



May 30, 2019

Via Electronic Submission

EX PARTE NOTICE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59

Dear Ms. Dortch:

On May 29, 2019 the undersigned of First Orion Corp. (“First Orion”) met separately with Arielle Roth, Wireline Legal Advisor, Office of Commissioner O’Rielly; Michael Scurato, Acting Legal Advisor for Media and Consumer Protection, Office of Commissioner Starks; and Zenji Nakazawa, Legal Advisor, Public Safety and Consumer Protection, Office of Chairman Pai and Karen Schroeder, Attorney Advisor in the Consumer and Governmental Affairs Bureau. This last meeting was joined by Counsel to First Orion, Patricia Paoletta of Harris, Wiltshire and Grannis LLP.

First Orion expressed its appreciation for the Commission’s proposed authorization of opt-out call blocking set forth in the proposed Declaratory Ruling. First Orion discussed the popularity of its opt-out “Scam Likely” labeling service deployed with T-Mobile, which provides call protection to essentially the entire T-Mobile subscriber base. The recent steady increase in the user adoption curve for blocking (rather than labeling) of “Scam Likely calls is an example of the power of the opt-out model to facilitate greater consumer use of labeling and blocking tools.

Noting the value to consumers, carriers and analytics engines of a broad authorization for blocking “unwanted calls,” as is the apparent intent in the draft Declaratory Ruling, First Orion also highlighted the benefits of authorizing carriers to block more narrowly-defined “fraudulent” and “illegal calls.” The discussion followed the attached presentation, which was provided to the Commission participants in the meeting. First Orion advised the Commission to consider providing carriers with a safe harbor for good-faith blocking when based on reasonable analytics.

First Orion applauded the Commission’s focus on “reasonable analytics,” while refraining from developing a definition of the term. Instead the Commission is wisely providing examples of analytics, that are reasonable, without adopting a proscriptive definition that would undermine carriers and analytics companies from flexibly responding to new threats from originators of unwanted, fraudulent and illegal

calls. First Orion reiterated its position that it would be problematic and dangerous to require service providers and analytics companies to submit their analytics for approval by the Commission.

First Orion discussed ongoing industry efforts to address the concerns of call originators and expressed support for the Commission's ongoing encouragement, if not requirement, that a process be provided to call originators by any service provider offering call labeling and call blocking services (opt out or otherwise) for addressing false positives quickly and effectively. First Orion noted the importance of call originator awareness of and participation in platforms such as its registry at www.calltransparency.com, and volunteered to participate in any Commission-sponsored initiatives to raise awareness and participation in that regard.

Finally, First Orion noted the opportunity fixed-line carriers of all market sizes have largely missed to provide call protection measures to their fixed-line residential and commercial subscribers. While not offering the same level of coverage and effectiveness as in-network analytics such as the First Orion in-network with T-Mobile, such fixed-line carriers can work with analytics companies such to inject call protection labels as an "overlay" of traditional CNAM, thereby offering some level of protection for a completely unprotected, and generally more vulnerable, universe of subscribers. Particularly given some of the difficulties many fixed-line carriers are expressing over the looming requirement to deploy SHAKEN/STIR, it is reasonable for the Commission to encourage their commitment to provide this type of low-cost service.

First Orion advises the Commission to strike the parenthetical in paragraph 23 of the draft Declaratory Ruling, which appears to equate network-based solutions with the absence of consumer choice. Network blocking can also be conducted with consumer choice.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules.

Respectfully Submitted,

/s/ John Ayers

John Ayers
VP Corporate Development

Attachment: First Orion Corp. Terminology Chart

cc: Arielle Roth
Michael Scurato
Karen Schroeder
Zenji Nakazawa



FIRST ORION

TRANSPARENCY IN COMMUNICATION



Recommended Scam Protection Terminology

Category	Description	Today	Treatment
Fraudulent or Scam Calls	<p>Calls made with the intent to defraud, cause harm, or wrongfully obtain anything of value. (Truth in Caller ID Act)*</p> <p>Distinguish Fraudulent Calls from Illegal Calls because Fraudulent calls have significantly higher levels of threat. (Good for consumers to understand the distinction/types of calls that may be blocked)</p> <p>*Largely reflects NPRM-NOI</p>	<p>Very high accuracy with very good coverage - assuming analytics in the network</p>	<p>Opt-Out with a Safe Harbor under a good-faith belief based upon reasonable analytics</p>
Illegal Calls	<p>Calls which violate one or more of the various telecommunication statutes, but are not Fraudulent. *</p> <p>These calls do not attempt to defraud or cause harm, but they do violate current law such as TCPA, the related FCC regulations implementing the Act, Telemarketing Sales Rule, Do-Not-Call Registries, or other telecommunications statutes.</p> <p>*Largely reflects NPRM-NOI</p>	<p>Very high accuracy with much lower coverage – needed data not available for a call</p>	<p>Opt-Out with a Safe Harbor under a good-faith belief based upon reasonable analytics</p>
Nuisance Calls	<p>Other calls consumers may not want.</p> <p>While Fraudulent Calls and Illegal Calls are certainly unwanted by consumers, there are other legal calls that consumers may not want. Instead, they are just unwanted by the subscriber. (e.g., from an ex-friend who won't stop calling, a school that fails to take the student off their contact list even though the child has graduated, or from a political candidate whom the consumer doesn't support but keeps calling.)</p>	<p>Very high accuracy with much lower coverage – mostly self-reported</p>	<p>Opt-In from the Subscriber</p> <p>May need to be reconsidered for Safe Harbor with analytical advancements over time</p>