

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

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

**REPLY COMMENTS OF
USTELECOM – THE BROADBAND ASSOCIATION**

USTelecom – the Broadband Association (“USTelecom”) ¹ submits these comments in response to the Third Further Notice of Proposed Rulemaking (“Further Notice”) ² in the above-referenced dockets.

I. Introduction.

USTelecom members are deploying powerful call labeling and blocking tools to put consumers in control of their phones and maintain trust in the network.³ USTelecom and its members are strongly committed to taking all possible steps to shield consumers from illegal robocalls. We also recognize that many robocalls are legitimate calls that are beneficial to consumers, and thus are cognizant of the need to prevent such calls from being unintentionally blocked. As voice service providers enable the blocking of additional traffic, even with highly sophisticated and effective data analytics capabilities that are improving every day, this necessarily

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 See *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, FCC 19-51 (rel. June 7, 2019) (*Call Blocking Declaratory Ruling & Third Further Notice*).

³ See e.g., Commissioner Rosenworcel Releases Responses to Call for Robocall Blocking Tools, Attachment (Jan. 28, 2019), available at <https://docs.fcc.gov/public/attachments/DOC-355921A2.pdf>.

increases the chances that legitimate calls may be blocked. Thus, multiple Commenters, from a broad range of industries and a diversity of interests, express strong support for a broad safe harbor based on reasonable analytics, including, but not limited to, SHAKEN/STIR.⁴

The record also reflects support for the implementation of the SHAKEN/STIR framework, including for voice service providers accepting international traffic, regardless of their size. Industry is actively implementing the protocol,⁵ thus calling into question the need for a prescriptive mandate at this time. However, to the extent that the Federal Communications Commission (“Commission”) adopts rules, it is essential that any requirements concerning the adoption of SHAKEN/STIR acknowledge the limitations of legacy networks and the challenges in implementing the IP-based standard for voice service providers with significant portions of TDM in their networks.

⁴ See e.g., Comments of Verizon, CG Docket No. 17-59, at 11-12 (filed July 24, 2019) (*Verizon Comments*) (noting that the such a policy would support the goal of encouraging and “incentivizing service providers” to increase “robust blocking solutions.”); Comments of AT&T, CG Docket No. 17-59, at 5 (filed July 24, 2019) (*AT&T Comments*) (noting that the although SHAKEN/STIR is an important instrument, basing a safe harbor “solely on SHAKEN/STIR framework” would only encourage providers to initiate call blocking solutions in “only very narrow circumstances.”); Comments of T-Mobile., CG Docket No. 17-59, at 5-6 (filed July 24, 2019) (*T-Mobile Comments*) (stating a “broad, flexible safe harbor is in the public interest” and should cover voice service “providers that implement reasonable analytics to block calls, including implementation of STIR/SHAKEN”); Comments of Sprint., CG Docket No. 17-59, at 2 (filed July 24, 2019) (*Sprint Comments*) (stating that the “Commission recognized the need for reasonable analytics in the Declaratory Ruling” and should grant voice service providers with a “broad safe harbor that will encourage the deployment of these additional analytics in addition to SHAKEN/STIR”); See also Comments of Transaction Network Services, INC, CG Docket No. 17-59, at 3 (filed July 24, 2019) (*TNS Comments*) (noting that TNS supports a safe harbor that enables call blocking “if voice service providers utilize SHAKEN/STIR information along with reasonable analytics in call blocking programs.”); Comments of First Orion Corp., CG Docket No. 17-59, at 14 (filed July 24, 2019) (*First Orion Comments*) (stating that the Commission “should adopt a safe harbor that encourages providers” to “combine SHAKEN/STIR and reasonable analytics to identify and respond to illegal and unwanted calls”); Comments of Numeracle, CG Docket No. 17-59, at 3 (filed July 24, 2019) (noting the Commission “should provide a safe harbor for carriers that use reasonable analytics”).

⁵ Press Release, AT&T, AT&T, T-Mobile Deliver Cross-Network Call Authentication Technology (Aug. 14, 2019), available at https://about.att.com/story/2019/att_tmo_call-authentication.html (last visited Aug. 18, 2019); Press Release, Verizon, Verizon Offers New Ways to Battle Robocalls (Mar. 27, 2019), available at <https://www.verizon.com/about/news/verizon-offers-new-ways-battle-robocalls> (last visited Aug. 18, 2019); Press Release, AT&T, AT&T, Comcast Announce Anti-Robocalling Fraud Milestone Believed To Be Nation’s First (Mar. 20, 2019), available at https://about.att.com/story/2019/anti_robocall.html (last visited Aug. 18, 2019); Press Release, ATIS, Mitigating Illegal Robocalling Advances with Secure Telephone Identity Governance Authority Board’s Selection of iconectiv as Policy Administrator (May 30, 2019), available at <https://sites.atis.org/insights/mitigating-illegal-robocalling-advances-with-secure-telephone-identity-governance-authority-boards-selection-of-iconectiv-as-policy-administrator/> (last visited Aug. 18, 2019) (announcing of the selection of iconectiv as Policy Administrator).

There is also widespread recognition of the need to ensure emergency calls are not inadvertently blocked. The record supports centrally maintaining such a list if it is created. However, several Commenters, particularly public safety organizations, expressed concerns over the risks of such a list falling into the hands of illegal robocallers⁶, supporting USTelecom's view that such a list may be premature and not be necessary at this time.

In all of these endeavors, USTelecom urges the Commission to continue its “flexibility” and “a diversity of approaches” to stopping illegal and unwanted calls.”⁷ This approach enables industry to address new and emerging challenges efficiently and creatively. We encourage the Commission to continue collaborating with industry while allowing innovation and reasonable flexibility to tackle this complex problem.

II. Commenters Support the Adoption of a Broadly Defined Safe Harbor Based on Reasonable Analytics.

USTelecom's members are deeply committed to eliminating illegal robocalls and to providing innovative call blocking or labeling solutions whenever possible. However, even with the use of sophisticated call analytics technology, as voice service providers enable increased call blocking, the likelihood of some legitimate calls not reaching their destination also rises. Mitigation mechanisms exist to address such scenarios, but in a highly litigious area, it is not unreasonable for voice service providers to proceed with caution before significantly expanding call blocking capabilities. As a result, a broad safe harbor that protects voice service providers who base call blocking on reasonable analytics tools that have been specifically designed and

⁶ See Comments of Professional Association for Customer Engagement, LLC, CG Docket No. 17-59, at 6 (filed July 24, 2019) (*PACE Comments*) (noting that “the public would not be able to trust calls from emergency services” if “taken advantage of by scammers”); Comments of Consumer Reports, National Consumer Law Center, on behalf of its low-income clients, Consumer Action, Consumer Federation of America, National Association of Consumer Advocates, & Public Knowledge, CG Docket No. 17-59, at 9 (filed July 24, 2019) (*Consumer Reports Comments*) (stating that “only authenticated calls should be whitelisted” otherwise “scammers would be incentivized to spoof emergency numbers on a white list”).

⁷ *Call Blocking Declaratory Ruling & Third Further Notice* at ¶ 34.

developed to identify and categorize robocall traffic, is essential. As proposed, a safe harbor based solely on the SHAKEN/STIR protocol is too narrow; voice service providers are exposed to too much liability for such a narrow safe harbor to have its intended effect. USTelecom agrees with CTIA that voice service providers need the “ability to use any reasonable call blocking tools” to identify whether to block illegal or unwanted calls⁸ and with NCTA that the Commission should “strongly consider” broadening the safe harbor “to maximize the benefits of call blocking programs.”⁹

Several other Commenters shared USTelecom’s observation that a safe harbor for voice service providers that choose to block calls based solely on failed Caller ID authentication¹⁰ under the SHAKEN/STIR framework is too narrow and should instead be based on reasonable analytics.¹¹ USTelecom agrees with comments describing why blocking based on the failure of call authentication alone puts too much reliance on the SHAKEN/STIR framework, which it was not intended to do.¹²

Some Commenters suggested a limited and “narrow” safe harbor due to the “substantial risk” of calls being “erroneously blocked.”¹³ To the extent that some Commenters have concerns

⁸ Comments of CTIA, CG Docket No. 17-59, at 8 (filed July 24, 2019) (*CTIA Comments*).

⁹ Comments of NCTA, CG Docket No. 17-59, at 8 (filed July 24, 2019) (*NCTA Comments*).

¹⁰ *Call Blocking Declaratory Ruling & Third Further Notice* at ¶ 51.

¹¹ *Verizon Comments* at 11-12 (noting that the Commission should establish a safe harbor for service providers that use “reasonable analytics” to identify illegal or unwanted robocalls including “ingesting the STIR/SHAKEN verification.”); *AT&T Comments* at 3 (stating the “implementation of SHAKEN/STIR” and the use of reasonable “analytical tools” are both essential components for a broad safe harbor that will advance “the Commission’s and industry’s effort to tackle the robocall problem.”); *T-Mobile Comments* at 6-8 (noting that the broad safe harbor should extend to voice service providers that “implement reasonable analytics to block calls” and should “extend beyond STIR/SHAKEN”); Comments of Comcast, CG Docket No. 17-59, at 8 (filed July 24, 2019) (*Comcast Comments*) (stating that because SHAKEN/STIR is a “network-level protocol,” “analytics-based blocking” may be the “most efficient” way to implement.); Comments of The App Association, CG Docket No. 17-59, at 5 (filed July 24, 2019) (*ACT Comments*) (noting that the “if a safe harbor is to be evaluated at a later date” the Commission should make sure that a safe harbor is not on the “SHAKEN framework and attestation” alone, but also include “any reasonable analytics”).

¹² *TNS Comments* at 4 (noting that the intention of SHAKEN/STIR is to authenticate calls, not in “determining the lawful or unlawful intent of the caller.”); *First Orion Comments* at 4 (stating that SHAKEN/STIR “results can more reliably authenticate a call originator’s identity” rather than if a call is “legal or illegal”).

¹³ *PACE Comments* at 3; *See also* Comments of ACA, CG Docket No. 17-59, at 5 (filed July 24, 2019) (*ACA*

about over-blocking, the solution is not to establish an overly narrow safe harbor. Voice service providers are sensitive to over-blocking, the analytics tools they use are increasingly improving, and voice service providers are committed to quickly addressing any legitimate calls that do get blocked.¹⁴ Thus, such concerns can be addressed while still adopting a safe harbor that provides greater incentives for voice service providers to block illegal or unwanted calls.¹⁵ Some Commenters also questioned the need for a broad safe harbor due to concerns that “wanted calls” to rural consumers will not be completed or will be inappropriately blocked.¹⁶ As an association representing voice service providers of all sizes, all of whom serve rural America, USTelecom appreciates this concern. However, the solution is not to adopt a narrow safe harbor that reduces the likelihood of consumers having calls blocked they do not want to receive, including rural consumers. Rather, the solution is continued industry coordination to make sure that reasonable analytics do not inappropriately block calls to these customers, to make sure any inadvertent over-blocking that occurs is quickly mitigated, and to continue efforts to facilitate the implementation of call authentication protocols by such voice service providers where feasible.¹⁷

Some Commenters also suggested that the Commission could incentivize more voice service providers to conduct tracebacks on illegal robocalls by broadening its proposed safe harbor to incorporate calls blocked pursuant to such efforts and by requiring voice service

Comments).

¹⁴ *CTIA Comments* at 17 (stating voice service providers takes “concerns about over-blocking and false positives seriously” and is innovating and finding solutions “to mitigate the inadvertent blocking of legitimate calls”).

¹⁵ *AT&T Comments* at 14 (noting that a more flexible safe harbor “would enable industry’s effort” to reduce illegal robocalls by “evolving as the practices of bad actors evolve”); *Verizon Comments* at 12 (stating “consumers will benefit from a strong safe harbor granting voice service providers a green light to block more aggressively”); *T-Mobile Comments* at 2 (noting that a “broad safe harbor” that includes “reasonable safeguards” to make sure that “critical public safety calls are not blocked” will “encourage wide spread deployment of default call blocking”); *First Orion Comments* at 13-14 (noting the “proposed safe harbor will not adequately protect consumers from illegal calls” because voice service providers will likely “fear consumer outcry” for the “over-blocking that would occur” if voice service providers “block solely on SHAKEN/STIR.”).

¹⁶ Comments of NTCA, CG Docket No. 17-59, at 10 (filed July 24, 2019) (*NTCA Comments*); Comments WTA, CG Docket No. 17-59, at 6 (filed July 24, 2019) (*WTA Comments*).

¹⁷ *NCTA Comments* at 8; *CTIA Comments* at 3.

providers to be cooperative in traceback efforts in order to receive the benefits of a safe harbor.¹⁸ As the entity responsible for managing the Industry Traceback Group (“ITG”)¹⁹, we encourage participation from all voice service providers to conduct tracebacks of suspected illegal calls²⁰ and support suggestions that the availability of a safe harbor should be conditioned on traceback participation.²¹ The Commission can support multiple public policy objectives by granting a safe harbor based in part on traceback participation.²² As suggested by West, increased participation in the ITG will not only be vital to stopping illegal robocallers, but could also allow voice service providers to “refine their analytics” to exclude call patterns that characterize legitimate calls.²³ USTelecom agrees with AT&T that the already “exceptional working relationship” between the IT[G] and the Commission can rely on the established partnership to “identify voice [service] providers facilitating illegal robocall traffic.”²⁴

In short, consistent with the majority of Commenters addressing this issue, the Commission should broadly define its safe harbor to provide protections for voice service providers that block calls based on reasonable analytics, including the use of SHAKEN/STIR.

¹⁸ Comments of The Massachusetts Department of Telecommunications and Cable, CG Docket No. 17-59, at 5 (filed July 24, 2019) (*Massachusetts Dept. Comments*); See Comments of West, CG Docket No. 17-59, at 22 (filed July 24, 2019) (*West Comments*) (noting that the Commission should “establish cooperation” into programs such as “USTelecom’s Industry Traceback Group” as a requirement for “Safe Harbor protection”).

¹⁹ See The USTelecom Industry Traceback Group (ITG), What Is the Industry Traceback Group, available at <https://www.ustelecom.org/the-ustelecom-industry-traceback-group-itg/> (last visited Aug. 21, 2019) (noting “USTelecom leads the Industry Traceback Group (ITG), a collaborative effort of companies from across the wireline, wireless, VoIP and cable industries that actively trace and identify the source of illegal robocalls. The ITG coordinates with voice service providers at all levels within the call path seeking to identify the source of and eliminate illegal robocall traffic. The ITG also coordinates with federal and state law enforcement agencies to identify non-cooperative providers so they can take enforcement action, as appropriate.”).

²⁰ See Remarks of FCC Chairman Pai USTelecom Forum: Turning The Tide of Illegal Robocalls at 1 (June 11, 2019), available at <https://docs.fcc.gov/public/attachments/DOC-357911A1.pdf> (noting that [USTelecom] has “been an important ally in promoting broad industry participation in these “traceback” efforts.”).

²¹ *West Comments* at 21; *Massachusetts Dept. Comments* at 4-5; *Sprint Comments* at 3-4 (noting safe harbor protection for voice service providers to combat illegal robocalls when voice service providers participate in “industry traceback efforts to help law enforcement agencies”).

²² *Verizon Comments* at 5 (noting “the right check on whether a provider’s robocall mitigation program is sufficient” should depend on voice service provider’s cooperation in tracebacks).

²³ *West Comments* at 22.

²⁴ *AT&T Comments* at 23.

III. The Commission Should Continue to Support Industry-Led Implementation of SHAKEN/STIR and Acknowledge Technological Implementation Challenges.

USTelecom members have publicly committed to deploying SHAKEN/STIR and are actively taking steps to meet those commitments.²⁵ Thus, USTelecom agrees with NCTA and CTIA that given the “steady progress that industry continues to make”²⁶ the Commission should “avoid any prescriptive mandates” for the implementation of SHAKEN/STIR at this time.²⁷ Similarly, Comcast urged the Commission to “explore all options” to motivate voice service providers to implement SHAKEN/STIR rather than imposing a “mandate at this time.”²⁸ Several Commenters also emphasized that the Commission should therefore consider alternatives to imposing a mandate at this time, a sentiment that USTelecom supports.²⁹ However, as other Commenters suggested, the Commission should explore requiring voice service providers acting as gateway providers for international traffic, regardless of their size, to implement the SHAKEN/STIR standard.³⁰ It should also explore other options that may be available, including enforcement activity, against international entities responsible for generating millions of illegal

²⁵ Comments of USTelecom, CG Docket No. 17-59, at 4 (filed July 24, 2019) (*USTelecom Comments*); *See also*, Letters From Chairman Pai to multiple carriers [voice service providers] on the status of SHAKEN/STIR deployment and carrier responses *available at* <https://www.fcc.gov/call-authentication> (last visited Aug. 18, 2019).

²⁶ *NCTA Comments* at 5.

²⁷ *CTIA Comments* at 17.

²⁸ *Comcast Comments* at 10 (stating that “strong market-based incentives” will motivate voice service providers to implement SHAKEN/STIR).

²⁹ *NCTA Comments* at 2 (noting “the Commission should continue to monitor the rollout of SHAKEN/STIR and consider alternatives to imposing mandates at this time”); *CTIA Comments* at 23 (stating that the larger voice service providers have already “committed to implementing the SHAKEN/STIR framework by the end of 2019;” therefore, “the Commission should also preserve flexibility for voice service providers” in order to “innovate in response to consumer demand and changing illegal robocaller tactics”); *Consumer Reports Comments* at 4 (noting that for voice service providers that currently “do not have the capacity” to implement SHAKEN/STIR, “alternative techniques should be identified and applied on an expedited basis”); Comments of Competitive Carriers Association, CG Docket No. 17-59, at 4 (filed July 24, 2019) (*CCA Comments*) (stating “the Commission should allow additional innovative solutions to develop further before adopting mandates”).

³⁰ *See e.g.*, *Verizon Comments* at 3 (stating “the STIR/SHAKEN requirement should include all voice service providers that send traffic to U.S. Consumers”); *CTIA Comments* at 15 (stating “[i]llegal and unwanted robocalls may originate” by smaller or larger providers located in the U.S. or abroad; therefore, “the Commission should encourage voice service providers to leverage Caller ID authentication, including SHAKEN/STIR, to combat illegal calls no matter where they originate”); *Consumer Reports Comments* at 5 (noting “full participation in the traceback program will also help address fraudulent international calls” as SHAKEN/STIR does not currently “effectively protect against calls originating internationally”); *T-Mobile Comments* at 6 (stating that “the greater number of carriers that use STIR/SHAKEN, the more effective it will be”).

robocalls.

Industrywide implementation of SHAKEN/STIR is very important for it to be effective; however, it is not possible for all voice service providers to immediately implement the protocol. Several Commenters indicated the need for an exemption or more time for smaller voice service providers and for providers whose networks include significant amounts of legacy TDM technology.³¹ As stated in our initial comments, it is important for the Commission to acknowledge the limitations of SHAKEN/STIR with respect to TDM networks at this time and to provide sufficient implementation flexibility for smaller voice service providers if a mandate to implement SHAKEN/STIR is adopted.³²

USTelecom acknowledges that smaller voice service providers, many of whom we represent, may experience significant costs and technological challenges in implementing SHAKEN/STIR.³³ NTCA and WTA have both urged the Commission to either provide an “exempt[ion]” to providers using TDM facilities” or to “adopt a staggered timetable “for SHAKEN/STIR implementation, which USTelecom strongly encourages the Commission to consider.³⁴ For any exemptions that the Commission may provide, it should consider Verizon’s

³¹ *Verizon Comments* at 3 (noting the SHAKEN/STIR implementation framework “should include appropriate exemptions” for voice service providers that have TDM technology in their network since singing calls with STIR/SHAKEN does not exist for these technologies.); *CCA Comments* at 2 (stating the “Commission also should be mindful” that a large number of voice service providers such as in rural America, “continue to operate TDM networks or receive significant amounts of traffic via TDM tandems” which causes many unique problems for the implementation of STIR/SHAKEN); *PACE Comments* at 8 (noting “smaller carriers” that primarily offer services to “rural and underserved populations” will not have the same resources as larger voice service providers and “the Commission should allow additional time to these smaller carriers”).

³² *USTelecom Comments* at 15.

³³ *Consumer Reports Comments* at 4 (noting “small and rural carriers” should be granted “flexibility with respect to deadlines for SHAKEN/STIR implementation, but the Commission “should identify and take steps necessary to enable full participation”); *ACT Comments* at 7 (stating that “small and medium-sized providers” may have difficulty implementing SHAKEN/STIR because of “limited resources”).

³⁴ *WTA Comments* at 5; *NTCA Comments* at 7; Comments of Mississippi Public Service Commission, CG Docket No. 17-59, at 2 (filed July 24, 2019) (*MSPSC Comments*) (noting that the MSPSC “would like to see an extended timeline for these providers to implement a SHAKEN/STIR protocol as dictated by the FCC”); *See also* Traced Act, S. 151, Section 3(b)(1) (as passed by the US Senate, May 23, 2019) (including a TDM exemption); Stopping Bad Robocalls Act, H.R. 3375, Section 7 (b)(3)(A)(i)(I) (as passed by the, House July 24, 2019) (including 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).

suggestion that the Commission should require any voice service provider that receives an exemption have “safeguards in place” to prevent illegal robocallers from traversing its network in order to “bypass the authentication framework.”³⁵

IV. While Not Necessary at This Time, If Established, A “Critical Calls List” Should be Centrally Maintained.

USTelecom and Commenters broadly agree that emergency numbers should not be blocked.³⁶ Thus, while we support the Commission’s objective in creating a Critical Calls List, USTelecom agrees with suggestions that the creation of such a list may not be necessary at this time.³⁷ The Commission should first take time to determine whether such calls are being blocked or whether the combination of analytics tools and SHAKEN/STIR implementation may eliminate the need for a Critical Calls List. As emphasized by Sprint, “the best path forward” for industry to prevent blocking emergency calls is for voice service providers to “adopt SHAKEN/STIR.”³⁸

However, if the Commission does create a Critical Calls List, there is strong support for centrally maintaining the list.³⁹ As stated in our initial comments, it is important to reinforce that separate lists maintained by several entities would also lack uniformity and discrepancies would likely exist that could cause harm or confusion.⁴⁰ Separate lists would be administratively inefficient and unreliable for both industry and public safety entities and updating this Critical Calls List would be a massive and inefficient task.⁴¹ Further, access to the list should be

³⁵ *Verizon Comments* at 1.

³⁶ *Verizon Comments* at 12; *CTIA Comments* at 19, *First Orion Comments* at 11; *T-Mobile Comments* at 9; *Sprint Comments* at 4; *Comcast Comments* at 11.

³⁷ Comments of AARP, CG Docket No. 17-59, at 11 (filed July 24, 2019) (*AARP Comments*) (noting a universal white list should not be implemented until called ID authentication has been fully implemented); *Sprint Comments* at 5, (noting the critical calls list should not be a white list).

³⁸ *Sprint Comments* at 5.

³⁹ See e.g., *Verizon Comments* at 12, *Comcast Comments* at 11, *CTIA Comments* at 21, *NCTA Comments* at 11, *ACT Comments* at 6; *TNS Comments* at 12 (noting if voice service providers were to be required “to maintain Critical Calls Lists,” there would be “hundreds of such lists” and the risk of those lists to be abused would increase).

⁴⁰ *USTelecom Comments* at 11.

⁴¹ See also *Sprint Comments* at 5 (noting “carriers are not well positioned to maintain individual lists of critical

restricted and kept confidential and secure so that it does not fall in to the hands of illegal robocallers who will spoof such numbers, thus having the opposite effect than intended.⁴² Additionally, if a Critical Calls List is created, then it is critical that there be significant criminal penalties for those who are found to illegally spoof these numbers due to the public nature of such numbers and ease of determining that a number is a critical service number. Confidential protection of a Critical Calls List would be of little benefit when only logic would be needed to deduce whether a number may be classified as a critical number.⁴³

Finally, defining the scope of the universe of “emergency calls” is also important. Several Commenters stated the importance of defining “critical calls” and the need for input from voice service providers and the public safety community.⁴⁴ T-Mobile pointed out that “expanding the category of critical calls beyond PSAPs” will make it challenging for voice service providers.⁴⁵ In addition, the Commission should consider also adopting a “safe harbor for voice [service] providers” that depend on the Critical Calls List if those voice service providers “inadvertently block an emergency number” if the “emergency number is not included on the list.”⁴⁶ Therefore, it is important for the Commission to work with all stakeholders to make sure there is an appropriate definition of the types of calls that should not be blocked and there are proper protections in place.

callers” because it would “lead to uneven results by carrier and analytic entities”).

⁴² See e.g., *USTelecom Comments* at 10; *Verizon Comments* at 12 (stating “the Commission and industry should work together to address the risk” of bad actors attempting to spoof critical numbers); *CTIA Comments* at 21 (noting the “Critical Call List” should be kept confidential to avoid spoofing); *NCTA Comments* at 11 (stating in order to “decrease the risk” of bad actors “gain[ing] access to the Critical Calls List, it should be kept non-public”); *T-Mobile Comments* at 10 (noting that making sure “numbers on the list are not spoofed” and “maintaining confidentiality” of a centralized list should be resolved); *Comcast Comments* at 13 (noting “while there is always a risk with every new tool that bad actors might discover ways to exploit it, keeping the Critical Calls List non-public and tightly guarding access to it” will help greatly by “minimizing that risk and ensuring that it remains a useful tool.”).

⁴³ Something as simple as phone directories may be used to identify poison control numbers or numbers associated with hospitals or police or fire departments.

⁴⁴ *CTIA Comments* at 20 (noting that “the Commission should define critical calls to promote certainty”); *T-Mobile Comments* at 2 (stating the Commission should receive input from industry to determine “what constitutes critical calls”).

⁴⁵ *T-Mobile Comments* at 10.

⁴⁶ *NCTA Comments* at 12.

V. CONCLUSION

There is strong support for providing voice service providers greater flexibility to address the problem of illegal and unwanted robocalls. To achieve the Commission's objectives, a broad and robust safe harbor based on reasonable analytics should be established for voice service providers. The Commission should allow for continued industry-led implementation of SHAKEN/STIR, rather than an inflexible mandate. To the extent that such a mandate is adopted, it must account for the limitations of a protocol designed for IP network for those voice service providers with TDM components in their networks. It should also consider flexibility for smaller voice service providers who may experience unique implementation challenges. Finally, the Commission should spend more time evaluating the implementation of SHAKEN/STIR and call blocking tools before requiring the establishment of a Critical Calls List. However, if such a list is created, it should be centrally and securely maintained.

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