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

In the Matter of	)	
	)	
Advanced Methods to Target and Eliminate Unlawful Robocalls	)	CG Docket No. 17-59
	)	
	)	
Call Authentication Trust Anchor	)	WC Docket No. 17-97

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EXECUTIVE SUMMARY

How rural carriers will interconnect with other voice providers for the passage and exchange of SHAKEN/STIR certificates absent Commission action is the central conundrum that RLECs face as it relates to implementation of this important standard. While additional challenges must be overcome, the single most important step that the Commission can take to ensure that RLECs can participate in the SHAKEN/STIR ecosystem as soon as possible on either a mandated or voluntary basis is the facilitation of IP interconnection agreements under reasonable terms and conditions. Absent clear "rules of the road" that establish reasonable network edges comparable to those in place today for rural operators, larger providers could quite easily shift to these small carriers the costs of transporting voice calls between rural operators' local network edges and distant points of interconnection. Such a result would fundamentally remake the economics of interconnection and foist, for the first time ever, the costs of transport for voice traffic to and from isolated rural service areas fully and solely onto small rural customer bases without any universal service support to cover such costs. As this would be required for all voice calls, these costs could rapidly dwarf any other costs involved in SHAKEN/STIR implementation and could thus undermine the affordability of voice service rates in rural America.

Resolving this issue is no more complicated than a narrow, simple, and straightforward "hold harmless" provision for IP interconnection limited to agreements for the exchange of voice traffic between RLECs and other operators. While IP interconnection issues on a broad, industry-wide scale have been a vexing problem, a simple move to preserve interconnection responsibilities *from a financial perspective* as they stand today – simply retaining existing meet points between rural carriers and those parties with whom they exchange traffic as well as

transport responsibilities that do not change based on the technology used to deliver voice traffic – is a narrow "carve out" that the Commission can enact while additional reforms are considered.

The Commission should exempt providers using TDM facilities from any SHAKEN/STIR mandate. While the vast majority of NTCA members have moved to IP switching facilities, those that have not will face additional, potentially substantial costs that in some cases could threaten their ability to continue offering affordable voice and broadband service or even to remain viable at all. Such an exemption should also apply those rural carriers that do have IP switching facilities but are unable to obtain IP interconnection agreements with upstream carriers that do not have such facilities in place.

Even those carriers all-IP within their own networks will confront the additional, unique costs associated specifically with SHAKEN/STIR implementation that are likely to be substantial. Even worse, these rural carriers will not be able to procure ready-to-install solutions on the same timeframe as the nation's largest carriers. Thus, to the extent that the Commission considers a mandate necessary, it should grant to rural carriers compliance timeframes that recognize that these providers will need additional time to obtain solutions from vendors and to then invest substantial resources in bringing SHAKEN/STIR to rural America.

The Commission should adopt a safe harbor limited to permitting terminating providers to block calls for which SHAKEN/STIR attestation is available and for which that provider has some indicia of a maliciously altered or inserted certificate. A safe harbor that allows providers to block *any* calls that are not authenticated under SHAKEN/STIR misunderstands the very

nature of that standard and threatens to introduce a "reverse call completion" nightmare to consumers that may have a provider not ready to adopt the standard.

Further, voice providers that choose to *voluntarily* avail themselves of the call blocking authority granted by the *Draft Declaratory Ruling* or any provisions that emerge as a result of the instant *Notice* should be *required* (and not merely "encouraged") to establish a process by which a party (or their provider if they so choose to offer such a service to their customers) can rapidly correct a false positive. Those providers balking at such a requirement should thus choose not to engage in call blocking.

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COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION

I. INTRODUCTION & BACKGROUND

NTCA–The Rural Broadband Association ("NTCA")[1] hereby submits these comments in response to the Third Further Notice of Proposed Rulemaking[2] adopted by the Federal Communications Commission ("Commission") in the above-captioned proceeding. The *Notice* seeks comment on whether it should adopt a "safe harbor" that would enable voice service providers to, in certain instances, block calls based on the SHAKEN/STIR caller-ID authentication framework. The Commission also seeks comment on whether it should mandate that voice service providers (all or a subset thereof) implement SHAKEN/STIR. NTCA offers herein steps that the Commission can take to ensure that such a safe harbor protects consumers from unwanted or illegal robocalls and at the same time from "false positives" that leave them unable to make or receive legitimate, wanted calls. NTCA further offers steps that the

[1] NTCA represents approximately 850 rural rate-of-return regulated telecommunications providers ("RLECs"). All of NTCA's members are full service local exchange carriers and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities.

[2] *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Call Authentication Trust Anchor*, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, FCC 19-51 (rel. Jun. 7, 2019) ("*Declaratory Ruling*" or "*Notice*").

Commission can take to promote rural operators' adoption of SHAKEN/STIR as soon as possible.

It must be noted at the outset that NTCA and its members are strongly committed to ending the scourge of unwanted or illegal robocalls. NTCA members are in particular committed to combatting "spoofers" and other bad actors that annoy and defraud rural consumers. As a founding member of the Secure Telephone Identity Governance Authority ("STI-GA") Board of Directors, the association has put that commitment into action with time and financial resources dedicated to the creation of the STI-GA because of its commitment and that of its members to combat the scourge of caller-ID "spoofing."

While NTCA's comments in response to the *Notice* are focused on a number of issues, the association would like to draw particular attention to certain steps the Commission can take to "move the ball forward" in terms of bringing the protections that SHAKEN/STIR can offer to rural consumers. These steps include basic "rules of the road" to ensure that rural carriers can enter into interconnection agreements with other providers in order to participate in the SHAKEN/STIR ecosystem as soon as possible and on a level playing field.

II. MANDATE OR NOT, THE COMMISSION MUST ENSURE THAT RLECS CAN PARTICIPATE IN THE SHAKEN/STIR ECOSYSTEM AS EXPEDITIOUSLY AS POSSIBLE.

The *Notice* seeks comment on whether the Commission should adopt a SHAKEN/STIR mandate for voice service providers.[3] The question of a mandate aside, if the Commission is interested in ensuring that RLECs can participate in the SHAKEN/STIR ecosystem as soon as possible on either a mandated or voluntary basis, steps must be taken to facilitate IP

[3] *Notice*, ¶¶ 71-82.

interconnection agreements under reasonable terms and conditions – there is no more important action that the agency can take if it wishes to ensure the success of SHAKEN/STIR throughout and across communications networks.

A. RLEC adoption of SHAKEN/STIR requires that the Commission address the need for basic "rules of the road" for IP interconnection.

When viewing SHAKEN/STIR from the rural operator perspective, it is important to take account of the multiple economic hurdles that these carriers face to implementation. One, as is often the case with new technology implementation,[4] these carriers are at present finding it difficult to find "ready-to-install" solutions from vendors. Moreover, such solutions, even once available, could come at a cost difficult for many small carriers to absorb according to initial estimates. While this will remain a challenge that should be a consideration as the Commission deliberates on the question of a mandate and accompanying compliance timeframe for certain classes of carriers (and will be discussed further below), there are larger systemic concerns that are squarely within the Commission's control alone, and that if not addressed, could undermine the implementation of SHAKEN/STIR throughout the communications ecosystem and limit rural carriers' ability to effectively offer both protection from spoofers and affordable voice service.

At bottom, how smaller rural carriers will interconnect with other voice providers for the passage and exchange of SHAKEN/STIR certificates absent Commission action is the

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[4] *Accessibility of User Interfaces, and Video Programming Guides and Menus; Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the TwentyFirst Century Communications and Video Accessibility Act of 2010*, MB Docket Nos. 12-108, 12-107, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-138 (rel. Oct. 31, 2013) ("Accessible User Interfaces Order"), ¶ 115 (recognizing that, as is the case here, "smaller operators generally lack the market power and resources to drive independently the development of MVPD headend or customer premises equipment [and]…it is the large cable operators that generally dictate equipment features to manufacturers and commonly get priority in the delivery of that equipment").

central conundrum that RLECs face as it relates to implementation of this important standard. The interconnection challenges discussed herein arise because the "end-to-end" all-IP nature of SHAKEN/STIR requires that calls be handed off in IP format from originating to terminating carrier (and to every other carrier in a call pathway) – the certificates that are at the heart of the SHAKEN/STIR ecosystem will not transfer otherwise. But, as of today, there are no specific rules to govern the exchange of traffic in IP format between voice service providers. RLECs in need of IP interconnection agreements to implement SHAKEN/STIR could find themselves at the mercy of larger providers dictating new interconnection and transport terms, and the leverage larger carriers already have today will increase as the impetus to implement SHAKEN/STIR on the part of rural carriers increases via a Commission mandate or competitive pressures/consumer demand.

More specifically, in the absence of clear "rules of the road" that establish reasonable network edges comparable to those in place today for rural operators, larger providers could quite easily shift to these small carriers the costs of transporting voice calls between rural operators' local network edges and distant points of interconnection. (If there is any doubt as to the desire for or likelihood of such a result, one need only look at the prior filings of these providers or the "lay of the land" in the unregulated context of the broadband marketplace, where smaller operators pay substantial sums to transit providers just to transport "best efforts" data to distant Internet peering points.[5]) Such a result would fundamentally remake the economics of interconnection and foist, for the first time ever, the costs of transport for voice

[5] *See* AT&T, *ex parte* letter, GN Docket No. 13-5, WC Docket No. 13-97, WC Docket No. 10-90 (fil. Jan. 24, 2014) (asserting that "IP interconnection will take place on a nationwide basis, and at a relatively small number of places"); Sprint, *ex parte* letter, WC Docket Nos. 10-90, 07-135, 05-337,03-109; CC Docket Nos. 01-92, 96-45; and GN Docket No. 09-51 (fil. Oct. 3, 2011) (arguing for "the more efficient regional interconnection arrangements typically used for non-voice IP traffic").

traffic to and from isolated rural service areas fully and solely onto small rural customer bases without any universal service support to cover such costs. As this would be required for all voice calls, these costs could rapidly dwarf any other costs involved in SHAKEN/STIR implementation and could thus undermine the affordability of voice service rates in rural America. In the end, rural carriers may face the untenable choice between offering their consumers the protections that SHAKEN/STIR offers and continuing to offer affordable voice service.[6] It would be ironic indeed if the Commission were unwilling or unable to address this not long after taking an important step to eliminate provisions that increased voice service rates in rural areas to near unaffordable levels[7] and as it stands on the cusp of overcoming robocalling concerns that drive consumers in rural and urban areas alike crazy.

To be clear, such concerns do not arise because rural carriers uniquely lack IP capability. It is NTCA's understanding that the vast majority of its members have transitioned to IP switching facilities are thus are "IP" within their own networks. The interconnection issues arise because the end-to-end IP nature of SHAKEN/STIR and the impetus to implement it will force the IP interconnection issue *between* carriers in a way that has not arisen before. While rural carriers with IP switching facilities today continue to convert voice traffic to TDM as they exchange voice traffic with other carriers (largely because the impetus for both parties to exchange traffic in IP format has not arisen), this state of affairs will not continue as

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[6] In addition, the Commission should consider all of the potential costs and benefits of an IP interconnection regime that may arise as a result of any effective or actual mandate in that regard, particularly as the details of any such regime have yet to be defined or refined. For example, sunk costs in existing network facilities and existing revenues that are used to support current operations must be taken into consideration as part of any transition plan with respect to interconnection changes, particularly as they may affect consumer rates, the availability of services, and/or the ability to continue investing in network upgrades and expansions.

[7] *Connect America Fund*, WC Docket No. 10-90, Report and Order, FCC 19-32 (rel. Apr. 15, 2019).

SHAKEN/STIR implementation pushes both parties into resolving the issue. Knowing that rural carriers need such agreements in place, larger carriers are unlikely, absent Commission clarification or action, to maintain existing meet points and division of transport responsibilities that enable these small carriers to offer affordable services in isolated, high-cost rural areas.

Moving forward, whether SHAKEN/STIR becomes a mandate or not, the single most important thing the Commission can do to facilitate SHAKEN/STIR implementation in rural America is no more complicated than a narrow, simple, and straightforward "hold harmless" provision for IP interconnection limited to agreements for the exchange of voice traffic between RLECs and other operators. There is precedent for such a provision; such a rule could and should operate similar to the "rural transport rule" adopted in 2011.[8] That provision was enacted under circumstances similar to that which exist here: at that time, the Commission recognized that policy changes being enacted to address broader systemic issues (a move to bill and keep) risked shifting transport charges directly onto rural carriers and the customers they serve. The Commission then was concerned that its attempt to achieve its broader policy goal could have harmed a certain class of consumers and it took a rather narrow step necessary to ensure that this policy could move forward without unnecessary harm to rural consumers. Here, a Commission mandate (or the "mandate" handed down by the market to implement SHAKEN/STIR) can, if proper care is not taken, harm rural consumers in much the same way by foisting upon them transport costs that have never been thrown atop their backs before.

[8] *Connect America Fund*, WC Docket No. 10-90, et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) ("USF/ICC Transformation Order"), ¶¶ 998-999 (adopting a "rural transport rule" to ensure that the obligations of RLECs to carry originating non-access traffic do not extend beyond their service area boundaries, recognizing that absent such a rule, RLECs could be forced to incur unrecoverable transport costs at a time when intercarrier compensation reforms could have a negative impact on network cost recovery).

Given the clear precedent for such a rule – and the compelling need to promote solutions to combat the scourge of robocalling – the Commission should move expeditiously to enact a rule as proposed herein and enable rural carriers to focus their limited resources on protecting their consumers.

While NTCA recognizes that IP interconnection issues on a broad, industry-wide scale have been a vexing problem, a simple move to preserve interconnection responsibilities *from a financial perspective* as they stand today – simply retaining existing meet points between rural carriers and those parties with whom they exchange traffic as well as transport responsibilities that do not change based on the technology used to deliver voice traffic – is a narrow "carve out" that the Commission can enact while additional reforms are considered. (In fact, additional reforms need not even be considered if the Commission determines that these issues will be settled by the industry on its own). But the failure to address this one discrete segment of the industry – in light of the issues discussed in the preceding paragraphs – will limit if not prevent the rural industry's ability to participate in SHAKEN/STIR implementation for the benefit of all consumers.

B. The Commission should exempt providers using TDM facilities from any SHAKEN/STIR mandate; such an exemption should also apply to carriers with IP switching facilities unable to obtain IP interconnection agreements with upstream carriers that do not have such facilities in place.

To be clear, the need for IP interconnection rules is perhaps the most significant hurdle, but it is not the sole one that rural carriers will confront as they move toward SHAKEN/STIR implementation. For example, as noted above, SHAKEN/STIR as an "end-to-end" all IP standard is not compatible with TDM switching facilities. While the vast majority of NTCA members have moved to IP switching facilities, those that have not will face additional,

potentially substantial costs that in some cases could threaten their ability to continue offering affordable voice and broadband service or even to remain viable at all. In many of the rural areas these carriers serve, mobile wireless service is unavailable or spotty at best, and thus the rural carrier is a literal lifeline to the outside world for the consumers in these areas. It makes little sense to impose upon them a mandate from which they may not be able to recover.

Here, the Commission should look to Congressional action on this issue as a guidepost. The recently passed "Traced Act" that was overwhelmingly approved by the United States Senate specifically includes an exemption for TDM providers.[9] The Stopping Bad Robocalls Act passed by the US House of Representatives includes a provision that directs the Commission to consider compliance timeframes specific to TDM providers to ensure that a SHAKEN/STIR mandate is not unduly burdensome.[10] Thus, Congress has clearly signaled both its understanding of the technical limitations of SHAKEN/STIR and the unique operating circumstances and important role of small TDM providers. The Commission should take its cue from Congress and exempt TDM-based carriers from any SHAKEN/STIR mandate it may adopt.

Moreover, even for those rural carriers that have transitioned to IP switching facilities, the TDM issue remains – a rural carrier has no control over upstream carriers' technical inability or unwillingness to exchange voice traffic in IP. This is even more so in the case of an interexchange carrier chosen by the rural carriers' end-user customer that simply does not have IP facilities in place as a matter of choice or technical capability. In that sense, even the most forward-looking rural carrier ready for the IP transition, generally, and to implement

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9 Traced Act, S. 151, Section 3(b)(1) (as passed by the US Senate, May 23, 2019).

10 Stopping Bad Robocalls Act, H.R. 3375, Section 7 (b)(3)(A)(i)(I) (as passed by the, House July 24, 2019).

SHAKEN/STIR more specifically, would be effectively "blocked" from passing the certificates necessary to do so.

Thus, the Commission should also exempt rural carriers unable to exchange traffic with upstream providers unable or unwilling to do so. Such an exemption would simply recognize the "interconnected" nature of SHAKEN/STIR, and appropriately account for a larger systemic issue that must be worked through by the industry as a whole.

C. Any mandate applicable to smaller providers should take into account the lack of vendor solutions and the potentially significant costs involved.

While the vast majority of NTCA members have transitioned to "all-IP" switching facilities, the additional unique costs associated specifically with SHAKEN/STIR implementation are likely to be substantial nonetheless. These includes not only the hardware and software specific to the passing of certificates between carriers but also any other ancillary network upgrades that will be necessary as a result. Tokens and certificates as well as access to data analytics services (a key, inseparable component of SHAKEN/STIR as discussed more below) will require substantial investment as well. Moreover, most of these costs are not expected to be "one-time" investments but rather will come in the form of substantial annual financial outlays[11] that could be untenable for smaller, rural providers.

From a SHAKEN/STIR-specific perspective, NTCA members uniformly report that vendor solutions will not be available in 2019 or even early 2020. Unlike larger carriers that have the market share to drive the vendor community – and incidentally many of these larger carriers participated in the creation of SHAKEN/STIR with their network technologies and

[11] Initial vendor feedback suggests that SHAKEN/STIR solutions for rural carriers will likely come in the form of "managed" services that will come with annual service fees.

configurations in mind – the typical NTCA member is not so fortunate. Thus, for the Commission to expect a provider with a few thousand customers in rural America to implement SHAKEN/STIR on the same timeframe as a nationwide provider with millions of customers would be to ignore simple reality. To be clear, consumer demands will likely force rural carriers to adopt SHAKEN/STIR as fast as possible as consumers – rural carriers, for their part, understand this and, as community-based providers committed to protecting their customers, are working furiously to utilize every tool possible to combat robocallers. But the Commission should recognize the circumstances under which these carriers operate and proceed accordingly. Fortunately, as with the TDM/IP switching issue discussed in Section II.B, *supra*, Congress has signaled its recognition of this reality as well, directing the Commission to consider expanded compliance timeframes for rural carriers facing a substantial hardship in implementing SHAKEN/STIR.[12]

Thus, to the extent that the Commission considers a mandate necessary, it should grant to rural carriers compliance timeframes that recognize that these providers will need additional time to bring SHAKEN/STIR to rural America.

III. A NARROW SAFE HARBOR THAT IS LIMITED TO TARGETING CALLS THAT CONTAIN MALICIOUSLY ALTERED OR INSERTED CERTIFICATES, PAIRED WITH PROPER SAFEGUARDS, STRIKES THE RIGHT BALANCE BETWEEN COMBATTING ILLEGAL ROBOCALLS AND ENSURING THAT WANTED CALLS ARE COMPLETED.

Like operators across the nation, RLECs receive a large number of consumer complaints about unwanted robocalls. Instances of caller-ID spoofing often top of the list of complaints, as this practice when utilized by bad actors fools consumers into answering unwanted calls and

[12] *See infra*, fns. 9 and 10.

enables scams that have defrauded millions of consumers. As community-based providers, RLECs take seriously their duty to protect the rural Americans they serve and are committed to utilizing every tool they can find to mitigate the incidence of robocalls or other unwanted calls to their customers. RLECs are equally committed – much as the Commission is – to maintaining the reliability of voice service, something that has been a standard feature of the network for over a century and that includes the ability of a consumer to call, or be called by, any other consumer wherever they live or work. An appropriately and narrowly tailored safe harbor for the blocking of calls that attempt to circumvent SHAKEN/STIR authentication, coupled with certain safeguards, can both protect consumers from unwanted or illegal calls and ensure that wanted calls are delivered.

A. A narrow safe harbor targeted at those parties attempting to circumvent the protection of SHAKEN/STIR strikes the right balance between protecting consumers from unwanted calls and maintaining the reliability of the voice network.

The Commission should adopt a safe harbor for terminating providers that choose to block calls for which SHAKEN/STIR attestation is available and for which that provider has some indicia of a maliciously altered or inserted certificate.[13] As the *Notice* correctly states, when a bad actor has maliciously altered or inserted a certificate "to inappropriately spoof another number [in an attempt] to circumvent the protection provided by SHAKEN/STIR...the vast majority of calls blocked in such circumstances [are likely] to be illegitimate and call-blocking programs targeting such calls [are] deserving of safe harbor."[14] Certainly, there will be attempts by bad actors to circumvent the SHAKEN/STIR ecosystem and such practices should

[13] *Notice*, ¶¶ 51 and 53.

[14] *Id.*, ¶ 51.

be specifically targeted and providers should have confidence that doing so is sanctioned and even encouraged by the Commission and will not subject them to an enforcement action for blocking based on the mistaken belief that a certificate was altered.

A more expansive safe harbor, however, is inappropriate for several reasons. For one, a safe harbor that allows providers to block *any* calls that are not authenticated under SHAKEN/STIR misunderstands the very nature of that standard. SHAKEN/STIR does not, on its own, identify unwanted or illegal robocalls – to simplify, it indicates to the consumer, when implemented by an originating and terminating provider, that the caller-ID displayed has not been "spoofed." Callers can trust that calls so authenticated actually did come from the telephone number on the caller-ID display. Calls not authenticated may be unwanted or illegal, or they could just as well be wanted and legal but unauthenticated nonetheless (especially if exemptions such as those in the Traced Act are considered). But the basic lack of authentication, standing alone, tells providers *nothing* about the nature of the call itself other than the accuracy of the caller-ID. Moreover, SHAKEN/STIR authentication (or lack thereof) conveys no information with respect to the intent of the caller – an unscrupulous individual can still make calls that run afoul of the Telephone Consumer Protection Act ("TCPA")[15] from an authenticated telephone number.

Additional criteria – can, of course, further inform call blocking technologies, and those criteria (employed by data analytics providers) should also be used to further consider the nature of an unauthenticated call before it is blocked. To be sure, SHAKEN/STIR will prove to be a valuable tool in the fight against unwanted robocalls as widespread adoption of this technology

[15] 47 U.S.C. § 227, *et seq.*

will deal a blow to the effectiveness of caller-ID spoofing because this technology will give terminating providers (as well as law enforcement) much more information about the point of origin of call.[16] It will also allow for call blocking done with much greater insight and accuracy based on an analysis of call patterns, volumes, and other data points. Yet, because at bottom SHAKEN/STIR on its own *only confers information as to the accuracy of caller-ID and nothing else*, it does not tell a consumer or any analytics providers whether a call is or is not in fact an illegal or unwanted robocall. This makes the converse true as well – a call lacking authentication also does not indicate that a call is or is not an illegal or unwanted robocall and therefore blocking a call on the basis of the lack of authentication will limit millions of consumers' ability to trust in the reliability of the telephone network.

A failure to understand where SHAKEN/STIR fits into the robocall mitigation ecosystem – and to permit blocking merely due to the absence of authentication –would have a profound, negative affect on rural consumers. Simply put, allowing the blocking of calls based on nothing more than the lack of authentication alone would likely introduce "reverse call completion" problems for millions of consumers currently utilizing providers that have not yet adopted SHAKEN/STIR. As noted in further detail above, rural carriers are strongly committed to bringing the value of this technology to rural America – yet they simply cannot keep pace with the nationwide providers that developed SHAKEN/STIR with their network configurations and specifications in mind. The same goes, of course, for providers of all sizes in urban and rural areas, and while the largest providers may be poised to implement SHAKEN/STIR in the very near future, the standard will not reach critical mass as quickly. Failing to take this into account

[16] *See* ATIS webinar on SHAKEN, (Jan. 30, 2019), available at https://www.atis.org/01_news_events/webinar-pptslides/SHAKEN101_%20MitigatingIllegalRobocalling01302019.pdf

– and allowing calls to be blocked now based on the basic lack of authentication standing alone – will result in numerous customers of small and mid-sized service providers trapped in their small communities without the ability to place a phone call successfully to large portions of this nation.

B. Any safe harbor adopted by the Commission should be paired with a strong and mandatory process that allows for a rapid redress of "false positives" that inadvertently block legitimate calls.

The *Notice* seeks comment on protections the Commission could adopt to ensure that a safe harbor does not lead to the blocking of wanted calls.[17] As proposed in the *Notice*, a requirement that voice providers convey an "intercept message" to blocked callers is an important part of any protection the Commission adopts in this regard.[18] Combatting robocalls and protecting the reliability of the telephone network will require a delicate balance, and that will be threatened absent such a measure. Importantly, this is a problem that will implicate consumers on both ends of a call. Callers on the originating side will be forced to resort to emailing relatives or friends (or potential employees) because calls placed fail to complete for reasons they do not understand. (Rural carriers are of course well-versed in this area, as for years many calls placed *to* rural areas failed to complete and calling parties had to resort to other methods of communication to figure out what was happening.) On the terminating side, millions of consumers will potentially never receive calls, possibly without ever knowing they missed these calls they may have wanted, because they never knew calls to them were being blocked. It may only be their friends and relatives (or potential employers) trying to get through via other means who alert them via email that a call was never completed. Such a result is likely to frustrate parties on both sides as well as undermine goodwill toward providers and the

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17 *Notice*, ¶ 58.

18 *Id*.

Commission, and the sense of reliability that has been the hallmark of the United States voice communications network for over a century will be undermined. An intercept message (with specific instructions as to where and how to correct a false positive) will at the very least indicate to the calling party the source of the problem and enable them to start a process of correcting a "false positive."

Of course, knowing the source of the problem is of limited value if a consumer is inadvertently caught up and is the victim of a "false positive" they cannot overcome. While call blocking technologies are increasingly sophisticated, their widespread use was only recently enabled by the *Declaratory Ruling*. Mistakes will be made as these services roll out, and legitimate calls will be blocked – it would be foolish to expect otherwise and thus the Commission must account for this reality. Consumers stuck on a "blacklist" through no fault of their own and unable to make wanted calls (wanted by the would-be called party) must have a remedy that does not involve a complaint filed at the Commission – a "remedy" that could take years to resolve. Nor should consumers be forced to turn to their voice provider to intercede on their behalf. Voice providers that choose to *voluntarily* avail themselves of the authority granted by the *Draft Declaratory Ruling* or any provisions that emerge as a result of the instant *Notice* should be *required* (and not merely "encouraged")[19] to establish a process by which a party (or their provider if they so choose to offer such a service to their customers) can rapidly correct a false positive. Those providers balking at such a requirement should thus choose not to engage in call blocking.

[19] *See Declaratory Ruling*, ¶ 16.

IV. CONCLUSION

For the reasons as set forth above the Commission should:

1. Ensure that RLECs can participate in the SHAKEN/STIR ecosystem as expeditiously as possible by taking steps to facilitate their ability to enter into IP interconnection agreements under reasonable terms and conditions.
2. Create a narrow safe harbor that is limited to targeting calls that contain maliciously altered or inserted certificates.

Respectfully submitted,

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