

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Protecting Consumers From One-Ring Scams) CG Docket 20-93
)

**COMMENTS OF
USTELECOM – THE BROADBAND ASSOCIATION**

USTelecom—The Broadband Association (“USTelecom”)¹ submits these comments in response to the Federal Communications Commission’s (“Commission”) Notice of Proposed Rulemaking (“Further Notice”)² to provide insight into industry’s efforts to combat one-ring scams as the Commission considers implementation of the TRACED Act.³

Identifying the source of and preventing illegal robocalls is a top priority for USTelecom. Our members are actively working on solutions to empower consumers with call labeling and blocking solutions, implementing call authentication protocols into their networks, and working collaboratively to identify the source of illegal calls through USTelecom’s national recognized Industry Traceback Group (ITG).⁴ USTelecom members are committed to protect consumers on

¹ USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks. Its diverse member base ranges from large publicly traded communications corporations to small companies and cooperatives – all providing advanced communications service to both urban and rural markets.

² *Protecting Consumers from One-Ring Scams*, CG Docket No. 20-93; Notice of Proposed Rulemaking, (Mar. 27, 2020) (*One-Ring NPRM*).

³ Pallone-Thune TRACED Act, S. 151, 116th Cong. (2019) (“TRACED Act”).

⁴ Press Release, USTelecom, USTelecom Industry Traceback Group 2019 Progress Report (Jan. 28, 2020), *available at* <https://www.ustelecom.org/wp-content/uploads/2020/01/ITG-2019-Progress-Report.pdf> (last visited June 10, 2020) at 5.

all fronts to reduce fraudulent and suspected illegal and unwanted calls, including the one-ring scams.

USTelecom members have taken a multi-faceted approach that has greatly reduced and protected consumers from one-ring scams, such as utilizing reasonable analytics, implementing call blocking of this fraudulent traffic, and educating consumers so they do not fall victim to these scams. To that end, many voice service providers have been blocking one-ring scams and other clearly fraudulent traffic for years. Given the unique characteristics of the one-ring scam, some voice service providers are not only blocking the in-bound calls before they ever reach the consumer, but also the out-bound calls so that consumers cannot re-call the scammers. The Commission should not impose any specific new rules or requirements related to blocking these types of scams. Instead, the Commission should further support this type of blocking by encouraging service providers to continue to block one ring scams as well as other calls made with the intent to defraud.”⁵ Providers should have the flexibility in the method that they use to block such scams.

As USTelecom and other parties have previously advocated, increased blocking authority should be accompanied by increased liability protection. The Commission can further encourage voice service providers to continue to block illegal and unwanted calls, including one-ring scams, by granting providers a broad safe harbor for call blocking based on reasonable analytics.⁶ The Commission should not limit a safe harbor to one-ring scams as doing so would not provide the certainty that voice service providers need in order to take aggressive action

⁵ *One-Ring NPRM* at ¶ 14.

⁶ See Comments of USTelecom, WC Docket 20-67 (filed May 15, 2020) (“USTelecom Comments”) at 10-11; See also Letter from Patrick Halley, Matthew Gerst, Steve Morris, USTelecom, CTIA, NCTA, to Marlene H. Dortch, Secretary, Federal Communications Commission, CG Docket No. 17-59, at 4 (filed Feb. 28, 2020).

against all illegal robocalls as new scams arise.⁷ Providing a broad safe harbor will be an effective and logical extension of the Commission’s existing permissible blocking rules and will be a useful tool in accomplishing the Commission’s objectives in this proceeding.

Adopting a broad safe harbor based on reasonable analytics will allow voice service providers to meaningfully advance the Commission’s goal of protecting consumers from the scourge of illegal and unwanted robocalls while also protecting legitimate calls. Voice service providers are also sensitive to blocking in error, the accuracy of the analytics tools they use improve every day, and voice service providers are committed to work with calling parties to develop best practices to address any legitimate calls that do get inadvertently blocked.⁸ Thus, such concerns can be addressed while still adopting a broad safe harbor that provides greater incentives for voice service providers to block suspected illegal or unwanted calls, including one-ring scams. Voice service providers will continue to approach call blocking carefully and cautiously. Moreover, labeling calls “with caller ID information such as ‘scam likely’ or ‘fraud risk’” could complement call blocking solutions to further reduce one-ring scam calls.⁹ Thus, a safe harbor should also include voice service provider labeling efforts as well.

Given the robust efforts by voice service providers, one-ring scams are not as prominent as once before. However, voice service providers can continue to further reduce one-ring scams by developing industry best practices based on the innovative practices that providers are already utilizing to stop these calls. Doing so will ensure broader adoption of industry solutions to address the challenge of such scams. In addition to solutions by voice service providers, the Commission should partner with the Federal Trade Commission to continue to develop consumer

⁷ *One-Ring NPRM* at ¶ 17.

⁸ USTelecom Comments at 8-9.

⁹ *One-Ring NPRM* at ¶ 24.

education tools, such as the consumer guide, to bring awareness to consumers of the one-ring scams.¹⁰ The Commission should also continue to coordinate and collaborate with the ITG to combat fraudulent scams as demonstrated by the recent work on COVID-19-related scam robocalls.¹¹ This model displays the type of action and coordination between industry and government that is necessary to not only combat one-ring scams, but all types of egregious scams against consumers.¹²

In conclusion, USTelecom members and voice service providers across the industry are committed to reduce fraudulent scams and illegal and unwanted robocalls. The Commission should:

- (1) implement its proposal to explicitly allow voice service providers to block all calls from phone numbers associated with one-ring scams;

¹⁰ *One-Ring NPRM* at ¶ 4.

¹¹ See FCC, FTC Demand Gateway Providers Cut Off Robocallers Perpetrating Coronavirus-Related Scams from United States Telephone Network, Press Release, Apr. 3, 2020, <https://www.fcc.gov/document/fcc-ftc-demandgateway-providers-cut-covid-19-robocall-scammers>. See also Letter from Rosemary C. Harold, Chief, Enforcement Bureau, FCC, and Lois C. Greisman Associate Director, Division of Marketing Practices, FTC, to Chris Cordero, Connexum (Apr. 3, 2020), available at <https://docs.fcc.gov/public/attachments/DOC-363522A3.pdf> (last visited June 10, 2020); Letter from Rosemary C. Harold, Chief, Enforcement Bureau, FCC, and Lois C. Greisman Associate Director, Division of Marketing Practices, FTC, to Barry Augustinsky, SIPJoin Holdings Corps. (Apr. 3, 2020), available at <https://docs.fcc.gov/public/attachments/DOC-363522A4.pdf> (last visited June 10, 2020); Letter from Rosemary C. Harold, Chief, Enforcement Bureau, FCC, and Lois C. Greisman Associate Director, Division of Marketing Practices, FTC, to Muhammad Khan, VoIP Terminator dba BLMarketing (Apr. 3, 2020), available at <https://docs.fcc.gov/public/attachments/DOC-363522A4.pdf> (last visited June 10, 2020); Letter from Rosemary C. Harold, Chief, Enforcement Bureau, FCC, and Lois C. Greisman Associate Director, Division of Marketing Practices, FTC, to Franklin Fawzi, Intelepeer Cloud Communications LLC (Apr. 3, 2020), available at https://www.ftc.gov/system/files/warning-letters/covid-19-letter_to_intelepeer.pdf (last visited June 10, 2020); Letter from Rosemary C. Harold, Chief, Enforcement Bureau, FCC, and Lois C. Greisman Associate Director, Division of Marketing Practices, FTC, to Craig Denson, PTGi International Carrier Services, Inc. (Apr. 3, 2020), available at https://www.ftc.gov/system/files/warning-letters/covid-19-letter_to_ptgi_carrier_services.pdf (last visited June 10, 2020); Letter from Rosemary C. Harold, Chief, Enforcement Bureau, FCC, and Lois C. Greisman Associate Director, Division of Marketing Practices, FTC, to Vitaly Potapov, RSCOM LTD (Apr. 3, 2020), available at https://www.ftc.gov/system/files/warning-letters/covid-19-letter_to_rscm.pdf (last visited June 10, 2020).

¹² *One-Ring NPRM* at ¶ 22.

- (2) establish a broad safe harbor that allows the use of reasonable analytics to further incentivize voice service providers to block clearly fraudulent scams, including one-ring scams; and
- (3) continue to collaborate with the ITG to further enhance and refine coordination with industry to address future scams.

Respectfully submitted,

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