

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

In the matter of)	
)	
Implementing Sec. 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)	

COMMENTS

John A. Shaw
374 Cromwell Drive
Rochester, NY 14610
john@jashaw.com

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INTRODUCTION AND SUMMARY

These comments are to the Notice of Proposed Rulemaking (NPRM)¹ in the above captioned matter.

I comment as a telephone consumer only. I receive many telephone voice calls on both my wired telephone and on my cell phone that are made using false caller ID information.

GENERAL COMMENTS

Several times per day I receive telephone calls on my home land line or on my cell phone that are telemarketing calls placed in violation of the do-not-call list or are scams. Many of these appear on the caller ID as being from my area code and prefix. Often, I call back to the number displayed and reach a telephone consumer not associated with the telemarketer or scammer and who were wondering why they were getting calls such as mine. Other times I find that the number called was not in use and was unassigned. These are apparently calls made using caller ID spoofing to entice me to answer the call or to hide the number of the caller.

Truth in caller ID could help identify those who make calls in violation of the do-not-call regulations or as part of telephone scams. Technology must be in place to detect or prevent caller ID spoofing, but sound regulations must also be in place to deal with spoofers that are detected.

SPECIFIC COMMENTS TO THE NPRM

The FCC proposes to extend rules to include communications originating from outside the United States to recipients within the United States.² The availability of inexpensive telephone calls (including the cost of paying the person making the call) from call centers in foreign countries results in many spoofed calls originating in foreign countries. Many of the calls I receive are made by people speaking with a foreign accent or with difficulty speaking and understanding English and therefore likely to be originating from outside the United States. I support this proposal.

¹ *Implementing Section 503 of RAY BAUM'S Act; Rules and Regulations Implementing the Truth in Caller ID Act of 2009*, Notice of Proposed Rulemaking, FCC 19-12 (rel. Feb. 15, 2019). (“NPRM”).

² *Id* at para. 11.

The FCC believes that mirroring the language of the statute will “avoid creating ambiguity from any differences between the text of the statute and of our rules.”³ In general, I agree. However, the statutory language should be reviewed to determine if there is any ambiguity and if the language is open to any differing interpretation. If so, the FCC should write rules that will eliminate the ambiguity or differing interpretation.

The FCC proposes to add the language “in connection with any voice service or text messaging service” to the prohibition⁴. I do not agree. The language “any caller identification service to transmit or display misleading or inaccurate caller identification information.” is clear enough. The additional language proposed restricts the rule and may lead to other possible interpretations. It is not necessary.

In multiple paragraphs in the NPRM the FCC uses the phrase “a 10-digit telephone number” in its definition of a text message.⁵ Because a telephone number may contain only seven digits if the call is within the same area code, and because it would be best not to limit the definition to current technology, I would prefer that the definition only include the phrase “a telephone number”

The FCC proposes to adopt a definition of voice service that explicitly includes “transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.”⁶ I believe the definition should include transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine *or a computer or other device whose purpose is to store an image that could have been sent to a telephone facsimile machine*. An alternative would be to explicitly define a telephone facsimile machine as any device whose purpose is either to print an image or to store an image that could be printed or viewed.⁷

³ *Id* at para. 12.

⁴ *Id* at para. 13.

⁵ NPRM at Paras. 16, 20, 21, and 30. *See also* NPRM at 14.

⁶ NPRM at Para. 36. *See also* NPRM at 15.

⁷ *See* Telephone Consumer Protection Act, 47 U.S.C. §227(a)(3)

CONCLUSION

The spoofing, or transmission of incorrect caller ID information, both encourages telephone call recipients to answer calls they would not otherwise answer, and to make it more difficult to identify callers in violation of the do-not-call regulations and other regulations. In addition to improvements in technology, firm regulations should be in place to make the spoofing of caller ID information illegal.

These regulations should be as broad and as unambiguous as possible to prevent spoofers from claiming that the regulations do not apply to them.

I applaud the efforts of the FCC to develop regulations concerning truth in caller ID, such as those proposed by this NPRM.

Respectfully submitted,

/s/John A. Shaw