*Noble Comments*”) at 9 (“It should be noted that the call originator making the request [to unblock] may not be assigned the number by the carrier

Ad Hoc agrees with other commenters that carriers should permit number holders to pre-register relevant information that carriers use when authenticating callers.¹¹ The Commission should work with carriers to develop appropriate methods for authenticating number holders.¹²

Ensuring that callers making unblocking requests are authorized is critical to protecting number holders and consumers. Pre-registration and authentication would permit number holders to easily prove that they have appropriate authorization and allow carriers to quickly eliminate errant blocks. This should decrease the number of carrier-customer disputes. Finally, requiring authentication before processing unblocking requests would deter scammers from using this “redress system” to facilitate unlawful activity as they would be unable to confirm authorization to use a number.¹³

D. The Commission should require carriers to resolve confirmed instances of inadvertent blocking within a specified period of time.

The Commission should require that carriers cease blocking calls as soon as possible following verification of an error and authentication of the authorized number holder. Ad Hoc

allocated the number, but the call originator may be authorized to use that number by the entity who is assigned the number.”).

¹¹ See, e.g., PACE Comments at 4-5 (Upon receipt of an unblocking request from a caller, carriers should act once they have “the information needed... which may include evidence of number ownership/assignment, authorization to use the number and proof of the identity of the requester. Carriers may permit callers to pre-register their information so that their requests may be expedited.”); ACA Comments at 12 (“[U]ntil a robust caller authentication system... is fully deployed, there is potential risk that unscrupulous robocallers will attempt to exploit any mitigation tools... [O]ne way to potentially curb abuse is to require those making a request to unblock a number to first show it actually possesses assignment of that number.”); and Noble Systems Comments at 10 (“[In making a credible claim of erroneous blocking] it is expected that call originators would have to identify themselves first to the carrier via a registration process, to ensure that they are authorized to make the request. This may require registration of the call originator, communication of credentials (user ID and password) over [an]... automated interface, etc. Otherwise, scammers may simply anonymously request unblocking of a number.”).

¹² For example, the Commission established rules requiring carriers to properly authenticate customers prior to disclosing Customer Proprietary Network Information. See 47 CFR § 64.2010. See also Hiya Comments at 3.

¹³ See ACA Comments at 12-13 (“[O]ne way to potentially curb abuse [of a call blocking challenge mechanism] is to require those making a request to unblock a number to first show it actually possesses assignment of that number. In addition... call originators may need to register and verify their identity, a process that scammers would likely want to avoid.”).

agrees with several other commenters that carriers should resolve inadvertent blocking within one day of receipt of an authenticated number holder's request.¹⁴ There is no reason that unblocking should take any more than one day so long as the carrier has the information needed to authenticate the number holder or its designee.

E. The Commission should not impose a limitation on the period of time within which subscribers of erroneously blocked numbers must challenge a blocked number.

Number holders may not be aware that their calls were blocked until sometime after the fact. Therefore, the Commission should not propose or permit imposition by carriers of a limitation on the amount of time within which a claim of erroneous blocking must be made.¹⁵ Only scammers would benefit from such a requirement, as it would allow them to continue to illegally spoof a number if the number holder failed to raise a complaint within a designated time period. Furthermore, the relevant authorized decision makers may not become aware of blocking right away. Several of Ad Hoc's member companies have large call centers, and even if carriers provide a per-call indication of blocking, the path from the employee who places the blocked call to the individual(s) authorized to make decisions regarding the status of the number may require several steps that take an unknown amount of time to complete.

¹⁴ See ACA Comments at 12 ("The Commission should mandate a timeframe for the unblocking of numbers once verification of an error has been made. If a caller has previously been verified as legitimate, then resolution should occur within one day."); Encore Comments at 3 ("Should a service provider mistakenly block a legitimate number, it is vital that unblocking take place within 24 hours of the error."); Noble Comments at 9 ("A maximum time frame for [a carrier to] act[] on a request [to alter the current status of the number] should be defined, which should not be more than one business day. This presumes that the caller has registered with the carrier and declares they have the authority to originate calls using that number."); PACE Comments at 5 ("Carriers should act upon a caller's request [to unblock an erroneously blocked number] within one business day of receiving all requested information.").

¹⁵ See ACA Comments at 12 ("ACA does not believe there should be any timeframes for a caller to make a credible claim of erroneous blocking."); Noble Comments at 10 ("There should not be any timeframe required for a call originator to make the request [to alter the status of a number] after discovering what is believed to be erroneous blocking."); PACE Comments at 4 ("Carriers should not implement a maximum time frame in which a caller or called party may inquire about and request modification of call blocking.").

II. THE COMMISSION SHOULD ESTABLISH A PROCESS FOR EXPEDITED COMMISSION REVIEW IF CARRIERS FAIL TO RESOLVE INADVERTENT BLOCKING COMPLAINTS WITHIN A SPECIFIED TIME PERIOD.

The Commission should establish a simple process that facilitates expedited Commission review of complaints regarding a carrier's failure to unblock inadvertently blocked numbers within a reasonable amount of time. The current formal and informal Commission complaint processes are ill suited for this purpose as they impose burdensome and time consuming obligations to present information and arguments that are inappropriate for resolving a simple problem of inadvertent blocking.¹⁶ Ad Hoc agrees with NTCA that any FCC-based challenge mechanism should be "quick, simple and straightforward for the calling party."¹⁷ Ad Hoc also agrees with PACE that in this oversight process, "the Commission should place the burden on the carrier to prove, by clear and convincing evidence, that the calls being blocked are illegal or the caller is not authorized to request blocking status modification because the caller does not have authorization to originate calls using that number."¹⁸ As number holders have no control over the blocked status of their numbers, such a burden should appropriately rest upon the carriers. Finally, the Commission's informal and formal complaint process should remain available if the number holder remains dissatisfied with the resolution of the number's blocked status.

¹⁶ See *supra* Footnote 15. See also NTCA Comments of NTCA at 3 ("The Commission's informal complaint process is insufficient to protect the public from erroneous call blocking. The complaint process requires the harmed party to take extraneous steps to rectify the problem and would result in delays mired in a black hole of bureaucracy.").

¹⁷ NTCA Comments at 3.

¹⁸ PACE Comments at 5.

III. THE COST OF UNBLOCKING PROGRAMS SHOULD NOT BE IMPOSED ON THE VICTIMS OF ERRONEOUSLY BLOCKED NUMBERS.

Ad Hoc strongly disagrees that any unblocking programs should be funded solely by businesses who want to have their erroneously blocked calls unblocked.¹⁹ Such a proposal unfairly places the burden upon entities who are engaged in lawful activities but must regain working status of their numbers that carriers have inadvertently blocked.

The proposal of Consumers Union et al. that any unblocking program should be funded by the businesses who want to participate in the system effectively imposes on the victims of unlawful activity or erroneous blocking the cost of fixing a problem that they did not cause. The Order and FNPRM address resolution of *inadvertent* blocking, meaning a mistake made by the carriers, not the number holders. The cost of rectifying such a mistake should rest upon the entities that caused the problem, not the innocent entities that wrongly suffer the consequences of the mistake.

Ad Hoc believes that number holders should be responsible for maintaining the security of their systems to the extent possible and believes number holders will eagerly comply with whatever processes are developed in response to this proceeding. Carriers should logically bear their own costs of complying with whatever system is developed because they are in full control of their efforts in support of such compliance. Carriers already have experience creating and participating in authentication processes, and verifying a caller's information in the face of a claim of erroneous blocking is not unreasonable.

¹⁹ Comments of Consumers Union, National Consumer Law Center, on behalf of its low-income clients, Consumer Action, Consumer Federation of America, National Association of Consumer Advocates, Public Citizen, and Public Knowledge on the FNPRM, CG Docket No. 17-59 (filed Jan. 23, 2018) at 5 (“The program should be funded by the businesses who want to participate in the system through assessments to callers (except government agencies whose numbers have been wrongly illegally spoofed). This will ensure that costs related to unblocking requests aren’t passed along to the call recipients.”).

CONCLUSION

Ad Hoc supports the Commission's thoughtful efforts to combat the serious problems caused by illegal robocalling. The rules proposed by the Commission are an excellent first step. In furtherance of that activity, the Commission should also develop narrowly tailored measures to avoid the unintended consequences of inadvertent blocking of lawful calls and numbers. Specifically, the Commission should require carriers to develop and communicate clear procedures for number holders to follow when they believe that their calls are being erroneously blocked and require carriers to resolve complaints quickly. If those procedures fail to result in resolution of the issue, the Commission should provide an expedited review process so that scammers are not permitted to continue unlawful activity and deprive consumers from receiving important communications.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sara Crifasi", written in a cursive style.

Sara Crifasi
Andrew M. Brown
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036
202-857-2550

Counsel for
Ad Hoc Telecommunications Users
Committee

Filed: February 22, 2018