

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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

**REPLY COMMENTS OF CTIA**

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CTIA respectfully submits these reply comments on the Notice of Proposed Rulemaking (“NPRM”) and Notice of Inquiry (“NOI”) released by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding seeking input on ways to protect consumers from the harm and annoyance of illegal robocalls.<sup>1</sup>

**I. INTRODUCTION AND SUMMARY**

CTIA and the wireless industry have led efforts to prevent illegal robocalls. Commenters cite carriers’ efforts to strengthen their networks and develop new tools to identify and block illegal robocalls as examples of industry leadership.<sup>2</sup> Many applaud the industry-led Robocall Strike Force.<sup>3</sup> The comments show that, contrary to some implications,<sup>4</sup> carriers and their data-

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<sup>1</sup> See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd. 2306 (2017) (“NPRM” and “NOI”).

<sup>2</sup> See, e.g., Comments of T-Mobile USA, Inc., CG Docket 17-59 at 1-3 (filed July 3, 2017) (“T-Mobile Comments”) (describing its Scam ID and Scam Block technology); Comments of First Orion, Corp, CG Docket 17-59 at 1 (filed July 3, 2017) (describing its Scam Likely technology); Comments of ACT | The App Association, CG Docket 17-59 at 3-5 (filed July 3, 2017) (“ACT Comments”) (describing apps developed to combat robocalls).

<sup>3</sup> See, e.g., First Orion Comments at 3; Comments of Sprint Corporation, CG Docket No. 17-59 at 1-2 (filed July 3, 2017) (“Sprint Comments”); Comments of the Alliance for Telecommunications Industry Solutions, CG Docket No. 17-59 at 3-4 (filed July 3, 2017) (“ATIS Comments”).

<sup>4</sup> Comments of Consumers Union, Consumers Action, Consumer Federation of America, National Association of Consumer Advocates, National Consumer Law Center of behalf of its

service partners are working actively and effectively to combat illegal robocalls. Recently, the Commission has been aggressively targeting those it finds are exploiting our calling infrastructure to make illegal robocalls.<sup>5</sup> CTIA applauds the FCC's efforts. As the Commission knows, enforcement alone will not abate all illegal robocall schemes.

Commenters support the Commission's proposals to empower consumers and carriers in this regard. The record shows consensus supporting a voluntary regime that permits carriers to block certain calls. Consistent with the goal of helping customers to control the types of calls they receive, the FCC should:

- create a voluntary call-blocking regime that permits carriers to block outgoing calls at the request of a subscriber, as well as calls originating from invalid numbers, unallocated numbers, and allocated but unassigned numbers;
- enact a broad safe harbor that protects carriers engaged in call blocking; and
- continue collaboration with industry on innovative robocall solutions.

At the same time, the Commission should reject calls to mandate burdensome new processes or create complex new infrastructure, including:

- white lists, which involve logistical and security challenges; and
- a centralized database or administrator, which would create complexity and expense without attendant benefit.

By adopting these recommendations, the Commission will preserve innovation and equip providers to block calls consumers do not wish to receive.

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low-income clients, Public Citizen, and Public Knowledge, CG Docket No. 17-59 at 3 (filed June 30, 2017) ("Consumers Union et al Comments").

<sup>5</sup> See, e.g., *Dialing Services, LLC*, FCC Releases Robocall Platform Fine (July 26, 2017) <https://www.fcc.gov/document/fcc-releases-robocall-platform-fine>; FCC Proposes \$120 Million Fine of Massive Caller ID Spoofing Operation (June 22, 2017) <https://www.fcc.gov/document/fcc-proposes-120-million-fine-massive-caller-id-spoofing-operation>.

## **II. COMMENTERS SUPPORT A VOLUNTARY CALL-BLOCKING REGIME, BUT SHARE CONCERN ABOUT SOME CATEGORIES OF CALLS.**

CTIA supports a voluntary call-blocking regime, and the record reflects support for this proposal. The challenges of call blocking, such as the risk of blocking legitimate calls, necessitate a voluntary regime, as carriers are in the best position to maximize blocking effectiveness while minimizing risk.<sup>6</sup> A blocking mandate is not necessary to effectuate the Commission's goals. In addition, a voluntary regime best fits the current state of the ecosystem in which some providers have the capability to block certain categories of calls while others do not.<sup>7</sup>

A voluntary regime also promotes innovation, as providers will have flexibility to develop and implement tools for identifying and blocking calls.<sup>8</sup> A mandate to use particular approaches will stymie creativity by creating "static measures . . . likely to be outpaced by the ingenuity of fraudsters and criminals."<sup>9</sup>

With respect to categories of calls suitable for blocking, commenters are generally supportive of the Commission's proposals to block calls at the request of a subscriber and to block calls originating from invalid numbers. With respect to the first category, commenters broadly favor permitting blocking where requested by the subscriber to a phone number – this can prevent that number from being spoofed. For example, a subscriber to a number supporting

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<sup>6</sup> Comments of USTelecom Association, CG Docket No. 17-59 at 10 (filed July 3, 2017) ("USTelecom Comments"); *see also* Sprint Comments at 4.

<sup>7</sup> Comments of CTIA, CG Docket No. 17-59 at 7-8 (filed June 30, 2017) ("CTIA Comments").

<sup>8</sup> T-Mobile Comments at 4.

<sup>9</sup> First Orion Comments at 3; *see also* T-Mobile Comments at 4 ("Mandating particular technological means [for blocking calls] would reduce carriers' ability to innovate to develop better solutions for preventing fraudulent calls.").

inbound-only call-center operations may seek to have its carrier block any outbound traffic purporting to be from that number. Likewise, a company or carrier may become aware that its number is being spoofed and ask for, or initiate blocking on, that number. There is wide support for codifying the *2016 Guidance Public Notice*<sup>10</sup> finding that calls originating from these numbers are presumptively spoofed and that the customer has consented to such blocking.<sup>11</sup> CTIA agrees with the Commission and commenters that these calls serve no purpose but to “annoy or defraud,” and that the spoofed number’s subscriber “has a legitimate interest in stopping the spoofed calls – in light of the significant reputational damage and other harms they cause.”<sup>12</sup> Permitting providers who are capable of blocking these calls to do so is an important step in abating illegal robocalls.

Commenters likewise broadly support blocking numbers that are invalid under the NANP. Blocking these numbers does not require industry coordination and is “relatively easy,”<sup>13</sup> given the characteristics of these numbers. Further, there is little risk associated with blocking such calls, as “it is impossible for [calls from] these numbers to be from legitimate, lawful callers and the chance that an individual or business will be harmed by blocking these types of numbers is non-existent.”<sup>14</sup>

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<sup>10</sup> *Consumer and Governmental Affairs Bureau Clarification on Blocking Unwanted Robocalls*, Public Notice, 31 FCC Rcd. 10961 (2016) (“*2016 Guidance PN*”).

<sup>11</sup> See e.g., ATIS Comments at 5; Comments of INCOMPAS, CG Docket No. 17-59 at 7-8 (filed June 30, 2017) (“INCOMPAS Comments”); Comments of Comcast Corporation, CG Docket No. 17-59 at 11 (filed July 3, 2017) (“Comcast Comments”).

<sup>12</sup> *2016 Guidance PN* at 10961; see, e.g., FTC Comments at 5; Comcast Comments at 11.

<sup>13</sup> Sprint Comments at 5; see also Comcast Comments at 19; Comments of Neustar, Inc., CG Docket No. 17-59 at 7 (filed July 3, 2017) (“Neustar Comments”); USTelecom Comments at 9.

<sup>14</sup> Comments of Electronic Privacy Information Center, CG Docket No. 17-59 at 6 (filed July 3, 2017).

The record reflects a broad consensus that other proposals are more complex, including proposals to permit blocking of (i) valid but unallocated numbers and (ii) allocated but unassigned phone numbers. Commenters state that this blocking is far more complex, and the Commission should proceed cautiously.<sup>15</sup> As the record shows, some providers have the capability to block these numbers, but others find it technologically difficult, given the need to constantly update networks with real-time number allocation and assignment information, and potentially share proprietary numbering information.<sup>16</sup> There are other risks associated with blocking calls originating from these numbers, including an increased risk of blocking legitimate calls,<sup>17</sup> and the danger that blocking these numbers could drive bad actors to spoof legitimate numbers.<sup>18</sup> In light of these challenges, the Commission should permit carriers who have the capability to identify and block these numbers to do so, but not mandate identification or blocking.

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<sup>15</sup> See, e.g., Comcast Comments at 19-20 (Blocking unallocated and unassigned numbers presents “potentially more significant practical challenges” and “pose[] potentially thorny implementation issues.”); Neustar Comments at 9-10 (“[T]he Commission’s proposal to permit service providers to block allocated but unassigned telephone numbers raises potential competitive concerns and presents serious implementation challenges.”); USTelecom Comments at 18 (noting the “extreme fluidity of the numbering environment.”).

<sup>16</sup> See, e.g., Neustar Comments at 9; Comments of NCTA – The Internet & Television Association, CG Docket 17-59 at 5 (filed July 3, 2017) (“NCTA Comments”); Comments of Professional Association for Customer Engagement, CG Docket 17-59 at 7 (filed July 3, 2017).

<sup>17</sup> See, e.g., T-Mobile Comments at 4; INCOMPAS Comments at 12.

<sup>18</sup> See, e.g., ATIS Comments at 6; USTelecom Comments at 13; NCTA Comments at 5.

### **III. COMMENTERS SUPPORT A SAFE HARBOR AND OTHER STEPS TO PROTECT CARRIERS WHO VOLUNTARILY BLOCK CALLS.**

CTIA applauds the Commission for supporting Section 4.2 of the Strike Force report, which sought Commission action to insulate carriers from liability for call blocking.<sup>19</sup> We urge the Commission to enact broad safe harbors for blocking, and to clarify that other rules do not pose an obstacle to information sharing that may facilitate such practices. Commenters agree and support a robust safe harbor for good-faith call blocking. A safe harbor is necessary to “provide certainty” that call blocking as proposed in this proceeding will not “violate[] the Commission rules or the Communications Act.”<sup>20</sup> Otherwise, “voice providers may be reluctant to implement reasonable robocall mitigation techniques that, while highly effective, may not be completely error-free and could otherwise expose providers to enforcement action for inadvertently blocked calls.”<sup>21</sup> A safe harbor must protect the entire ecosystem, including resellers that facilitate call blocking by underlying carriers.<sup>22</sup>

Commenters also urge the Commission to amend its customer proprietary network information (“CPNI”)-sharing rules as part of this safe harbor.<sup>23</sup> Providers must have the flexibility to coordinate and share information if they are to be successful in reducing the number of illegal robocalls. Information sharing is especially important if the Commission permits

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<sup>19</sup> Robocall Strike Force at 35-36 (Oct. 26, 2016) (“Strike Force Report”), <https://transition.fcc.gov/cgb/Robocall-Strike-Force-Final-Report.pdf>.

<sup>20</sup> ATIS Comments at 11.

<sup>21</sup> Comcast Comments at 9.

<sup>22</sup> Comments of TracFone Wireless, Inc., CG Docket 17-59 at 7-8 (filed July 3, 2017) (“TracFone Comments”).

<sup>23</sup> See, e.g., USTelecom Comments at 19-22; TracFone Comments at 6; Comments of ZipDX, CG Docket No. 17-59 at 22 (filed June 27, 2017) (“ZipDX Comments”); ATIS Comments at 5.



blocking at the request of a subscriber, as carriers need to share this request with each other, and may need to pass to other carriers information about the requesting subscriber, or those who call that subscriber, in order to effectuate their request. Although other government agencies argue that such sharing is already consistent with the FCC'S CPNI rules,<sup>24</sup> codifying this interpretation will provide clarity and certainty.

Now is precisely the right time to adopt a safe harbor, despite some commenters' opposition.<sup>25</sup> Carriers need predictability and cannot engage in call blocking if they fear lawsuits, enforcement action or other adverse consequences for failing to complete calls. Concern that a safe harbor will reduce incentives for carriers to block illegal robocalls are misplaced.<sup>26</sup> Practices that block legitimate calls will frustrate consumers and conflict with carriers' inherent interest in preserving and perpetuating a positive customer-carrier relationship.

#### **IV. THE COMMISSION SHOULD REJECT CALLS FOR A WHITE-LISTING SOLUTION.**

CTIA supports the position of other industry stakeholders who oppose white lists.<sup>27</sup> Although CTIA supports providing legitimate callers who have been blocked in error with the ability to have their numbers un-blocked, creating white lists is not the right solution. First, white lists are difficult to update. Our experience with similar lists for stolen phones and International Mobile Equipment Identity ("IMEI") database proves the challenges of keeping

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<sup>24</sup> Comment of the Federal Trade Commission, CG Docket 17-59 at 6 (filed July 3, 2017).

<sup>25</sup> Comments and Initial Regulatory Flexibility Analysis Response of NTCA–The Rural Broadband Association, CG Docket No. 17-59 at 5 (filed July 3, 2017).

<sup>26</sup> Comments of Microsoft Corporation, CG Docket No. 17-59 at 18 (filed July 3, 2017); *see also* Comments of the Voice on the Net Coalition, CG Docket No. 17-59 at 6 (filed June 30, 2017).

<sup>27</sup> USTelecom Comments at 18-19; ZipDX Comments at 23-24; First Orion Comments at 15.

such lists up-to-date with real-time information, which requires industry to monitor, audit, address or correct a list. As industry learned in its stolen phone work, effective management of a whole list requires global participation. Robocall-blocking efforts are too nascent to support coordination at that scale.

Second, as several commenters noted, a white list would be a target for hackers and security vulnerabilities. “Rogue companies could obtain white list phone numbers to circumvent the protections offered, which would be detrimental to the legitimate businesses who own those phone numbers” and would see their numbers spoofed by bad actors.<sup>28</sup> Mitigating such threats is difficult,<sup>29</sup> and a breach could result in significant adverse effects for those on the list, who would face “abysmal options” to remediate such a breach.<sup>30</sup> The security risks associated with a white list outweigh the potential benefits.

CTIA supports mechanisms to protect legitimate callers whose calls may have been blocked in error. Industry is working on tools, including black lists, to ensure that only illegitimate calls are blocked. USTelecom is hosting a workshop “aimed at helping develop ‘best practices’ for creating and maintaining blacklists.”<sup>31</sup> A flexible environment is key and the Commission should encourage providers to develop tools to protect legitimate callers and block illegitimate ones.

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<sup>28</sup> ACA International Comments at 9-10.

<sup>29</sup> Comments of Transaction Network Services, CG Docket No. 17-59 at 19 (filed July 3, 2017).

<sup>30</sup> USTelecom Comments at 19.

<sup>31</sup> *Id.* at 18.

## **V. NEITHER A CENTRAL DATABASE NOR AN ADMINISTRATOR ARE PRACTICAL SOLUTIONS FOR ILLEGAL ROBOCALL ABATEMENT.**

CTIA does not support the idea of a central call blocking database or administrator.<sup>32</sup>

The record also reflects opposition to this proposal and a lack of support for the creation of this infrastructure. A centralized database or administrator would be difficult to develop and maintain<sup>33</sup> and it is technologically infeasible to integrate such a database into networks, given the volume of calls that providers would need to track and potentially block.<sup>34</sup> A regulatory mandate to create complex new infrastructure is not warranted at this time.

## **VI. CONCLUSION**

CTIA appreciates the Commission's partnership in combating illegal robocalls. The proposals in the NPRM and NOI are an important step in this fight. CTIA supports a voluntary call-blocking regime and supports the Commission's proposals to authorize call blocking of phone numbers requested by the subscriber and invalid, unallocated, and unassigned phone numbers. The record reveals broad support for these proposals and for the Commission to foster a flexible environment that encourages carriers to block illegal robocalls by limiting liability for carriers that voluntarily engage in this public interest activity. Creating this environment will allow industry to protect consumers and keep up with the practices of bad actors. The wireless industry looks forward working with consumers and the Commission to help abate illegal robocalls.

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<sup>32</sup> NPRM ¶ 22; *see, e.g.*, Consumers Union Comments at 6; INCOMPAS Comments at 8-9 Comments of ITTA – The Voice of America's Broadband Providers, CG Docket No. 17-59 at 6 (filed July 3, 2017).

<sup>33</sup> Neustar Comments at 9.

<sup>34</sup> USTelecom Comments at 13.