July 24, 2019

Submitted via <http://apps.fcc.gov/ecfs/>

Federal Communications Commission

445 12th St. SW

Washington, DC 20554

Re: Declaratory Ruling and Third Further Notice of Proposed Rulemaking

CG Docket No. 17-59; WC Docket No. 17-97

Dear Sir or Madam,

On behalf of Professional Credit Service (Professional Credit), I am writing to provide feedback to the FCC regarding its Third Further Notice of Proposed Rulemaking (Third FNPRM). Professional Credit is a third-party collection agency headquartered in the Pacific Northwest and we work with creditors and consumers throughout the entire United States. As part of our mission, we recognize the importance of ensuring that every consumer is treated with dignity and respect. To that end, we are encouraged to see that the FCC seeks to thwart calls that originate from fraudulent or criminal enterprises. We further appreciate that the FCC is seeking to drive carriers toward building a system that can truly authenticate legitimate callers and screen out those who maliciously engage in caller ID spoofing. However, we do have some serious concerns that the Third FNPRM would limit the ability for legitimate businesses to connect with consumers.

**Unwanted calls are not necessarily unlawful calls**

As noted above, while we fully support the FCC’s efforts to put an end to unlawful scam calls made using an automatic telephone dialing system and/or artificial or prerecorded voice, the FCC’s current approach will likely capture “unwanted” calls that originate from legitimate businesses. We do not believe that such a stance will be beneficial to consumers and we caution to FCC to give further thought to the unintended consequences that could result when calls from legitimate businesses are subsumed by a call blocking mechanism that targets merely “unwanted” calls. The reality is that debt collection calls are informational calls that originate from legitimate businesses. Not all of those calls may be wanted, but there are surely scores of consumers who would prefer to receive a call from a debt collector than to end up with other serious consequences for non-payment of debt (such as adverse credit reporting, interest accruals, or the potential for a collection lawsuit). The possibility of these other consequences is then further magnified by the fact that the FCC sets out to allow carriers to designate call blocking as the default setting.

While there may be some merit to the position that consumers could be reluctant to turn on call blocking, it seems equally likely that many consumers are simply unaware that such technology exists. For those consumers, the Third FNPRM creates a scenario where someone outside of the control of the consumer has the ability to prioritize the prevention of nuisance calls over the right to receive important calls from legitimate businesses and other organizations (such as school safety notices or vitally important information from a medical lab or pharmacy). The only proposed safeguard appears to be the requirement for voice service providers to offer “sufficient information” so that consumers can make “an informed choice” as to whether to remain in the program or opt-out. While the FCC seeks to impose a requirement for a plain language description of the service, we have concerns as to how clearly that information will be conveyed to consumers. We believe the FCC should further require that the plain language description of the service be made separate from any lengthy “click-through” terms and conditions that are presented to the consumer, so as to increase the likelihood that the information is reviewed.

**The focus must remain on targeting bad actors and stopping unlawful calls**

The desire to provide for a safe harbor is understandable, but it should not apply until all carriers have implemented SHAKEN/STIR. The safe harbor should then be limited to only those calls that fail SHAKEN/STIR. The FCC should further require carriers implementing SHAKEN/STIR to provide timely notice to callers and subscribers when calls are blocked. The FCC must also implement a cost-free challenge process for legitimate callers to contest false positives. If a legal or administrative process is required for legitimate callers to challenge being misclassified, then there should be firm deadlines imposed upon the FCC to make a determination within a relatively short period of time, in order to mitigate the harm caused to legitimate businesses. The failure of the FCC to adhere to the deadlines should result in the caller’s challenge being allowed. Otherwise, the call blocking programs could frustrate the spirit of fair competition in the marketplace, as some unlucky callers could find that their calls are being misclassified and blocked, while competitors operating the same business are able to make calls without issue.

To avoid a scenario where legitimate businesses are misclassified because of the nature of the services they provide, any safe harbor that applies to a particular category of calls should be narrowly tailored and the relevant category must be well-defined. The FCC should also be mindful of the fact that, if left inadequately monitored, “white lists” could become de facto blacklists. In light of these concerns, we believe that the benefit to both consumers and businesses will be far greater if the FCC focuses its attention on a successful implementation of the SHAKEN/STIR framework.

**Conclusion**

In closing, the work that the FCC is doing is vitally important to consumers and to the business community. We all want a system where legitimate business calls have a path through to the intended recipient, while scam artists calls are halted and never delivered. That being said, we must remain guarded against the risk of reacting and overcorrecting to the unfortunate reality that so many of us receive scam calls from numbers that turn out to be the product of caller ID spoofing. We respectfully request that the FCC fully consider the ramifications of the Declaratory Ruling and Third FNPRM, as well as the impact that it will have on legitimate businesses. In doing so, we hope that the FCC will see that the ideal path forward is through implementation of the SHAKEN/STIR framework and not through default call blocking programs that prevent important information from reaching consumers.

Sincerely,

PROFESSIONAL CREDIT SERVICE

*/s/G. Scott Purcell*

G. Scott Purcell

President