

**Before the
Federal Communications Commission
Washington, DC 20554**

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

COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA)¹ submits these comments in response to the Notice of Proposed Rulemaking in the above-referenced proceeding² in which the Commission seeks comment on protecting consumers from one-ring scams, in accordance with the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act).³ NCTA’s members share Congress and the Commission’s concerns about one-ring scams and the harm they cause. To promote industry efforts to combat these and other robocalls, the Commission should (i) allow voice providers to block all calls from phone numbers associated with one-ring scams; (ii) adopt a broad safe harbor for good faith call blocking; and (iii) allow providers to determine how to best convey robocall-related information to their subscribers.

¹ NCTA is the principal trade association of the cable television industry in the United States, which is a leading provider of residential broadband service to U.S. households. Its members include owners and operators of cable television systems serving nearly 80 percent of the nation’s cable television customers, as well as more than 200 cable program networks. Cable service providers have invested more than \$290 billion over the last two decades to deploy and continually upgrade networks and other infrastructure—including building some of the nation’s largest Wi-Fi networks.

² *Protecting Consumers from One-Ring Scams*, Notice of Proposed Rulemaking, FCC 20-57 (rel. Apr. 28, 2020) (NPRM).

³ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274 (2019) (TRACED Act).

DISCUSSION

The Commission in recent years has taken multiple laudable steps to empower industry to combat illegal robocalls, such as enabling voice providers to block calls in a variety of circumstances and mandating implementation of the STIR/SHAKEN framework.⁴ NCTA urges the Commission to continue these efforts by adopting its proposal to allow voice providers to block calls from numbers associated with one-ring scams.

As the Commission notes, permitting one-ring scam call blocking is a logical extension of the Commission's existing rules.⁵ For instance, providers can generally identify one-ring scam calls using the type of analytics approved by the Commission in its 2019 Declaratory Ruling, which may take into account such indicators as call volume, originating phone numbers, and call duration, among other things.⁶ STIR/SHAKEN originating certificates may also assist analytics engines in determining the validity of the caller—and this information will become more prevalent as STIR/SHAKEN participation increases in keeping with the Commission's mandate.⁷ Allowing voice providers to block one-ring scam calls will therefore further broaden

⁴ *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd. 4876 (2019) (clarifying that voice service providers may offer call blocking services on an opt-out basis based on any reasonable analytics designed to identify unwanted calls) (2019 Declaratory Ruling); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 9706 (2017) (authorizing providers to block calls from unassigned, unallocated, or invalid numbers, as well as calls purporting to originate from numbers that are not used by their subscribers to originate calls); *Call Authentication Trust Anchor; Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd. 3241 (2020) (requiring IP-based originating and terminating voice providers to implement STIR/SHAKEN by June 30, 2021).

⁵ See NPRM ¶ 14.

⁶ See 2019 Declaratory Ruling ¶ 35 (noting “several examples of call-blocking programs that may be effective and would be based on reasonable analytics designed to identify unwanted calls” including, for example, programs that block calls based on factors such as “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; [and] neighbor spoofing patterns” among other things).

⁷ As NCTA has explained, a broad STIR/SHAKEN implementation mandate will help ensure the effectiveness of the STIR/SHAKEN framework. The Commission should therefore apply its STIR/SHAKEN requirements to

their ability to protect consumers, advancing Congress and the Commission’s goal of stopping harmful, illegal robocalls.

NCTA further agrees that a call blocking safe harbor will help encourage providers to block one-ring scam calls.⁸ The Commission should not, however, adopt a safe harbor that is specific to one-ring scams. As NCTA and others have explained, a limited, piecemeal safe harbor approach may leave providers uncertain as to the scope of liability they could face for calls they erroneously, but in good faith, block as illegal or unwanted, ultimately undermining their willingness to undertake the expense and risk of developing and deploying rigorous call blocking tools.⁹ Therefore, to promote robust deployment of solutions to combat one-ring scams and other harmful robocalls, the Commission should adopt a broad safe harbor that covers a range of reasonable, good faith call blocking and labeling practices.¹⁰

The Commission should decline to adopt prescriptive requirements governing how providers communicate with their subscribers—for instance, call labeling requirements or a requirement to notify subscribers dialing international toll-generating numbers of the cost before connecting the call, the latter of which could be a complex and expensive undertaking for many providers. Providers have strong incentives to protect their subscribers from illegal robocalls,

certain OTT providers and all facilities-based providers, including intermediate providers. Intermediate providers should further be required to sign unauthenticated IP calls they receive with a gateway attestation, which will substantially aid efforts to trace back the origin of suspected one-ring scam calls. As STIR/SHAKEN is most effective when calls travel from end-to-end in IP format, the Commission should also encourage the continued transition of legacy TDM networks to the modern IP environment. *See* Comments of NCTA – The Internet and Television Association, WC Docket Nos. 17-97, 20-67 (filed May 15, 2020).

⁸ *See* NPRM ¶ 17 (seeking comment on adopting a safe harbor and noting that the Commission has adopted or proposed safe harbors to encourage other aspects of robocall prevention efforts).

⁹ *See, e.g.*, Comments of NCTA – The Internet and Television Association, CG Docket No. 17-59, WC Docket No. 17-97, at 3-5 (filed Jan. 29, 2020); CTIA, USTelecom, and NCTA Ex Parte, CG Docket No. 17-59, WC Docket No. 17-97 (filed Jan. 31, 2020) (Association Ex Parte).

¹⁰ NCTA, CTIA, and USTelecom have proposed specific safe harbor language in separate Commission proceedings relating to call blocking and call authentication. *See* Association Ex Parte (jointly proposing safe harbor language that would encourage good faith efforts to combat abusive robocalls).

including one-ring scams. The Commission should therefore continue to allow voice providers, individually and as an industry, to determine how best to convey robocall-related information to their subscribers.

CONCLUSION

NCTA's members look forward to continuing to work with the Commission to combat illegal robocalls, including one-ring scam calls. To assist providers' ongoing efforts, the Commission should take the steps detailed above.

Respectfully submitted,

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