

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Advanced Methods to Target and Eliminate |) | CG Docket No. 17-59 |
| Unlawful Robocalls |) | |
| |) | |

**COMMENTS OF
THE USTELECOM ASSOCIATION**

The USTelecom Association (USTelecom)¹ submits these comments in response to the Public Notice (Notice) released by the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (Commission) in the above-referenced proceeding.² Through its Notice, the Bureau solicits input for a staff report (Report) on robocalling as required by the Commission’s Call Blocking Order released last year.³

USTelecom and our member companies remain tremendously focused on the robocall issue, and we share the concerns of the Commission and of consumers about the problems associated with phone-based impostor scams. Over the last several years, there has been a concerted and significant effort by industry stakeholders, consumer groups and government entities to comprehensively address the robocall problem.

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.

² Public Notice, *Consumer and Governmental Affairs Bureau Seeks Input for Report on Robocalling*, DA 18-638 (released June 20, 2018) (*Notice*).

³ Report and Order and Further Notice of Proposed Rulemaking, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, 32 FCC Rcd 9706, 9727 (2018) (*Call Blocking Order*).

Given the widely accepted view that no silver bullet can single-handedly address the robocall problem, efforts continue to move forward across multiple fronts. These fronts include: 1) increasing the deployment and availability of consumer robocall analytic tools; 2) advances on the deployment of the Signature-based Handling of Asserted Information Using toKENs (SHAKEN) standard, and the Secure Telephone Identity Revisited (STIR) standard; and 3) enforcement efforts. The status of these efforts is discussed below.

I. There are a Broad Range of Initiatives That Are Empowering Consumers and Enhancing Industry Efforts in the Battle Against Illegal Robocalls.

While the robocall issue continues to evolve and change, there has been significant progress made with respect to various robocall mitigation initiatives. These efforts include the increasing deployment of various tools to consumers, advancing efforts with respect to the deployment of SHAKEN and STIR, as well as the Commission's expansion of carriers' ability to block illegal robocalls. Over the last several years, there have been marked strides made in each of these three categories of initiatives.

A. An Increasing Number of Robocall Mitigation Tools are Available to Consumers Across Multiple Voice Platforms, Including TDM.

Today, a broad range of voice providers, independent application developers and a growing number of diverse companies are offering services that can help Americans reduce unknown and potentially fraudulent calls. While these tools are not a panacea to the robocall problem, they are an important component that empowers consumers with the increased ability to better identify and/or block illegal or unwanted robocalls. Of particular note, an increasing number of robocall mitigation tools are being deployed by facilities-based providers themselves.

For example, AT&T has launched its 'Call Protect' service that allows customers with iPhones and HD Voice enabled Android handsets to automatically block suspected fraudulent

calls. AT&T also offers AT&T Digital Call Protect for IP wireline phones.⁴ When the app is installed and set up, AT&T will automatically block fraudulent calls, warn of suspected spam calls, and allow consumers to block unwanted calls from a specific number for free.

In addition, Verizon's new Spam Alerts service provides its wireline customers who have Caller ID – whether they are on copper or fiber – with enhanced warnings about calls that meet Verizon's spam criteria by showing the term “SPAM?” before a caller's name on the Caller ID display. Verizon's Spam Alerts feature utilizes TNS's Call Guardian and Neustar's Robocall Mitigation solution to proactively identify illegal robocalls and other fraudulent caller activity with more accuracy. By using existing Caller-ID technology, the service empowers consumers to better decide if they should answer a particular call.

Various carriers have also worked with Nomorobo to facilitate their customers' ability to use that third-party blocking service, such as Verizon's “one click” solution that simplifies customers' ability to sign up for the service. In addition, the company Metaswitch also provides a robocall blocking service that supports all voice infrastructures and switches, from legacy Class 5 TDM to Metaswitch's pure VoIP systems.⁵ According to Metaswitch, their service is deployed by approximately 20 providers.

In the wireless arena, in the last year alone the number of scoring and labelling analytics tools for consumers has exploded. In 2016 there were over 85 call-blocking applications available across all platforms, including several offered by carriers to their customers at no charge. As of today, there are now over 550 applications available, a 495% increase in call

⁴ See, AT&T website, *AT&T Mobile Security & Call Protect* (available at: <https://www.att.com/features/security-apps.html>) (visited July 20, 2018).

⁵ See, Metaswitch website, *Robocall Blocking Service*, (available at: <https://www.metaswitch.com/solutions/fixed-line-solutions/robocall-blocking-service>) (visited July 20, 2018).

blocking, labeling, and identifying applications to fight malicious robocalls. The diversity in tools across multiple platforms demonstrates industry's commitment to empower consumers, regardless of the type of network utilized by their chosen voice service provider.

B. Industry Has Demonstrated a Strong Commitment to the Deployment of SHAKEN/STIR.

The Report should also note the significant commitment from industry stakeholders with respect to the implementation of standards to verify and authenticate caller identification for calls carried over an Internet Protocol (IP) network using the Session Initiation Protocol (SIP). Central to this effort is the development of the separate SHAKEN and STIR standards and best-practice implementations. While deployment of the SHAKEN and STIR standards is not a panacea to the robocall problem, these standards should improve the reliability of the nation's communications system by better identifying legitimate traffic. The deployment of the SHAKEN standard will also facilitate the ability of stakeholders (such as USTelecom's Industry Traceback Group) to identify illegal robocalls and the sources of untrustworthy communications.

As evidenced by the record in this proceeding, there is strong industry commitment to the deployment of the SHAKEN and STIR standards. Nearly a dozen voice providers – representing the wireless, wireline and cable industries – have committed to deploying the SHAKEN and STIR standards within their respective networks. These include commitments from several companies with nationwide wireless coverage, as well as several large facilities based voice providers.⁶ While there are differences in the specific timelines to deployment of the SHAKEN

⁶ See e.g., Notice of Ex Parte Filing, CenturyLink, CG Docket No. 17-59 (submitted May 24, 2018); Notice of Ex Parte Filing, AT&T, CG Docket No. 17-59 (submitted May 7, 2018); Notice of Ex Parte Filing, CenturyLink, CG Docket No. 17-59 (submitted May 24, 2018); Notice of Ex Parte Filing, Frontier Communications, CG Docket No. 17-59 (submitted June 26, 2018); Notice of Ex Parte Filing, Comcast Corporation, CG Docket No. 17-59 (submitted May 18, 2018).

and STIR standards, the commitments generally reflect deployments starting in 2018 to early 2019, with broader implementation occurring in 2019.

On top of these deployment commitments, important work has also rapidly moved forward with respect to industry efforts to ensure the integrity of the issuance, management, security and use of secure telephone identity (STI) certificates. Specifically, the Call Authentication Trust Anchor Working Group (CATA WG) of the North American Numbering Council (NANC) recently completed its work to investigate a variety of issues associated with the SHAKEN/STIR system.⁷

After issuing its report to the Commission, the NANC CATA WG has also selected a Governance Authority to establish the policies for the SHAKEN certificate management framework. The Governance Authority – the Alliance for Telecommunications Industry Solutions (ATIS) – is already moving forward to commence its work. In addition, the Board of Directors for the Governance Authority has been selected, and includes representatives from a broad range of industry constituencies, including large and small voice providers, as well as a diversity of network providers. The diversity and commitment of the Governance Authority Board of Directors will help to facilitate a controlled and productive deployment of the SHAKEN standard.

⁷ See, NANC CATA Report, Report on Selection of Governance Authority and Timely Deployment of SHAKEN/STIR NANC Call Authentication Trust Anchor Working Group (available at: https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0503/DOC-350542A1.pdf) (visited July 20, 2018).

C. The Commission's Call Blocking Order has Further Enhanced Call Blocking Efforts.

Finally, the Commission recently adopted rules allowing voice providers to block certain types of calls.⁸ The Commission's decision to respond favorably to the further clarifications sought by the industry-led Strike Force regarding the permissibility of certain provider-initiated call blocking is appreciated by industry, and reflects the significant value to be obtained from cooperation between industry and government stakeholders. One of the key components of the Commission's Call Blocking Order was that it provided carriers with the flexibility to determine when and whether to block calls within the network.

Working within the confines of the four criteria established by the Commission, this flexibility has provided voice providers with an additional tool to help mitigate illegal robocalls. Given the importance of combatting illegal robocalls through a variety of measures, the Commission wisely afforded carriers with the flexibility to determine the manner in which they could choose to block across the four approved categories. Such flexibility ensures that illegal robocallers are faced with a dynamic and fluid carrier defensive posture that is further enhanced by deployment of more robust consumer tools and increased enforcement efforts.

Such carrier initiated blocking has been an effective tool for robocall mitigation. For example, as of March of this year, AT&T has blocked 3.5 billion illegal and unwanted calls before they could reach their customers' phones.⁹ The Commission's approved blocking for the four call blocking categories for voice providers is an additional tool that provides a layered defense for robocall mitigation.

⁸ See generally, *Call Blocking Order*.

⁹ See, AT&T Consumer Website, *We Need a Whole Toolbox to Stop Robocalls*, (<https://www.attpublicpolicy.com/consumers/we-need-a-whole-toolbox-to-stop-robocalls/>) (visited July 20, 2018).

II. Criminal Enforcement of Illegal Robocallers is Needed.

USTelecom applauds government efforts in the robocall fight, particularly the ongoing civil enforcement actions by the Commission and Federal Trade Commission (FTC). For example, the Commission recently approved a \$120 million fine against one illegal robocallers responsible for generating billions of calls. The FTC also continues to engage in a series of complementary enforcement actions that target the worst of the worst bad actors in this space. These civil enforcement actions brought by both agencies send a strong and powerful message to illegal robocallers that they will be located and brought to justice. USTelecom and its industry partners stand ready to further assist in these efforts to bring this bad actors to justice. Indeed, the ultimate goal of USTelecom's Industry Traceback Group is to identify the source of the worst of these illegal calls, and further enable further enforcement actions by federal agencies.

While current federal enforcement efforts are laudatory, they are mostly limited to civil enforcement. As a result, bad actors currently engaged in criminal robocall activities are – at most – subject only to civil forfeitures. USTelecom believes there is an acute need for coordinated, targeted and aggressive criminal enforcement of illegal robocallers at the federal level. Given the felonious nature of their activities, criminal syndicates engaged in illegal robocalling activity should be identified, targeted and brought to justice through criminal enforcement efforts.

To further underscore the need for criminal enforcement of illegal robocallers, the FTC announced last month that it filed a complaint in federal district court seeking to stop two related operations and their principals who allegedly facilitated “billions of illegal robocalls to consumers nationwide.”¹⁰ Of particular note in the FTC's announcement is the

¹⁰ See, FTC Press Release, *FTC Sues to Stop Two Operations Responsible for Making Billions of Illegal Robocalls*, June 5, 2018 (available at: <https://www.ftc.gov/news-events/press->

acknowledgement that two of the individuals named in the complaint are “recidivist robocallers,” who were each targeted in FTC lawsuits brought in 2017 and 2018. In fact, the FTC noted in its April, 2017, action that one of those recidivist robocallers – Justin Ramsey – was “permanently banned” from robocalling individuals, to include “calling numbers on the Do Not Call Registry.”¹¹

It is clear that more than civil enforcement is necessary to address illegal robocalling. We believe, in particular, that U.S. Attorneys’ offices across the country should prioritize enforcement where federal statutes, such as the Truth in Caller ID Act, are implicated, and should work closely with the Commission and FTC and international partners in enforcement cases, particularly when the calls originate outside of the United States.

Another possible vehicle could be the recently announced Task Force on Market Integrity and Consumer Fraud, comprised of a number of divisions of the Department of Justice (DOJ), including the FBI and various United States Attorney’s Offices as designated by the Attorney General.¹² The focus of the Task Force is to investigate and prosecute consumer and corporate fraud that targets the public and the government, with a particular emphasis on the elderly, service members and veterans. Given its focus on fraud directed towards consumers, as well as

[releases/2018/06/ftc-sues-stop-two-operations-responsible-making-billions-illegal](#)) (visited July 15, 2018).

¹¹ See, FTC Press Release, *Recidivist Robocaller Settles FTC Telemarketing Complaint*, April 13, 2017 (available at: <https://www.ftc.gov/news-events/press-releases/2017/04/recidivist-robocaller-settles-ftc-telemarketing-complaint>) (visited July 15, 2018).

¹² See, White House Executive Order, *Executive Order Regarding the Establishment of the Task Force on Market Integrity and Consumer Fraud*, July 11, 2018 <https://www.whitehouse.gov/presidential-actions/executive-order-regarding-establishment-task-force-market-integrity-consumer-fraud/> (visited July 20, 2018).

the inclusion of criminal enforcement agencies, the Task Force could be an ideal vehicle for pursuing criminal enforcement against illegal robocallers.

While a holistic approach is essential to broadly address the issue of robocalls, robust enforcement efforts targeting illegal robocallers are most effective since they address the activity at the source. For example, consumer-centric tools may stop a series of calls from reaching tens of thousands consumers, whereas root-cause removal stops millions of calls from ever being sent.

Respectfully submitted,

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