



Office of the President

June 3, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9050 Junction Drive
Annapolis Junction, MD 20701

Re: Federal Communications Commission's
(FCC) Declaratory Ruling and Third Further
Notice of Proposed Rulemaking, CG Docket
No. 17-59, WC Docket No. 17-97.
Advanced Methods to Target and Eliminate
Unlawful Robocalls

Dear Ms. Dortch:

Navy Federal Credit Union provides the following remarks in response to the Federal Communications Commission's (FCC) draft Declaratory Ruling and Third Notice of Proposed Rulemaking (FNPRM) that will be considered at its June 6, 2019 Open Meeting. Navy Federal Credit Union is the nation's largest natural person credit union with more than \$100 billion in assets and 8.4 million members. We appreciate this opportunity to provide additional feedback regarding the future of Anti-Robocalling regulations.

Navy Federal supports efforts to protect consumers from unlawful robocalls that can tie up calls to emergency lines in 911 call centers and that are often vehicles for consumer fraud and identity theft. Nonetheless, Navy Federal has concerns the action the FCC intends to take is overly broad, and could have a significant adverse impact on credit unions' ability to communicate with their members. Accordingly, Navy Federal urges the FCC to carefully consider the potential impact of these rules on stakeholders who are making lawful calls to consumers, particularly credit unions.

Credit Unions are owned by their members. Therefore, they need and expect to receive calls and texts from their credit union. These communications may contain critical information, including fraud alerts, account alerts, follow-up calls related to credit applications, and information about delinquent accounts, among other things.

Today, consumers may opt-in to call blocking services. The first prong of the draft Declaratory Ruling would reverse this practice and allow voice service providers, as the default, to institute network-based call-blocking based on call analytics that target unwanted or unlawful calls from which the consumer must "opt-out."

Switching to an “opt-out” framework where call blocking at the network level is the default may have some limited advantages to curbing unlawful robocalls. However, these so-called advantages are offset by the overall adverse impacts to both the consumer and financial institutions. Therefore, Navy Federal urges the FCC to further consider protections for businesses making lawful calls to consumers. Navy Federal encourages the FCC to outline specific requirements related to the content and delivery method for information provided to consumers by the voice service providers in the “opt-out” process so that consumers fully understand the risk and benefits of the call blocking service. Additionally, there should be a mechanism by which credit unions making legitimate calls to existing members can ensure their numbers and calls are not blocked by the voice service providers at the network level, such as providing an opportunity to validate or “white list” their numbers with the voice service providers.

The second prong of the draft Declaratory Ruling clarifies that voice service providers may offer customers the option to block calls from any number that is not in the customer’s “white list” or their phone contacts list. Navy Federal is concerned its members will have insufficient information regarding the risks of blocking all calls except those on their white list. The prospect of lawful calls being blocked is problematic because neither the credit union nor the credit union members will know when calls are blocked or by which voice service provider. This will bring a significant amount of uncertainty in our attempts to communicate with our members.

For example, members who applied for loans and need to be called by loan officers may not have those loan officers’ numbers stored in their phones. The white list call blocking feature could complicate credit unions’ efforts to reach them, which could delay borrowers getting critical information related to their loans or other accounts. Moreover, in situations of fraud, a blocked call from Navy Federal could result in costly charges to the member in the form of general liability for fraud charges. The white list call blocking function would effectively block important, lawful calls from reaching Navy Federal members because the member cannot anticipate which Navy Federal number or numbers to include in their white list.

The FCC’s proposed draft Declaratory Ruling will become effective upon adoption. Navy Federal urges the FCC to take more time to consider stakeholder concerns. Navy Federal appreciates the opportunity to comment on the Federal Communications Commission’s draft Declaratory Ruling related to Advance Methods to Target and Eliminate Unlawful Robocalls. Should you or a member of your staff have additional questions about our comments, please contact me, or my point of contact, Cheryl Heuser, Senior Policy & Compliance Officer at (703) 206-3666, or at cheryl_heuser@navyfed.org.

Sincerely,



Mary McDuffie
President/CEO