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VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: CG Docket No. 17-59 - In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls
WC Docket No. 17-97 – In the Matter of Call Authentication Trust Anchor**

Dear Ms. Dortch:

On May 29, 2019, Paula Boyd from Microsoft, Darah Franklin from Google, Rebecca Thompson from Twilio and the undersigned, on behalf of the Voice on the Net Coalition (VON), met separately with Travis Litman, Chief of Staff to Commissioner Rosenworcel; Arielle Roth, Wireline Legal Advisor to Commissioner O’Rielly; and Michael Scurato, Acting Legal Advisor for Commissioner Starks; and, Ms. Boyd, Ms. Franklin and the undersigned met with Zenji Nakazawa, Public Safety and Consumer Protection Advisor for Chairman Pai and Karen Schroeder of the Consumer and Governmental Affairs Bureau. During these meetings, VON discussed the following points in reference to the draft Declaratory Ruling and Third Further Notice of Proposed Rulemaking, FCC-CIRC1906-01 (released May 16, 2019):

- a) VON and its members support Commission and industry initiatives to reduce illegal and fraudulent calls. As part of this effort, VON is a board member of the Secure Telephone Identity Governance Authority (STI-GA); VON members AT&T and Google are also on the STI-GA board.
- b) The Declaratory Ruling is right to clarify that service providers can block clearly unlawful calls. However, the Declaratory Ruling goes much further by suggesting that service providers can also block “unwanted” calls, making it possible that lawful calls (including, potentially emergency or critically important calls) will be blocked, by allowing service providers to rely on call-blocking algorithms based on a loosely defined category of “reasonable” analytics.

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c) VON recommended that FNPRM be used to gather comments and build a set of rules that will protect consumers—both from unlawful and unwanted calls and from erroneous blocking.

d) VON expressed concern that the types of analytics described in the draft might block lawful calls and, if opt-out blocking is permitted, call recipients and callers may not know which calls have been blocked. VON recommended that i) call recipients should be provided a list of blocked calls so they can opt-out of call blocking and ii) calling parties and/or their service providers should be provided a mechanism to identify and remedy the blocking of wrongfully blocked calls.

d) VON stated that moving from opt-in blocking to opt-out blocking without a more comprehensive record limits consumer choice. Consumers should have access to tools that can help them avoid robocalls, but those tools should be tailored to meet the varied needs of consumers.

e) Finally, VON suggested that the if Commission plans to move forward with the Declaratory Ruling, the Commission should make the specific edits on Attachment A, which adds language that, to be reasonable, analytics must be applied in a nondiscriminatory and competitively neutral manner and the Commission should encourage voice service providers that adopt opt out blocking to have a procedure in place to respond to complaints that calls were erroneously blocked.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

By: _____/s/
Glenn S. Richards
Counsel for VON

CC (via email):

Zenji Nakazawa
Karen Schroeder
Travis Litman
Arielle Roth
Michael Scurato

ATTACHMENT A

Recommended changes to Declaratory Ruling (proposed new language in red)

Paragraph 34:

In line with the record, we note several examples of call-blocking programs that may be effective and would be based on reasonable analytics designed to identify unwanted calls. For example, a call-blocking program might block calls based on large bursts of calls in a short timeframe; low average call duration; low call completion ratios; invalid numbers placing a large volume of calls; common Caller ID Name (CNAM) values across voice service providers; a large volume of complaints related to a suspect line; sequential dialing patterns; neighbor spoofing patterns; patterns that indicate TCPA or other contract violations; correlation of network data with data from regulators, consumers, and other carriers; and comparison of dialed numbers to the National Do Not Call Registry. Similarly, a call-blocking program might be designed to block callers engaged in war dialing, unlawful foreign-based spoofing, or one-ring scams and might be designed to incorporate information about the originating provider, such as whether it has been a consistent source of unwanted robocalls and whether it appropriately signs calls under the SHAKEN/STIR framework. Although we suggest these as examples of potentially effective opt-out call-blocking programs, this list is not exhaustive. **To be reasonable, however, such analytics must be applied in a non-discriminatory and competitively neutral manner with a transparent process for identifying and correcting blocking of wanted calls.¹**

¹ We encourage voice service providers who block calls to provide subscribers access to a list of calls that have been blocked. In addition, we once again encourage voice service providers who block calls in accordance with this Declaratory Ruling to provide a way for callers or their service providers to challenge a blocked number using a simple method that is easy to understand. We also encourage voice service providers to quickly resolve the matter so callers making legitimate calls may resume doing so speedily. We also again remind callers that the Commission's complaint process is available when calls that fall outside the scope of these rules are improperly blocked. See *Call Blocking Report and Order and Further Notice*, 32 FCC Rcd at 9724-25, paras. 54-55.