

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”)^{1/} submits these comments in response to the *Notice of Proposed Rulemaking* (“NPRM”) intended to protect called parties from what the Commission describes as a “new and pernicious type of illegal call known as the one-ring scam.” The *NPRM* was issued pursuant to the requirements of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (“TRACED Act”).^{2/} T-Mobile strongly supports the Commission’s efforts to prevent one-ring scams from reaching consumers and urges the Commission to empower providers to even more effectively block those calls by adopting a broad safe harbor that protects carriers from liability for calls, including one-ring or other scam calls, blocked on the basis of trust identification decisions.

I. INTRODUCTION

T-Mobile supports the Commission’s continued leadership to combat the scourge of illegal and unwanted robocalls and applauds the steps the Commission has already taken to equip voice service providers with the tools to fight them. Congress recognized the importance of this

^{1/} T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company. T-Mobile and Sprint are now one company operating under the name T-Mobile. The merger closed on April 1, 2020.

^{2/} *Protecting Consumers from One-Ring Scams*, Notice of Proposed Rulemaking, CG Docket No. 20-93, FCC 20-57 (rel. Apr. 28, 2020); Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, § 12 (2019) (“TRACED Act”).

mission by passing the TRACED Act, which directs the Commission to initiate a proceeding to protect consumers from one-ring scams.^{3/} Just over a year ago, the Commission first warned consumers about one-ring scams aimed at trying to prompt consumers to call back an international number spoofed as a U.S. number to generate per-minute toll charges similar to a 900 number.^{4/} T-Mobile prides itself on protecting customers from illegal and unwanted robocalls and offers customers innovative tools to identify and block unwanted calls, including one-ring scam calls. The most effective way the Commission can help ensure that *all* scam calls – including one ring scams – do not reach consumers is to establish a broad safe harbor from liability for calls blocked on the basis of trust identification decisions.^{5/}

II. ESTABLISHING A SAFE HARBOR BASED ON REASONABLE ANALYTICS IS NECESSARY TO STOP ONE-RING AND OTHER SCAMS

Section 12(b)(4) of the TRACED Act requires the Commission to consider ways to incentivize service providers to stop one-ring scam calls, including potentially adding identified one-ring scam-type numbers to the Commission’s existing list of permissible categories for carrier-initiated blocking.^{6/} T-Mobile already uses the best available tools to identify scam calls, tagging calls based on reasonable analytics and STIR/SHAKEN authentication information when it is available.^{7/}

^{3/} *NPRM* ¶ 1; TRACED Act § 12(a).

^{4/} News Release, *Scammers Looking to Defraud Consumers by Prompting Expensive Call Back*, FCC (May 3, 2019) <https://docs.fcc.gov/public/attachments/DOC-357304A1.pdf>.

^{5/} *See NPRM* ¶ 17 (proposing a safe harbor that “could, for example, provide protection from liability under the Communications Act to voice service providers that in good faith block a call from a number (incorrectly) thought to perpetuate a one-ring scam”).

^{6/} *See* TRACED Act § 12(b)(4).

^{7/} *See SUPPORT: Scam ID & Scam Block*, T-MOBILE, <https://www.t-mobile.com/support/plans-features/scam-id-and-scam-block> (last visited June 10, 2020).

We need no additional incentives to innovate and continue providing useful tools to help our customers block unwanted calls. To proactively *block* scam calls, including one-ring scams, however, we need the protection of a safe harbor for all carrier-initiated blocking conducted on an opt-out basis. The TRACED Act already requires the Commission to adopt a safe harbor by the end of this year “from liability for unintended or inadvertent blocking of calls...based, in whole or in part” on STIR/SHAKEN.^{8/} And the Commission has already tentatively concluded that “adopting a safe harbor would greatly facilitate [call blocking] effort[s] by providing carriers with more certainty.”^{9/} While the Commission clarified last year that voice service providers may offer call-blocking services based on reasonable analytics on an opt-out basis,^{10/} it has yet to adopt such a safe harbor for opt-out call blocking. As we have said before, T-Mobile and other carriers will be hesitant to take advantage of opt-out call blocking without a safe harbor and have uniformly urged the Commission to ensure the safe harbor encompasses reliance on all available information, including that generated through reasonable analytics and STIR/SHAKEN.^{11/} Therefore, the Commission should act promptly to adopt a sufficiently broad safe harbor, which would satisfy its obligation under the TRACED Act and incentivize providers to block one-ring and other scam calls.

^{8/} TRACED Act § 4(c)(1)(A).

^{9/} See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd 4876, ¶ 59 (2019) (“*Default Call Blocking Ruling and Safe Harbor FNPRM*”).

^{10/} *Id.* ¶ 34.

^{11/} As T-Mobile has noted in previous filings, by use of the phrase “in whole or in part,” Congress intended to require the Commission to extend the safe harbor’s protection to calls blocked using reasonable analytics. See Comments of T-Mobile USA, Inc., GN Docket No. 17-59 and WC Docket No. 17-97, at 6, 8-9 (filed July 24, 2019); Comments of T-Mobile, GN Docket No. 17-59 and WC Docket No. 17-97, at 7-8 (filed Jan. 29, 2020).

Because of the lack of safe harbor, T-Mobile generally blocks calls on an opt-in basis (with exceptions for those identified as fraud in Do Not Originate requests from USTelecom, or that are very likely to be illegal or fraudulent because they come from invalid or unallocated numbers).^{12/} Until the Commission adopts a safe harbor supporting call blocking on an opt-out basis, T-Mobile will continue to use reasonable analytics to identify and block one-ring scam calls on an opt-in basis.^{13/} Similarly, T-Mobile and the industry as a whole will continue to work to determine whether one-ring scams (and whatever inevitable scam arises next) involve different calling patterns, identifying features or identifiers. Voice service providers and the analytics engines with which they partner are best suited to make such determinations, which are among the distinguishing service features that providers market to consumers regarding their call-blocking capabilities. It is therefore essential that a safe harbor facilitating opt-out call-blocking include blocking based on reasonable analytics so that all available tools can be deployed to end one-ring and other scam calls.

III. PROVIDERS ARE ALREADY WORKING WITH ANALYTICS COMPANIES

Section 12(b)(5) of the TRACED Act requires the Commission to consider how it can work with entities that provide call blocking services to address one-ring scams.^{14/} It notes that analytics companies already offer call-blocking services to both consumers and carriers.^{15/}

^{12/} See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706 (2017) (permitting providers to block calls from phone numbers on a Do-Not-Originate list, and those that purport to be from invalid, unallocated, or unused numbers).

^{13/} See *NPRM* ¶¶ 13-15.

^{14/} See TRACED Act § 12(b)(5); *NPRM* ¶¶ 18-19.

^{15/} *NPRM* ¶ 18.

Indeed, T-Mobile has partnered with First Orion to enhance its Scam ID labeling service,^{16/} and other large voice service providers work with others to deploy similar analytics. As the Commission recognizes, the analytics that companies use are instrumental in blocking calls – including one-ring scam calls.^{17/} And these analytics have only become more accurate since they were first introduced through the use of artificial intelligence and machine learning.^{18/} Because these analytics – which have already proven effective in protecting consumers against fraudulent and illegal scam calls in general – can also be used to protect consumers against one-ring scams, no separate Commission action is required. If the Commission pairs service providers’ use of reasonable analytics to label and block calls with safe harbor protection, voice service providers will rely on analytics providers to provide the most effective available call blocking.

IV. C-ATTESTATION CAN ASSIST WITH IDENTIFYING INTERNATIONALLY-ORIGINATED ONE-RING SCAM CALLS

Section 12(b)(6) of the TRACED Act requires the Commission to consider whether to impose obligations on international gateway providers that are the first point of entry of one-ring scam calls into the United States and whether to require providers to verify “the nature and purpose” of calls.^{19/} T-Mobile opposes requiring providers to verify the “nature and purpose” of calls – because it is an ambiguous directive that easily could be manipulated by bad foreign actors, who are unlikely to provide truthful information about the “nature and purpose” of calls in any case.^{20/} A superior alternative is to impose STIR/SHAKEN requirements on gateway

^{16/} See *T-Mobile Rolls Out “Scam ID” Powered by First Orion*, FIRST ORION (Apr. 13, 2017) <https://firstorion.com/t-mobile-rolls-out-scam-id-powered-by-first-orion/>.

^{17/} See, e.g., *Default Call Blocking Ruling and Safe Harbor FNPRM* ¶ 35.

^{18/} See, e.g., Letter from John Ayers, Vice President, Corporate Development, First Orion, to Marlene Dortch, Secretary, FCC, CG Docket No. 17-59, at Attachment, at 3 (filed May 1, 2019).

^{19/} TRACED Act § 12(b)(6); *NPRM* ¶¶ 20-24.

^{20/} *NPRM* ¶ 20.

providers as a means of identifying which providers serve as the entry points for scam calls to U.S. networks.^{21/}

Using STIR/SHAKEN requirements to mandate that intermediate or gateway providers attach C-attestations or higher to previously unsigned calls is a solution previously proposed by T-Mobile and others.^{22/} As T-Mobile has explained, doing so would provide critical information to terminating providers triggering more intensive scrutiny of calls handled by particular gateway providers and international callers.^{23/} This parallels the process the Commission describes in the *NPRM* in which the Industry Traceback Group assisted the Commission in tracing back COVID-19 related scam calls.^{24/} While the Commission should continue to use the resources of the Industry Traceback Group, requiring gateway providers to attach C-attestation would be another tool that providers could use to address scams – including one-ring scams.

V. CONCLUSION

T-Mobile supports the Commission’s effort to fight one-ring scams, as directed by the TRACED Act. Because one-ring scams are a subset of fraudulent and illegal calls, which the Commission has already empowered voice service providers to label and block based on STIR/SHAKEN and reasonable analytics, the Commission need not adopt a *separate* safe harbor for one-ring scams. But because use of call blocking on an opt-out basis will continue to be

^{21/} *Id.* ¶ 24; *Call Authentication Trust Anchor*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241, ¶ 64 (2020).

^{22/} See Comments of T-Mobile USA, Inc., WC Docket Nos. 17-97 and 20-67, at 5-6 (filed May 15, 2020); Reply Comments of T-Mobile USA, Inc., WC Docket Nos. 17-97 and 20-67, at 4-7 (filed May 29, 2020) (“T-Mobile Reply Comments”); Comments of Comcast Corp., WC Docket Nos. 17-97 and 20-67, at 8 (filed May 15, 2020); Comments of NCTA, WC Docket Nos. 17-97 and 20-67, at 8 (filed May 15, 2020); Comments of INCOMPAS, WC Docket Nos. 17-97 and 20-67, at 7 (filed May 15, 2020); Comments of TCN, Inc., WC Docket Nos. 17-97 and 20-67, at 8 (filed May 15, 2020); Comments of Neustar, WC Docket Nos. 17-97 and 20-67, at 9 (filed May 15, 2020).

^{23/} T-Mobile Reply Comments at 5-6.

^{24/} *NPRM* ¶¶ 22-23.

limited without a safe harbor that covers call blocking based on reasonable analytics the Commission should promptly adopt the safe harbor required by the TRACED Act. The Commission also should require that internationally-originated calls be identified with C-attestation or higher to help providers fight one-ring and other scams.

Respectfully submitted,

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