

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Advanced Methods to Target and Eliminate Unlawful Robocalls)	CG Docket No. 17-59
)	
Consumer and Governmental Affairs Bureau Seeks Input for Report on Robocalling)	DA 18-638
)	

REPLY COMMENTS OF BROADNET TELESERVICES LLC

Broadnet Teleservices LLC (“Broadnet”) submits these Reply Comments in response to the Public Notice (“*Notice*”) seeking input for a Consumer and Governmental Affairs Bureau (“CGB”) staff report on the state of robocalling.¹ Broadnet broadly supports efforts to eliminate unlawful robocalls, yet Broadnet is concerned about the increase in blocking of legitimate and desired communications to consumers.

DISCUSSION

Broadnet, as a provider of a calling platform that enables its customers to engage large numbers of individuals in live conversations, supports the efforts of the Commission and industry to stop illegal and unwanted robocalls. Scam and other unlawful calls degrade consumers’ trust in legitimate and lawful communications, such as those made through Broadnet’s platform. They also unduly congest networks and consumers’ phones. Accordingly, fighting the scourge of illegal robocalls certainly is more than worthy of its position as Chairman

¹ See *Consumer and Governmental Affairs Bureau Seeks Input for Report on Robocalling*, Public Notice, CG Docket No. 17-59, DA 18-638 (rel. June 20, 2018) (“*Notice*”).

Ajit Pai’s top consumer protection priority.² Broadnet, thus, applauds the efforts by the Commission and industry to address the issue of illegal robocalls.

At the same time, however, as carriers and third-party application developers experiment with technological solutions for illegal robocalls, Broadnet has observed a rise in the number of legitimate calls made through its platform that fail to reach an intended and expecting audience. While there is a clear need to protect consumers from unlawful robocalls, it also is critical to ensure that important calls still reach consumers. As Commissioner Michael O’Rielly has explained, “real people will be hurt, be inconvenienced, or lose opportunities from overaggressive call blocking mechanisms.”³ For example, consumers may miss out on calls from “pharmacies providing prescription notifications, schools contacting parents or guardians when children are missing, or energy companies alerting the community that a catastrophe has subsided,” in addition to myriad other types of legitimate calls that benefit consumers.⁴

Indeed, although the record in response to the *Notice* shows the promise of current efforts in protecting consumers from illegal and unwanted robocalls,⁵ it also reveals a concerning increase in the number of legal and legitimate calls that have been inappropriately blocked. For example, the Professional Association for Customer Engagement (“PACE”), which represents a variety of legitimate callers and contact centers, among others, notes that some of its members

² See, e.g., *Advanced Methods to Eliminate Unlawful Robocalls*, Report & Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9755 (2017) (Statement of Chairman Ajit Pai) (“As Chairman, I’ve repeatedly made clear that the FCC’s top consumer protection priority is aggressively pursuing the scourge of illegal robocalls.”); see also *id.* at 9759 (Statement of Commissioner Jessica Rosenworcel) (“[I]t’s a good thing that this agency is taking action and making the cessation of these vexing calls a priority.”).

³ *Id.* at 9757 (Statement of Commissioner Michael O’Rielly).

⁴ *Id.*

⁵ See, e.g., Comments of AT&T, CG Docket No. 17-59 at 2-6 (filed July 20, 2018); Comments of CTIA, CG Docket No. 17-59 at 3-10 (filed July 20, 2018).

have experienced an astounding 20-30 percent reduction in connection rates for their lawful calls.⁶ In addition, PACE members have observed a “sudden and dramatic” increase in the number of calls to mobile phones that return a busy signal — an unusual response, given that mobile phones typically direct callers automatically to voicemail when the device is busy.⁷ Separately, contact center software and service provider Noble Systems reports a 15-25 percent reduction in its call connection rates.⁸

Callers relying on Broadnet’s platform have not been spared by overinclusive blocking. Broadnet has observed an increase in carriers designating official business communications made by federal officials through Broadnet’s platform as “fraudulent” or “spam.” These designations have resulted in a reduction in call answer rates, thereby depriving citizens of access to legitimate, protected communications.

Overblocking has consequences for consumers. As the Commission is aware, through Broadnet’s TeleForum™ technology platform, government representatives and officials can engage their constituents in live conversations on important issues, such as storm preparedness, Social Security benefits, Medicare benefits and program requirements, income tax filing procedures, K-12 education issues, and the growing opioid epidemic, among so many others.⁹ Broadnet’s platform also is used for other conversations consumers want, including, for example, calls from organizations seeking to provide valuable information to their members, consistent

⁶ Comments of PACE, CG Docket No. 17-59 at 3 (filed July 20, 2018) (“PACE Comments”).

⁷ *Id.*

⁸ Comments of Noble Systems Corporation, CG Docket No. 17-59 at 4 (filed July 20, 2018) (“Noble Systems Comments”). *See also* Comments of ACA International, CG Docket No. 17-59 at 1-2 (filed Aug. 13, 2018) (“[S]ome of the [credit and collection] industry’s calls have been blocked or impeded by technologies allegedly targeting ‘robocalls’”).

⁹ Indeed, the Commission has acknowledged the importance and value of these calls. *See Broadnet Teleservices LLC Petition for Declaratory Ruling, Declaratory Ruling*, 31 FCC Rcd 7394, 7402-7404 ¶¶ 15, 19 (2016).

with their members' consent and expectations.¹⁰ Yet, overinclusive blocking risks consumers' access to these conversations, whether with government officials, the leadership of organizations to which they belong, or the coach of their favorite football team.

Worse, consumers today are often denied access to these calls without their knowledge or consent. Many blocking mechanisms in the market today stop calls from reaching the consumer without ever notifying the consumer or the caller that a call had been blocked as a potentially illegal robocalls.¹¹ And these instances of overblocking will only increase as the nascent call blocking industry experiments with and implements new measures and as the Commission authorizes even more extensive blocking¹² – that is, unless carriers and third parties establish proper mechanisms to mitigate overblocking and account for legitimate call originators.¹³

CONCLUSION

Broadnet agrees that the rising numbers of unwanted and illegal robocalls are a serious concern, and supports Commission and industry efforts to address them. However, overinclusive call blocking mechanisms and technologies also pose a significant concern, and today consumers already are being deprived of many legitimate and important calls. Therefore, as CGB evaluates

¹⁰ For example, some Broadnet customers are sports teams that use the platform to call their season ticket holders for exclusive live conversations with the team's coach, players, or ownership about the upcoming season.

¹¹ In some cases, the best callers can hope for is a busy signal, which in turn may contribute to increased call volume and overworked networks as legitimate callers retry making their legitimate calls. *See, e.g.*, PACE Comments at 5-7; Noble Systems Comments at 4.

¹² *See, e.g., Consumer and Governmental Affairs Bureau Seeks to Refresh the Record on Advanced Methods to Target and Eliminate Unlawful Robocalls*, Public Notice, CG Docket No. 17-59, DA 18-842 (rel. Aug. 10, 2018).

¹³ Some commenters in the record have flagged a number of ways to help to mitigate overblocking. *See, e.g.*, PACE Comments at 4-8 (encouraging the development and promotion of blocking best practices, such as (i) real-time notification to callers and consumers, (ii) improvements to blocking/labeling algorithms and data collection mechanisms, and (iii) mechanisms to challenge and resolve inappropriate blocking).

the current state of robocalling pursuant to the *Notice*, it should continue to focus on the prevalence of overinclusive blocking, along with ways to address and mitigate it.

Respectfully submitted,

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