

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	CG Docket No. 17-59
Advanced Methods to Target and Eliminate	)	
Unlawful Robocalls	)	FCC 17-151
	)	

**Reply Comments of Professional Association for Customer Engagement**

**Filed February 22, 2018**

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## **I. Introduction**

The Professional Association for Customer Engagement (“PACE”)<sup>1</sup> respectfully submits these Reply Comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) above-cited Further Notice of Proposed Rulemaking (“FNPRM”) regarding mechanisms to resolve erroneously blocked calls and call blocking reporting obligations. PACE reiterates its position that accurate notification to callers of their calls being blocked is not only appropriate, but also legally-required. That such notification may inform bad actors that their calls are being blocked as well, should not serve as a deterrent to providing prompt and truthful information to legal and legitimate callers.

## **II. Call Blocking Notification**

Federal law obliges carriers to provide non-deceptive information regarding the reason their call could not connect. As the Commission stated in 2012:

The Commission has found that practices by common carriers that deceive or mislead customers are unjust and unreasonable practices under section 201(b). **It 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.**<sup>2</sup>

Currently, carriers frequently return a busy signal when blocking a call even though the line called is not actually occupied. Using a busy signal not only misinforms the caller, it may lead to more calls as computerized dialers attempt to call again under the false impression that the line is merely occupied and will be free later. By deceiving the caller about the true nature for the call’s failure, the carrier prevents the caller from taking responsive action that could mitigate harm to it and the called party.

Additionally, a lack of accurate real-time notification harms consumers who depend on important and/or time-sensitive calls that carriers erroneously block. For example, if a pharmacy that makes prescription reminder calls has their calls blocked and does not know for some time,

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<sup>1</sup> PACE is the only non-profit trade organization dedicated exclusively to the advancement of companies that use a multi-channel contact center approach to engage their customers, both business-to-business and business-to-consumer. These channels include telephone, email, chat, social media, web and text. Our membership is made up of Fortune 500 companies, contact centers, BPOs, economic development organizations and technology suppliers that enable companies to contact or enhance contact with their customers.

<sup>2</sup> Declaratory Ruling, *In the Matter of Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers*, CC Docket No. 01-92, WC Docket No. 07-135, DA 12-154 (Feb. 6, 2012) at ¶ 13 (emphasis added).

consumers who rely on those calls to remind them to refill important medications may forget and experience potentially harmful delays in refilling their medication. Likewise, a consumer who receives real-time credit card fraud alerts could be denied the ability to react swiftly to a threat if the initial call from her financial institution is blocked and the caller does not receive a real-time blocking notification that indicates it should work with the carrier to remove the block. In other words, both callers and called parties are harmed by the lack of real-time accurate information.<sup>3</sup>

To remedy this situation, the Commission should require direct methods of call blocking notification to callers. For example, the Commission could require use of a specific signaling cause code indicating the call is being blocked by carriers. The Commission may also consider an intercept message to accompany the signaling cause code.<sup>4</sup> By accurately and timely informing callers that their calls are being blocked, carriers will allow faster caller response thereby reducing the impact of erroneous call blocking on both callers (who can seek to mitigate effects) and called parties (who will receive their important calls and not be bombarded with re-attempts).

In their Comments to the FNPRM, First Orion, Corp. and The USTelecom Association expressed concern that carriers informing callers about their numbers being blocked will assist bad actors;<sup>5</sup> however, PACE believes that the benefits of real-time call blocking notification to callers far outweighs the risk of assisting bad actors. First, as more fully explained above, carriers have a legal obligation to provide non-deceptive information to callers. Second, many legal and legitimate callers are suffering significant economic losses during the time it takes them to discover their calls are being blocked and mitigate the harm. Since call blocking and labeling services have gained popularity, a number of PACE members have experienced 25%-35% reductions in call answer rates. As reported by ACA International in its Comments to the FNPRM, some of its

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<sup>3</sup> Some may argue that the pharmacy and financial institutions in these examples could simply try other means of communication such as an email or text message. While that may be true for consumers tethered to their smartphones, such alternate communications would not be effective for landline-dependent consumers without readily available access to the internet who tend to be elderly, economically disadvantaged, and/or live in rural areas.

<sup>4</sup> An intercept message may be particularly useful for low-volume callers and individuals (including victims of spoofing) who would not have the equipment needed to process a signaling cause code. Carriers would need to educate their customers on the meaning of and how to respond to the new message.

<sup>5</sup> Comments of First Orion Corp., *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (January 23, 2018) at 3 (“Furthermore, such signal will enable illegal spoofers to quickly learn that they have been caught and to move on to other numbers.”); Comments of The USTelecom Association, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (January 23, 2018) at 3 (“Just as illegal robocallers have used autodialers and spoofing to carry out their campaigns, USTelecom is concerned that the use of challenge mechanisms or intercept messages would be an equally valuable tool when used by illegal actors.”).

members have been forced to purchase new phone numbers or engage with debtors through more time-consuming and expensive techniques.<sup>6</sup> Third, illegal neighbor spoofing and illegal spoofing in general are the means by which bad actors hide their identity, and alerting these bad actors to their calls being blocked is unlikely to materially increase spoofing rates as the bad actors already dynamically rotate numbers. Consequently, although a signaling cause code and/or intercept message may theoretically speed up bad actors' rates of number changes, such risk is far outweighed by the benefit of accurate call information to legal and legitimate callers.

Lastly, the Commission should recognize that how carriers treat blocked calls now in the current regime using analytics will likely carry forward to how carriers treat blocked calls in the future in the context of SHAKEN & STIR. While SHAKEN & STIR does not mandate blocking of unattested calls, it is foreseeable that carriers will offer services to block unattested calls to their subscribers. In such cases, providing an accurate indication to the caller of why the call was blocked allows the caller to potentially diagnose and correct an issue of improper attestation. Otherwise, the call originator will receive a deceptive busy indication, and will be unaware of the true nature of why their calls are not being offered.

PACE again urges the Commission to encourage adoption of the SHAKEN & STIR protocols once they are available for deployment.<sup>7</sup> Unlike today's algorithmic call blocking that relies heavily on called party reports and calling trends, SHAKEN & STIR will allow a VoIP call and its associated telephone number to be authoritatively and cryptographically signed and attested by the originating carrier.<sup>8</sup>

### **III. Conclusion**

PACE reiterates its position that accurate notification to callers of the reason their call did not connect (i.e. it was blocked) is not only appropriate but is also legally-required. A dedicated signaling cause code and/or intercept message will provide timely and truthful information to callers, benefiting both callers and called parties. Although such notification may inform bad actors that their calls are being blocked, the minimal risk of facilitating faster number rotation by bad

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<sup>6</sup> Comments of ACA International, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (January 23, 2018) at 7-8. One commenter even noted "If this continues it will simply put us out of business." *Id.* at 8.

<sup>7</sup> Signature-based Handling of Asserted Information using Tokens and Secure Telephony Identity Revisited.

<sup>8</sup> *Robocall Strike Force Report* (Oct. 26, 2016) at 5 (available at <https://transition.fcc.gov/cgb/Robocall-Strike-Force-Final-Report.pdf>).

actors should not serve as a deterrent to providing prompt and truthful information to legal and legitimate callers.

Respectfully submitted,

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