

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

In the Matter of

Advanced Methods to Target and Eliminate
Unlawful Robocalls

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CG Docket No. 17-59

To: The Commission

COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (“VON”)¹ respectfully files these comments in response to the Commission’s Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-captioned proceeding.² In the FNPRM, the Commission proposes to reduce unwanted calls to reassigned numbers by making one or more databases available to callers with information pertaining to number reassignments.³ The Commission offers three approaches to database administration: (1) mandatory reporting to a single database; (2) mandatory reporting to one or more commercial data aggregators; and (3) voluntary reporting to commercial data aggregators.⁴ The Commission seeks comment on what type of information should be included in a database, and on the costs and benefits of a database.⁵

VON supports the Commission’s efforts to reduce robocalls in general, and unwanted calls to reassigned numbers in particular. However, as discussed below, the costs to voice

¹ VON is the leading advocacy organization for the Internet communications industry, working with policymakers to develop policies that support the availability and adoption of Internet communications products and services. For more information, see www.von.org.

² *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Second Further Notice of Proposed Rulemaking (“FNPRM”), CG Docket No. 17-59, FCC 18-31 (rel. Mar. 23, 2018); *see also*. 83 Fed. Reg. 17631, rel. Apr. 23, 2018 (setting a comment deadline of June 7, 2018).

³ FNPRM ¶ 2.

⁴ *Id.* ¶¶ 32-60.

⁵ *Id.* ¶¶ 11-60.

service providers associated with mandatory reporting to a database will likely outweigh the benefits. Moreover, VON questions the need for the database when call verification and authentication through the SHAKEN/STIR framework is soon to be implemented. If a database is established that requires mandatory reporting, the Commission should ensure that covered providers include only those providers that know a number has been reassigned, and that the database includes reassigned Short Message Service (“SMS”) and toll-free numbers.

Approaches to Database Administration. The costs to covered voice service providers associated with mandatory reporting to one or more databases will likely outweigh the benefits. Two of the three approaches to database administration outlined in the FNPRM (mandatory reporting to a single database and mandatory reporting to one or more commercial data aggregators) mandate reporting by voice service providers.⁶ Such a mandate would translate into engineering and other costs to develop and maintain systems for compliance, in addition to potential payments to a database administrator. Such costs cannot simply be passed along to numbering partners, as these partners do not know if numbers have been reassigned, and even if they have such information, numbering partners would likely charge for reporting to a database. Most importantly, these costs would be incurred, and diverted from other priorities, without any upside to voice service providers, as the benefits of a database would go to robocallers and telemarketers.⁷

As a result, VON believes that if a database is established, the third approach outlined in the FNPRM, which would allow service providers to report reassigned number data to commercial data aggregators on a voluntary basis, is preferred. While the costs to service

⁶ *Id.* ¶¶ 34-55.

⁷ As Commissioner Jessica Rosenworcel highlighted, the development of a database “is an effort to provide a legal green light for robocallers.” FNPRM at Statement of Commissioner Jessica Rosenworcel.

providers that choose to report under such an approach are also likely to exceed any benefits, the added flexibility that this approach offers to service providers is important. Indeed, such an approach would allow each individual service provider to assess the costs and benefits of reporting, including an assessment of whether cost recovery from data aggregators is sufficient to cover cost expenditures, and make participation decisions accordingly. Such flexibility would be particularly important to small service providers, who may find it especially difficult to recover reporting costs.

If the Commission adopts an approach to database administration that includes mandatory reporting, covered service providers should be compensated for all of their associated costs. Specifically, covered providers should be compensated by the callers who are benefitting from the establishment of the database. Fees can be collected and distributed by the database administrator. Alternatively, covered service providers should be allowed to pass their costs along to subscribers.

SHAKEN/STIR. VON questions whether a reassigned numbers database is necessary at all due to the pending implementation of the SHAKEN/STIR call verification and authentication framework. On July 7, 2017, the Commission released a Notice of Inquiry, which sought comment on the implementation of a framework that “aims to make it possible for subscribers and carriers to know that callers are who they say they are, reducing the risk of fraud and ensuring that callers can be held accountable for their calls.”⁸ Specifically, this framework, known as SHAKEN/STIR, is “designed to validate calls and mitigate spoofing and fraudulent robocalling.”⁹

⁸ *Call Authentication Trust Anchor*, Notice of Inquiry, WC Docket 17-97, FCC 17-89 ¶ 1 (2017) (“SHAKEN/STIR NOI”).

⁹ *Id.* ¶ 2.

If the Commission moves forward with implementation of the SHAKEN/STIR framework, it would mitigate the rationale for a reassigned numbers database. Once calls are verified and authenticated through SHAKEN/STIR, the benefit of whether the caller knows that the phone number has been reassigned drops significantly. The called party will have the information necessary to determine whether to answer the call – which should suffice to prevent repeated robocalls to the same phone number.

Moreover, implementation of SHAKEN/STIR will likely take place long before a database is established. On May 14, 2018, Chairman Pai accepted the North American Numbering Council’s recommendations to the Commission regarding steps to implement SHAKEN/STIR.¹⁰ The recommendations anticipate establishment of a SHAKEN/STIR Governance Authority and Policy Administrator, and the potential for call verification and authentication, within one year.¹¹ As a result, by the time a reassigned numbers database is established, its potential value will be greatly diminished by the existence of the SHAKEN/STIR framework. In addition, the Commission should consider whether the costs to stakeholders that will come with the establishment of a database are reasonably incurred since they will be in addition to the costs associated with implementation of the SHAKEN/STIR framework.¹²

Comprehensiveness of Database Information. The Commission seeks comment on whether a database should include data from all types of service providers, including wireless,

¹⁰ *Chairman Pai Welcomes Call Authentication Recommendations From The North American Numbering Council*, Press Release (rel. May 14, 2018), available at https://apps.fcc.gov/edocs_public/attachmatch/DOC-350690A1.pdf (last visited May 24, 2018).

¹¹ *Report on Selection of Governance Authority and Timely Deployment of SHAKEN/STIR*, North American Numbering Council at 13 (rel. May 3, 2018), available at <https://www.fcc.gov/about-fcc/advisory-committees/north-american-numbering-council/general/nanc-correspondence#block-menu-block-4> (last visited May 24, 2018).

¹² See SHAKEN/STIR NOI ¶¶ 46-47.

wireline, interconnected VoIP, non-interconnected VoIP, and text.¹³ If a database is established that requires mandatory reporting, the Commission should ensure that covered providers include only those providers that will know if a number has been reassigned. Many interconnected VoIP providers and all non-interconnected VoIP providers acquire numbers through third party competitive local exchange carriers. They generally will not know whether the number has been reassigned to or ported by the customer.

CONCLUSION

The Commission should act in accordance with the recommendations herein.

Respectfully submitted,

VOICE ON THE NET COALITION

/s/ Glenn S. Richards
Glenn S. Richards
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW
Washington, DC 20036
(202) 663-8000

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Its Attorney

¹³ FNPRM ¶ 19. In addition, text and toll-free numbers should be included in the database to make it more comprehensive.