

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

In the Matter of:)
)
Protecting Consumers From One-Ring Scams) CG Docket No. 20-93
)
)

COMMENTS OF TRANSACTION NETWORK SERVICES, INC.

Transaction Network Services, Inc. (“TNS”), by its attorneys, hereby submits these comments in response to the Federal Communications Commission’s (“Commission”) Notice of Proposed Rulemaking (“Further Notice”)¹ to provide insight into industry’s efforts to combat one-ring scams as the Commission considers implementation of the TRACED Act.²

As one of the leading analytics engines (“AEs”) supplying robocall mitigation tools to carriers and subscribers, TNS supports the Commission’s multi-faceted effort to combat illegal robocalls. TNS provides Call Guardian service, a robocall detection solution implemented by four of the six largest wireless carriers in the United States and in the process of being implemented by major cable VoIP providers as well. Call Guardian utilizes information from over 1 billion signaling transactions per day traversing the TNS signaling network in order to differentiate legitimate users of communications services from illegal and unwanted calls. Following guidance provided by the Commission in 2019, TNS already provides detection and

¹ *Protecting Consumers from One-Ring Scams*, Notice of Proposed Rulemaking, CG Docket No. 20-93, FCC 20-57 (rel. Apr. 28, 2020) (*One-Ring NPRM*).

² Pallone-Thune TRACED Act, S. 151, 116th Cong. (2019) (“TRACED Act”).

blocking tools for one-ring scams.³ The Commission does not need to adopt new rules to allow for the blocking of one-ring scam calls. However, the Commission could encourage voice service providers to be more proactive in combatting illegal and unwanted calls, including one-ring scam calls, by adopting a meaningful safe harbor for voice service providers and their vendors when they engage in good faith blocking practices. The protection of a meaningful safe harbor will provide voice service providers and their vendors with greater certainty in deploying blocking tools to protect subscribers from such calls.

In the NPRM, the Commission proposes “to allow voice service providers to block all calls from phone numbers associated with one-ring scams (or purporting to be from such numbers).”⁴ The Commission arguably already has done so, ruling in 2019 that “a call-blocking program might be designed to block callers engaged in war dialing, unlawful foreign-based spoofing, or one-ring scams ...”⁵ Relying upon this statement, Call Guardian already assigns a negative score to calls identified as one-ring scams, allowing voice providers to block or label such calls as they decide is appropriate. To the extent that the Commission’s proposal is broader and would permit blocking of all calls from such numbers, TNS supports the further clarification from the Commission. Voice service providers should have the flexibility to block some calls or all calls as they determine is most appropriate to the particular one-ring situation.

TNS emphasizes that adoption of a meaningful safe harbor will promote the deployment of blocking tools to protect against one-ring scams and other unlawful calls. TNS

³ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, FCC 19-51, ¶ 35 (rel. Jun 7, 2019) (noting that a reasonable call blocking program may include measures designed to block one-ring scams) (“Call Blocking Declaratory Ruling”).

⁴ *One-Ring NPRM*, ¶ 15.

⁵ *Call Blocking Declaratory Ruling*, ¶ 35.

works with its voice service providers to identify one-ring scams. Such scams often cannot be identified based solely on calling patterns and real-time user feedback, however, and require additional information from voice service partners regarding user complaints, international toll charges and the like. This information is necessarily fluid and will change frequently as the calling patterns of one-ring scammers and other illegal robocallers change, often from minute to minute rather than over days or weeks. Therefore, voice service providers must be able to deploy dynamic blocking schemes that evolve with calling patterns and practices of those making illegal calls.⁶

To encourage voice service providers to deploy these dynamic tools, the Commission should provide protection from liability for good faith blocking efforts. As TNS and others have previously advocated, a meaningful safe harbor will provide voice service providers with greater certainty, and thus encourage adoption of reasonable call blocking programs to reduce unlawful robocalls.⁷ This safe harbor should apply to all call blocking practices, not just to one-ring scams, and should apply to voice service provider call labeling practices as well. So long as the blocking or labeling is made in good faith, is based on reasonable analytics information and the services are deployed in a non-discriminatory, competitively neutral manner, the safe harbor should protect voice service providers from liability for errors in its classifications.⁸

⁶ *Call Blocking Declaratory Ruling*, ¶ 34 (eschewing adoption of “rigid call blocking rules”).

⁷ *See* Comments of Transaction Network Services, Inc., CG Docket No. 17-59, WC Docket No. 17-97, at 9 (noting the benefits of a safe harbor outweigh its costs).

⁸ *See Call Blocking Declaratory Ruling*, ¶ 35 (describing elements of a reasonable call analytics program). TNS also agrees that any call blocking program protected by a safe harbor would also include a point of contact to report possible erroneous blocking. *See, id.*, at ¶ 38. Most AEs already have processes in place to receive feedback from call

The benefits of such a safe harbor could be undermined, however, if the safe harbor does not extend to the voice service provider's vendors as well. If a safe harbor protected the voice service provider, but allowed a disgruntled caller to pursue claims against the underlying AE or against a vendor that provided a call blocking solution to the service provider, the benefit of a safe harbor could be lost. Under these circumstances, vendors may be reluctant to provide innovative solutions within the scope of the Commission's parameters, simply because they could face liability if they were to do so (even if the voice service provider were protected from such liability). Therefore, TNS submits that the Commission should include a voice service provider's vendors or agents within a safe harbor for blocking and labeling practices.

Respectfully submitted,



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originators about calls that are improperly handled and those processes work well. *See* Reply Comments of Transaction Network Services, Inc., WC Docket 20-67 et al., at 3-4 (filed May 29, 2020).