

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

In the Matter of)
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Advanced Methods to Target and Eliminate) CG Docket No. 17-59
Unlawful Robocalls)
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COMMENTS OF FIRST ORION CORP.

First Orion Corp. (“First Orion”) submits these comments in response to the *Third Report and Order, Order on Reconsideration, and Fourth Notice of Proposed Rulemaking*.¹

T-Mobile USA, Inc. (“T-Mobile”) and First Orion have offered opt-out call labeling with opt-in call blocking, free of charge, to the entire T-Mobile subscriber base since 2017.² The Scam ID service labels inbound fraudulent calls as “Scam Likely,” alerting over 65 million T-Mobile subscribers to either allow such calls to go to voice mail or to answer with the knowledge such calls are likely scams. Subscribers may also opt in for Scam Block, which will result in previously labeled calls. To date, only a fraction of 1% of subscribers have chosen to turn off Scam ID, pointing to the popularity of labeling.

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, CG Docket No. 17-59, FCC 20-96 (rel. July 17, 2020) (“*Third Report and Order*”).

²T-Mobile also offers mobile applications such as Name ID (now Scam Shield) that, in addition to providing traditional caller ID with name, labels other calls for which a name is not available or when analytics suggest a particular label is a more effective and accurate description of the call.

I. THE STEPS TAKEN BY THE COMMISSION SUPPLEMENT AND IMPROVE EXISTING INDUSTRY EFFORTS TO PROVIDE SUFFICIENT OPPORTUNITY FOR TRANSPARENCY AND REDRESS FOR BLOCKING

Prior to the Third Report and Order, the record reflected that major carriers and the analytics engines that provide blocking and labeling services already offered redress mechanisms that substantially complied with the requirements ultimately imposed by the Commission in the Third Report and Order. The table below and the information provided therein was part of the public record³ and provided the information necessary to identify and engage the 3 major analytics engines offering services to the major wireless carriers.

| Analytics Engine | Service Provider | Primary Label | Free Data Registration | Redress | Contact Time |
|-------------------------|---------------------------------------|---------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------|
| First Orion | T-Mobile | “Scam Likely” | www.calltransparency.com | https://callreporting.t-mobile.com/ | 24 hours |
| Hiya | AT&T | “SpamRisk “Fraud Risk” | https://hiya.com/manageyourcallerid | support@hiya.com | Next business day |
| TNS | Verizon, Sprint, US Cellular, C-Spire | “Potential Spam” | https://reportarobocall.com/trf/ | Communications@tnsi.com | Next business day |

With T-Mobile Scam ID, consumers and call originators can inquire about potential issues at <https://callreporting.t-mobile.com/>. All inquiries are responded to within 24 hours (and usually immediately) and then researched by the T-Mobile/First Orion team. As the Commission notes,⁴ the time required for investigation can vary based on specific circumstances—including call originator responsiveness. Updates to our service or corrections are completed within 24 hours (and usually within an hour) after completion of the investigation.

³Reply Comments of First Orion, WC Docket 17-97 & 20-67, at 3-7 (May 29, 2020).

⁴Third Report and Order, ¶ 55.

We do applaud the Commission for establishing improvements to the existing processes such as requiring a single point of contact and a reasonableness standard for investigating and resolving blocking disputes. Collectively, the steps taken by the Commission and the industry to protect against erroneous blocking are sufficient and “strike an appropriate balance between the legitimate needs of both callers and voice service providers.”⁵

In addition to pursuing redress, it is also worth noting, again, that call originators can contribute to the transparency and effectiveness of the call management ecosystem by engaging with the key participants via their data registration processes. For example, with www.calltransparency.com, deployed by First Orion over three years ago, call originators can proactively establish in our system that they are legitimately associated with particular calling numbers. This association between legitimate caller(s) and number(s), once vetted by our research and validation team, is another important data point for our analytics: it creates a rebuttable presumption that calls from that number are legitimate. (These registered numbers can also be spoofed, so in order to protect consumers and call originators alike, the option to override the registration must be maintained). There are no fees of any kind associated with registering and registered users can also inquire about potential blocking and labeling issues via the platform. The resulting dialogue is intended to facilitate the type of transparency required by the TRACED Act and frequently demanded by call originators. We appreciate that the Commission has encouraged call originators to engage with carriers and their partners in the Third Report and Order and appreciate any additional efforts to facilitate greater cooperation.⁶

⁵ Third Report and Order, ¶ 57.

⁶ Third Report and Order, ¶ 47 (“Furthermore, we encourage callers to work with voice service providers, along with their blocking and analytics partners, to ensure that they accurately identify calls before they block any calls.”).

II. NO ADDITIONAL REQUIREMENTS FOR LABELING REDRESS ARE AUTHORIZED OR REQUIRED

In the TRACED Act Congress chose to apply its requirement for “effective redress” to erroneous blocking, not labeling.⁷ One logical reason for that is the different nature of labeling services versus blocking: called parties see the label (such as Scam Likely) and elect to either answer the call or send the call to voice mail (which they can then check). That said, as illustrated above the redress mechanisms offered by the major analytics engines and their carrier partners for blocking also address issues relating to labeling. No further action is required by the Commission to ensure effective redress for call originators or consumers.

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Respectfully submitted,

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⁷ See Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, § 10(b), 133 Stat. 3274, 3284 (2019).