

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matters of	)	
	)	
Implementing Section 503 of RAY BAUM's ACT	)	WC Docket No. 18-335
	)	
Rules and Regulation Implementing the Truth in	)	WC Docket No. 11-39
Caller ID Act of 2009	)	
	)	
To: The Commission	)	

**NOTICE OF PROPOSED RULEMAKING FCC 19-12**

**Comments of ZipDX LLC**

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On January 22, 2019, prior to the adoption of the subject NPRM, ZipDX submitted comments in response to the publication of the NRPM draft.

Those comments are available at <https://ecfsapi.fcc.gov/file/1012260047847/ZipDX-18-335-WrittenExParte-2019Jan.pdf>. With this reference we are resubmitting that filing as our formal Comments to this NPRM.

The gist of our previously-filed suggestion is that the Commission incorporate into the Truth-in-Caller-ID rules the clear, objective and unambiguous requirement that the number used as the Caller-ID must be one that is assigned to the caller, or which the caller has permission to use.

In response to our earlier filing, the NPRM was modified to add footnote 79, which reads:

*ZipDX asks us to broaden the scope of this Notice to consider changes to our rules beyond those necessary to implement section 503 of the RAY BAUM'S Act, and beyond the scope of the section 227(e) as amended. Letter from David Frankel, CEO, ZipDX LLC, to Zenji Nakazawa, Legal Advisor, FCC Chairman Ajit Pai, et al., WC Docket No. 18-335 et al., at 2 (filed Jan. 22, 2019). We are committed to attacking deceptive robocalls through all the tools at our disposal but limit our proposals herein to those necessary to meet Congress' statutory deadline to prescribe implementing regulations. See RAY BAUM'S Act § 503(a)(4), 132 Stat. at 1092 (giving the Commission 18 months after enactment to prescribe regulations).*

This footnote is quite perplexing. The third sentence starts: “We are committed to attacking deceptive robocalls through all the tools at our disposal....” This suggests – no, actually it emphatically states – that the Commission really wants to do everything it possibly can to address this long-standing, terribly problematic and still-growing scourge.

And yet the remainder of the sentence immediately contradicts that: “but limit our proposals herein to those necessary to meet Congress' statutory deadline to prescribe implementing regulations.” This translates to doing the bare minimum as directed by the legislators.

We are not alone in promoting the notion that caller-ID values must only be used with permission. See Verizon's response to an inquiry from Commissioner Rosenworcel, filed at <https://ecfsapi.fcc.gov/file/101151860607898/Verizon%20Response%20to%20Rosenworcel%20Letter.pdf>. There, they state on page 3: "Verizon supports a simple rule that would make it illegal for any caller to use any phone number that it is not authorized to use."

Even though Congress did not mandate this wording in the RAY BAUM'S act, it did not preclude it. As noted in our original filing, Caller-ID rules are revised at a glacial pace. When the original rules were adopted (8 years ago), the FCC contemplated and deferred several issues, promising to address them later. Now is that time.

The FCC has proven adept at seizing authority when it is motivated to do. With this NPRM, the FCC really should use "all the tools at our disposal" to make the rules as good as they can be. Working within the statutory deadline, the FCC can draw on the collective wisdom of the stakeholders to deliver a better, if not perfect, result.

Some might argue that limiting the rulemaking to the minimum required by the legislation is an abdication of responsibility and indicates that the FCC prefers to be micromanaged by the lawmakers rather than playing a leadership role. The FCC, given its focus and depth of expertise, is far better suited than Congress to determine exactly how the rules should read to have the maximum desired effect.

Respectfully submitted,

DATED: April 1 2019

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