

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

In the Matter of)	
)	
Advanced Methods to Target and)	CG Docket No. 17-59
Eliminate Unlawful Robocalls)	
)	
Alarm Industry Communications)	
Committee Petition for Clarification or)	
Reconsideration)	
)	
American Dental Association Petition for)	
Clarification or Reconsideration)	

COMMENTS OF THE NATIONAL OPINION RESEARCH CENTER

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EXECUTIVE SUMMARY

The Commission's Fourth Further Notice of Proposed Rulemaking seeks comment on, among other things, whether the FCC has gone far enough to ensure that legitimate, lawful callers have transparency and effective redress for "unintended or inadvertent" call blocking measures. Unfortunately, the answer to that question is a resounding no.

The National Opinion Research Center ("NORC") supports the Commission's efforts to establish a reliable, transparent system to block illegal calls and to regain public trust in telephone communications. However, from its vantage point as the Center for Disease Control's ("CDC") contractor, performing the agency's annual National Immunization Survey ("NIS"), NORC's call completion rate has eroded materially. The reasons for this appear to be the use of analytics engines that do not appropriately differentiate between spam and legitimate federal health policy calls such as those placed by NORC on behalf of the CDC.

The annual NIS is the CDC's primary means to gather critical public health information. The survey requires that NORC place millions of calls to collect vaccination information. The necessary calling pattern for this survey is what is required for the survey to succeed in its data collection and be valid. However, it appears that some portion of attempted calls are being labeled as spam and blocked from completion. This presents a serious public health problem that requires a prompt and comprehensive solution.

Since June 2019, with the implementation by default of "reasonable analytics" by voice service providers NORC has, through indirect means, confirmed that its CDC NIS calls are being blocked because of an erosion in call completion rate. This is despite the importance of the calls NORC makes for the CDC and the fact that the phone numbers used for this calling are few, they are published on the CDC website and calls are labeled with the caller ID of "CDC NATL IMMUN." NORC has been unable to get this situation addressed. Even after research and independent inquiry, there is no consistency in information about who is blocking and why, and

as a result NORC lacks the ability to get its CDC calls flowing as before. No party in the blocking ecosystem currently appears to be accountable to notify NORC that a call has been blocked, which is absolutely critical and necessary information, or to provide prompt redress for mislabeling of calls. NORC experienced a situation this year where a carrier had its analytics logic disrupted, resulting in the proportion of busy signals returned by that one carrier changing from a baseline of less than 2% to nearly 26% of all numbers associated with that carrier over a period of more than four weeks. NORC was not notified by the carrier of the issue and only became aware of the situation due to independent investigation of these significantly reduced call answer rates. More must be required.

The TRACED Act requires that there be transparency, accountability, and meaningful redress for erroneous call blocking. These conditions plainly are lacking in the current default call blocking system, at least as to false positive call labelling and blocking of CDC calls as spam. The protections Congress created and the FCC assured would be available to callers are currently illusory. Any safe harbor protection to voice carriers and call-blocking service providers must be conditioned on effective real time notification and publication of these blocked numbers and their assigned labels, as well as transparent, prompt redress for erroneous blocking. NORC would welcome new solutions or FCC rules that can improve call completion outcomes for the federal government.

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COMMENTS OF THE NATIONAL OPINION RESEARCH CENTER

The National Opinion Research Center (“NORC”) submits these Comments to address critical aspects of the Federal Communications Commission’s (“FCC” or “Commission”) Fourth Further Notice of Proposed Rulemaking (“Further Notice”) addressing the implementation and effectiveness of call blocking measures.¹ NORC is on the front lines of carrier implementation of default call blocking and it is apparent based on its experiences that the Commission should not extend safe harbor protection beyond where it stands today before callers and consumers can be confident that “reasonable analytics” are not mislabeling and blocking calls without any notice to callers. Otherwise, the requirement of transparency and effective redress required in the TRACED Act will be meaningless.²

¹ See Advanced Methods to Target and Eliminate Unlawful Robocalls, *3d Report and Order, Order on Reconsideration, and 4th Further Notice of Proposed Rulemaking*, CG Docket No. 17-59, FCC 20-96 (July 17, 2020), <https://docs.fcc.gov/public/attachments/FCC-20-96A1.pdf> [hereinafter “Order and Further Notice”].

² See 47 U.S.C. § 227(j)(1)(A) (amended by Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. 116-105, 133 Stat. 3274, § 10(b) (2019)).

Since the issuance of the Commission’s 2019 Declaratory Ruling³ on call blocking, inconsistent and non-transparent call-blocking analytics employed by voice service providers have resulted in noticeable blocking of federal government calls NORC places without any notice to NORC. NORC’s calls are legitimate calls that are critical to public health. Because many existing analytical tools continue to be inaccurate and in many cases overly inclusive in mislabeling calls, these false positive labels result in far too many blocked calls without any notice to the caller. This requires immediate attention by the Commission to at the very least ensure that real time notification of call blocking is the norm. However well-intentioned the Commission’s call blocking determinations to rely on “reasonable analytics” may have been, its implementation within a complicated ecosystem of carriers and third-party analytics providers requires continued vigilance and further action by and guidance from the Commission.

NORC fully supports the FCC’s goal to combat illegal or malicious robocalls as well as spoofed calls. A reliable, transparent system for the successful blocking of spam, illegal and telemarketing calls placed without prior consent should help to regain consumers’ trust in the validity of incoming calls, which was the motivating reason for the Commission’s encouragement for the deployment of call authentication frameworks. However, current opaqueness in the use of today’s call-blocking analytics tools is having a deleterious effect on call completion and adding costs onto legitimate business callers without obvious benefit, and certainly without any notice. When a caller today suspects, based on an erosion of its call completion statistics, that an outbound call may have been blocked, it has no ability to confirm that the call was in fact blocked, no knowledge of who blocked it, or insight into the root determination as to why it was blocked. This is despite the Commission’s statement in its 2019 Declaratory Ruling that notice and prompt redress are critical pieces of the call blocking puzzle

³ Advanced Methods to Target and Eliminate Unlawful Robocalls, *Declaratory Ruling & 3rd Further Notice of Proposed Rulemaking*, 34 FCC Rcd. 4876 (2019).

as well as provisions in the TRACED Act that require transparency and ready redress.⁴

Callers face another nearly insurmountable set of challenges when the mechanism to remedy erroneous blocking is either not available or where service providers and analytics companies each point to the other as the probable cause of blocking, but do nothing to notify callers and address the underlying root cause to allow calls to be completed. This effectively creates a system where the caller has no meaningful opportunity to discover or to challenge arbitrary or incorrect call labeling. This cannot be what Congress or the FCC intended.

More is required of the ecosystem to provide notification and prompt redress when calls are blocked using a false positive probability or other assumption. The FCC cannot abandon the field to carriers and third-party providers to determine their own subjective criteria for what they deem to be “reasonable analytics,” particularly when the false positive mislabeling results as experienced by NORC are as poor as they currently are. For example, NORC earlier this year experienced a situation where its originating carrier had its analytics logic disrupted, resulting in the proportion of busy signals returned by that one carrier changing from a baseline of less than 2% to nearly 26% of all numbers associated with that carrier over a period of more than four weeks. NORC was not notified by the carrier of this large anomaly nor was provided much information about the reasons why this blocking escalated so severely. NORC was only able to gain knowledge of the situation from costly, independent investigation of the resulting significantly reduced call answer rates.

While the Commission adopted safe harbor provisions for the use of “reasonable analytics,” it also acknowledged the continuing unresolved issues surrounding erroneous blocking and the Further Notice seeks comment on expanding the scope of redress for this problem. NORC believes that it is arbitrary and capricious to have safe harbors for call blocking

⁴ 47 U.S.C. § 227(j)(1)(A); *Declaratory Ruling & 3rd Further Notice of Proposed Rulemaking*, 34 FCC Rcd. 4876, para. 38.

that allow for blocking based on flawed predictive analytics without first providing actual notice to a caller of a call being blocked and immediate redress for any call blocked based on a false positive premise due to call mislabeling. Business callers and the federal government should have a reasonable and not overly burdensome opportunity to ensure that important calls reach their intended audience and the first step to doing so is having actionable and timely information.

I. INTRODUCTION

Founded in 1941, NORC at the University of Chicago helped establish and continues to strengthen the constantly evolving field of social science research.⁵ Numerous data collection and analytical tools that now set the industry standard were pioneered at NORC. Since its early years – when wartime public polling first brought the organization to prominence, NORC has enriched public policy research and fact based decision making by gathering and distilling critical information and contributing to the creation of new bodies of knowledge. As a non-profit organization committed to serving the public good, NORC's work continues to inform decision makers and provides the foundation for better decision-making and effective solutions. NORC's research expertise comes from its history of working with government agencies, academic institutions, foundations, and other organizations. Its staff includes rigorously trained and widely published leaders from a diverse array of fields such as health, education, economics, security, mental health, criminal justice, the environment, international development, and more.⁶ NORC maintains a large field staff and call centers to support a variety of long-term and quick-response national and international projects. NORC has direct and deep experience as a federal contractor

⁵ As one of the oldest not-for-profit, academic research organizations in the United States, and through its affiliation with the University of Chicago, NORC maintains the highest standards of professional excellence and scientific rigor, and is committed to broad dissemination of its findings.

⁶ These experts are organized into substantive research departments and centers that collaborate with NORC's statistics, technology, and operations groups to deliver core capabilities to clients.

for essential periodic federal government surveys.⁷

NORC previously engaged with the FCC to highlight the significant legal and practical implications on the compelling federal public health interest in placing necessary federal government calls were the FCC to adopt broad interpretations of Telephone Consumer Protection Act (“TCPA”) prohibitions that could expose federal contractors like NORC to potentially crippling liability.⁸ NORC’s largest recurring survey contract is with the Center for Disease Control’s (“CDC”) to conduct the National Immunization Survey (“NIS”). As described by the CDC on its website, the NIS is an annual survey of households and physicians that provides otherwise unavailable information that identifies trends in vaccinations nationwide, providing critical insights to the CDC that promote public health in communities everywhere.

The CDC maintains information on its website about the critical nature of its survey, and a general information letter that explains why public participation in the survey is important.⁹ While individuals are free to decline to cooperate with the CDC in its attempt to gather the critical public health information in the annual NIS, as a matter of public policy, unregulated analytics engines employing unknown criteria or metrics should not be determining the need for

⁷ All surveys that NORC conducts for its federal clients that involve human subjects as respondents must be reviewed and approved by NORC’s or the federal client’s Internal Review Board to ensure that all human subject research be conducted in accordance with federal, institutional and ethical guidelines.

⁸ See Comments of the National Opinion Research Center (Jan. 29, 2020), <https://ecfsapi.fcc.gov/file/1012940701049/NORC%20Comment%20on%20Report%20on%20C%20all%20Blocking%2001-29-2020.PDF>; Comments of the National Opinion Research Center, CG Docket Nos. 18-152, 02-278 (June 13, 2018); Notice of June 5, 2017 Ex Parte Meeting, CG Docket No. 02-278 (June 7, 2017); Notice of November 15, 2016 Ex Parte Meeting, CG Docket 02-278 (Nov. 18, 2016); Opposition to Petition for Reconsideration by the National Opinion Research Center, CG Docket No. 02-278 (Aug. 31, 2016); Notice of Oct. 15, 2015 Ex Parte Meeting, CG Docket No. 02-278 (Oct. 19, 2015); Notice of September, 30, 2015 Ex Parte Meeting, CG Docket No. 02-278 (Oct. 05, 2015).

⁹ Attachment B, Nancy Messonnier, *Letter from the Director, National Center for Immunization and Respiratory Diseases*, Centers for Disease Control and Prevention, <https://www.cdc.gov/vaccines/imz-managers/nis/downloads/advance-letter-508.pdf> (last visited Aug. 27, 2020).

or desirability of completing these CDC calls.

By design and in order to collect the information needed, NORC must call millions of residential or wireless telephone numbers annually. The information gathered from these surveys allows the CDC to determine the need to provide for specific vaccines in specific communities nationwide. In order to get actionable vaccine information in particular communities, NORC may at times initiate a high number of calls. This calling pattern is necessary for NIS effectiveness, but it was one of a number of factors that the FCC identified in its 2019 Declaratory Ruling as being an indicia of potentially problematic calling. This may be triggering a “spam” label on some NIS calls by some analytics providers, as NORC is experiencing a notable number of calls being blocked without notice.

There is a very limited pool of three phone numbers NORC uses for the NIS and the CDC actually lists them on its website; these numbers are labelled for Caller ID purposes as “CDC NATL IMMUN.”¹⁰ NORC was assigned these numbers from a well-established national carrier and NORC has a known identity and known use for these numbers. Nevertheless, NORC’s calls from these numbers have been repeatedly, and increasingly, blocked by the deployment of various analytics engines, including it appears, from the very carrier from whom NORC subscribes those numbers. This false positive blocking is a very serious unresolved issue for NORC and for the federal government in its efforts to improve public health.

Effective call-blocking is important, but it also has to be discoverable and remediable if performed in error as to legitimate calls. Carriers, mobile application providers and third-party analytics or reputation companies all have a financial stake in these issues. While the Commission made plain that voice service providers bear “the ultimate responsibility to ensure appropriate resolution of disputes” about blocking, the Commission cannot ignore the fact that

¹⁰ See Attachment A, Centers for Disease Control & Prevention, *National Immunization Surveys*, <https://www.cdc.gov/vaccines/imz-managers/nis/index.html> (last visited Aug. 27, 2020).

callers cannot meaningfully challenge blocked calls when they are not alerted that blocking has occurred.¹¹ As a result, the ability to get redress within the increasingly complex ecosystem continues to be either elusive or illusory.

Since the FCC has taken a significant step to direct the default blocking of calls by the use of “reasonable analytics” in mid-2019, NORC has seen a material drop off in its overall call completion statistics as compared to its last periodic survey. While the reason may be multifaceted, it is reasonable to believe that many of NORC’s NIS calls have been mislabeled and thus blocked by some predicative analytics engines.

The severity of erroneous blocking is further illustrated by the FCC’s recently-released report that cited to service providers’ reporting that 0.2-1% of blocked calls to be false positives.¹² This reported percentage still means millions of lawful and wanted calls were erroneously blocked. For example, Hiya reported that it has blocked nearly 800 million calls in 2019, which could mean that 0.2% of which – 1.6 million calls – had been blocked in error in that year.¹³ Likewise, Nomorobo blocked over 512 million robocalls in 2019; its blocking platform may have affected the delivery of 1.024 million lawful calls in that year.¹⁴ Thus, the issue of discovering and fixing the false positive problem is real, immediate, and requires effective action by the FCC.

¹¹ See Order and Further Notice, paras. 54, n.125, 59.

¹² See Report on Call Blocking: Call Blocking Tools Now Substantially Available to Consumers, Report, CG Docket No. 17-59, paras. 36, 61 (June 25, 2020), <https://docs.fcc.gov/public/attachments/DOC-365152A1.pdf>.

¹³ See *id.*, para. 44.

¹⁴ See *id.*, para. 47.

II. TRANSPARENT AND ADEQUATE REDRESS FOR FALSE POSITIVES REQUIRES CLEAR NOTICE AND IMMEDIATE RESOLUTION.

Both the TRACED Act and language in the Commission's orders and notices in this proceeding assure that there will be transparency and prompt redress.¹⁵ To that end, the Third Report and Order acknowledged the importance of requiring voice service providers to "designate a single point of contact to report blocking errors at no charge to callers or other voice service providers."¹⁶ The Third Report and Order also requires blocking providers to "investigate and resolve these blocking disputes in a reasonable amount of time and at no cost to the caller, so long as the complaint is made in good faith."¹⁷ However, the Third Report and Order stated that "[w]hat amount of time is 'reasonable' may vary depending on the specific circumstances of the blocking and the resolution of the blocking dispute." Moreover, the FCC did not provide any objective standard to govern how "good faith" and "credible claim of erroneous blocking" should be evaluated.¹⁸ The Third Report and Order also "decline[d] at this time" to require voice service providers to play a feedback code or tone that would notify the callers when calls are blocked.¹⁹

NORC supports the Further Notice's proposal to "set[] a more concrete timeline for redress options."²⁰ But while it is helpful, as FCC rules require, that voice service providers and other third parties that use analytics to block calls~~to~~ maintain public points of contact, if there is no actual notice to the caller that calls are being blocked or by whom, then this avenue for potential redress is mere window dressing. Even with actual and timely notice, it is important that whomever is designated by each entity have sufficient authority to address and remedy

¹⁵ 47 U.S.C. § 227(j)(1)(A); Order and Further Notice, paras. 16, 51.

¹⁶ Order and Further Notice, paras. 54.

¹⁷ *Id.*, para. 55.

¹⁸ *Id.*

¹⁹ *Id.*, para. 59.

²⁰ *Id.*, para. 55.

erroneously blocked calls. Situations that involve more than one entity, often a carrier and its analytics vendor, must involve some type of cooperative escalation process so that disputes as to accountability cease. These steps should not be controversial, as the Commission expressly assumed that that would be the case in its 2019 Declaratory Ruling.²¹

NORC also urges the Commission to require that voice service providers provide notification of each blocked call rather than a proposal in the Further Notice that callers should request such notification or register with the voice service providers to receive notification.²² As NORC explained above, NORC's experience demonstrates that whatever analytics programs are in place with carriers and third parties fail thus far to provide NORC with any actionable or timely information as to whether some call was blocked, or by whom, or why. Voice service providers are in the best position to know which calls or callers are being blocked. However, the Further Notice's proposal to impose on callers an affirmative obligation to request notification about whether calls are being blocked may create significant administrative burdens on callers that are not justified.

Additionally, the Commission's reluctance to adopt objective requirements that any call blocking analytics engine must meet, as discussed further in section III.A, makes it challenging for callers to demonstrate to voice service providers a "credible claim" when seeking redress for erroneous blocking.²³ Because callers like NORC do not have access to any information related to whether and which of its calls are being blocked as well as the blocking analytics or database, the entire framework appears to deprive callers of any meaningful mechanism to make a credible claim challenging erroneous blocking, especially when the voice service providers are not required to notify the callers of the blocking. These proposals contravene the framework's stated

²¹ *Declaratory Ruling & 3rd Further Notice of Proposed Rulemaking*, 34 FCC Rcd. 4876, para. 58.

²² Order and Further Notice, para. 107.

²³ *Id.*, para. 55.

commitment to transparency.

To address these problems, NORC recommends that the Commission adopt a rule that voice service providers must, at a minimum, provide a signal that is distinct from busy or disconnect tones that will indicate to the caller that the call has been blocked. NORC also urges the Commission to require that voice service providers maintain a public website listing all the numbers they block as well as their associated labeling. This would give callers access to necessary information about how the blocked calls are being classified in order to be in a position to make a “credible claim” about erroneous blocking.

III. THE COMMISSION SHOULD NOT EXTEND ANY SAFE HARBOR BEFORE HAVING EFFECTIVE RULES THAT PROVIDE TIMELY NOTICE AND PROMPT REMEDIATION FOR ERRONEOUS BLOCKED CALLS.

A. Additional Safe Harbor Protection Based on Flawed Blocking Analytics Likely Would Exacerbate the False Positive Problem.

The Further Notice relied on an overgeneralized assertion that “no reasonable consumer would want to receive calls that are highly likely to be illegal” to reach the conclusion that “there is no need for consumer to have the opportunity opt in or out.”²⁴ The Commission used this broad conclusion to justify a proposal “to extend . . . safe harbor to cover network-based blocking” “based on reasonable analytics without any consumer consent option.”²⁵ But as NORC highlighted previously, subjective standards such as “highly likely to be illegal” and “unwanted” are impractical, even with “sufficient human oversight and network,” for carriers to identify based on an analytics engines.²⁶ In fact, the only certain “wanted” type of calls under the FCC’s call blocking by default framework appears to be calls from numbers that individuals added to their contact lists, which does not reflect typical consumer behavior, as evidenced by many types of federal government survey calls that are by their nature random and not expected.

²⁴ *Id.*, para. 105.

²⁵ *Id.*, paras. 104-05.

²⁶ *See* Comments of the National Opinion Research Center, 7 (Jan. 29, 2020).

Self-reporting by individual consumers or the volume of calls made over time are also not reliable indicators to help these analytics engines distinguish probable spam or potential fraud from federal government survey calls that the majority of recipients welcome as an opportunity to improve public health data and outcomes.

While NORC recognizes that public disclosure of precisely how analytics engines are designed, updated or modified could provide spammers and fraudsters with new tools, the Commission cannot discard or ignore the importance of having defined public safeguards to allow legitimate callers to discover that calls are being blocked. Then, if the blocking is not justified, callers should have the means to challenge the “reasonableness” of the employed analytics as the basis of a safe harbor protection.

Without appropriate rule-based safeguards such as those proposed by NORC, callers will be deprived of the ability to require voice service providers employing analytics engines that appropriately address erroneous blocking on a timely basis. Even after two rounds of comments and rulemaking, the Third Report and Order contains ambiguous language about objective requirements that any call blocking analytics engine must meet and there are no parameters applied to critical terms such as “reasonable analytics,” “sufficient human oversight,” and “highly likely to be illegal.” This, coupled with NORC’s real-world experience, demonstrates that the current framework, however well-intentioned, is flawed and harmful to callers such as NORC whose calls for CDC are critical to sustain and improve public health.

The Commission must ensure that the promised transparency is in place before permitting additional safe harbor protection on a network basis, as the current situation fails to provide callers with a fighting chance to prevent potentially abusive call blocking by carriers, reputation managers and analytics companies. Transparency should mean that callers should be furnished with actionable information and a meaningful opportunity to demonstrate their calls should not be blocked by default or by carrier networks more broadly by use of predictive analytics.

NORC's carrier, for example, as the originating carrier for the three telephone numbers used for the CDC NIS, should be required to know its customer NORC and the general use made of these numbers, so that it has appropriate incentives to and can apply this information to inform whatever analytics it chooses to employ for call blocking by default or on a network level. As things stand now, the fact that NORC is a known customer with known use of numbering resources seems to be completely divorced from the carrier's use of analytics to block some number of NORC's NIS calls. Service providers seeking the protection of a safe harbor should have to do more than contract with an analytics provider and state that they have done all they need to for their customers.

The false positive call blocking problem is serious, and the minimal standards the FCC articulated in a general manner in its 2019 Declaratory Ruling and in its recent Third Report and Order have not translated into enforceable obligations on carriers or analytics engine providers to provide notice and timely remediation. This lack of accountability problem is as serious as any other public safety or federal public health challenge when it comes to CDC calls. Adequate vetting processes can demonstrate the legitimacy of certain calls such as the CDC NIS calls. These should be required so that additional costs and processes that should not be necessary for these calls do not burden the callers.

Because call blocking is currently being done in a standardless manner with no direct FCC oversight or notice to callers of blocking, a set of well-defined, consistently applied safeguards against false positive blocking must be a component of any system before any carriers should be permitted to avail itself of safe harbor protections for network call blocking.

B. Call Authentication Frameworks Have Not Yet Proven To Be Effective and Accurate.

Despite the Commission’s previous findings that the STIR/SHAKEN caller ID authentication framework must be a component of any call blocking system in order to show “reasonableness,” the Third Report and Order allowed blocking of calls that have been fully authenticated with an “A” attestation.²⁷ As an example, the Third Report and Order states that “[i]f the terminating voice service provider has identified that calls with ‘A’ attestation . . . are nevertheless illegal or unwanted *based on reasonable analytics*, they may block those calls despite the attestation level.”²⁸ This reasoning is circular and arbitrary without further clarification: it essentially states that a “reasonable analytics” is required to incorporate the caller ID authentication framework but that it can be disregarded when a provider wants to disregard it. This decision starkly calls into question the value of attestation as an element of the adopted “reasonable analytics” standard, which further demonstrates that adopted safe harbor protections currently fail to provide sufficient transparency to callers.

NORC supports other commenters’ suggestions that “[a] terminating voice service provider should only be permitted to block a call that has an A-level attestation under the STIR/SHAKEN framework after the provider has determined with a high degree of certainty that the call is unlawful through application of objective, defined criteria, and after investigation into the call.”²⁹ As noted above, while NORC recognizes the serious nature of illegal and spam calls and generally supports the goal to ensure that “bad” calls never reach individuals, NORC cautions that the FCC cannot be lulled into a false complacency that “reasonable analytics” that is self-determined by carriers, analytics engines or blocking service providers is leading to fair

²⁷ Order and Further Notice, paras. 30-31.

²⁸ *Id.*, paras. 31 (emphasis added).

²⁹ Associations Letter and Notice of *Ex Parte* Presentation, 9 (July 2, 2020), [https://ecfsapi.fcc.gov/file/10703016815375/Trade%20Associations%20Ex%20Parte%2006.30.2020 Active\(Active\).PDF](https://ecfsapi.fcc.gov/file/10703016815375/Trade%20Associations%20Ex%20Parte%2006.30.2020%20Active(Active).PDF) (emphasis original).

and transparent call blocking results.

IV. CONCLUSION

Since the adoption of the 2019 Declaratory Ruling, NORC has observed that the call-blocking industry functions as a collection of self-interested commercial entities, realizing new profit opportunities where the call completion rate at times appears to correlate to the amount of money callers are willing to spend monthly on “treating” or “optimizing” their numbers. As there is no transparency as to how numbers are optimized so they are subject to less blocking, likewise there is no accountability. This should be unacceptable. As Commissioner Michael O’Rielly stated in his partial dissent to the 2019 Declaratory Ruling, “formalizing [a] redress mechanism is a necessary corollary, especially for blocking performed at the network level and not subject to customer consent.”³⁰


The experience over the past fourteen months demonstrates that a transparent system with notice, accountability and meaningful redress mechanism is not a reality. The prevalence of erroneous blocking and a complete lack of practical, efficient solutions to mitigate its harm call for the FCC to adopt rules that require actual timely notice of blocking and transparency as to call blocking results. Any guidelines coming from the agency should focus on incentivizing solutions that can demonstrate measurable results and effective solutions when issues arise.

However well-intentioned the FCC's exercise in endorsing default blocking by use of “reasonable analytics,” it is plain that the implementation of this program has not been reasonable in terms of its results as to NORC's calling on behalf of the CDC. As the Further Notice seeks comment on means to ensure transparency and redress for call blocking, NORC submits that there are the serious unresolved issues presented by false positive call blocking. Actual notice is a lynchpin to transparency and the Commission should adopt rules requiring

³⁰ *Statement of Commissioner Michael O’Rielly Approving in Part, Dissenting in Part*, CG Docket No. 17-59, WC Docket No. 17-97, <https://docs.fcc.gov/public/attachments/FCC-19-51A3.pdf>.

actual notice of call blocking by use of predictive analytics, either by default or on a network basis. This would include making information available about the label that has been assigned to calls that are being blocked. Transparency and availability of immediate redress will, over time, allow for the development of more reasonable analytics.

Respectfully submitted,

A handwritten signature in blue ink that reads "Laura Phillips". The signature is written in a cursive style and is positioned above a horizontal line.

National Opinion Research Center

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August 31, 2020

Attachment A



National Immunization Surveys (NIS)

[<< Back to Vaccines Home](#)



The National Immunization Surveys (NIS) are a group of telephone surveys sponsored and conducted by CDC's National Center for Immunization and Respiratory Diseases (NCIRD). Since 2018 the National Immunization Surveys have used a single frame survey design, that includes calling cell phone numbers for household interviews with parents or guardians. If the parent or guardian provides consent and contact information, a questionnaire is mailed to children's vaccination providers. [Learn more...](#)

Have You Gotten a Call about a Survey?

Have you or someone in your household received a phone call from **312-871-4241**, **312-871-4242**, or **312-871-4243** (Caller ID CDC NATL IMMUN), to take part in the National Immunization Surveys?

Your Information Is Confidential

Information collected in the National Immunization Surveys is used **only** for reporting important statistical information about health issues. It is against federal law for us to give your name or any other information that could identify you to anyone, including the President, Congress, NSA, Department of Homeland Security, IRS, INS, etc.

About the National Immunization Surveys (NIS)



Overview of the three surveys and background on the first survey, which began in 1994 to check vaccination coverage after measles outbreaks in the early 1990s...

For Participants



Have you received a call from 312-871-4241, 312-871-4242, or 312-871-4243 (Caller ID CDC NATL IMMUN)? Find information about the surveys...

For Health Care Professionals



Information for vaccination providers who are asked to complete an immunization history questionnaire...

Data, Tables, and Documentation



Links to all NIS data, including tables, data files, participant and provider questionnaires, related documentation...

Publications and Resources



Scientific articles on the surveys and immunization coverage in the U.S.



Confidentiality 2015 to Present

Learn how the National Immunization Surveys keep your information private...

Page last reviewed: January 23, 2018

Content source: [National Center for Immunization and Respiratory Diseases, Immunization Services Division](#)

Attachment B



From the Director, National Center for Immunization and Respiratory Diseases:

I am asking for your help with an important study conducted by the Centers for Disease Control and Prevention (CDC) called the National Immunization Survey (NIS). This survey tells us which immunizations children in the U.S. have received and about other important health topics. Results from the NIS are used to help health officials in their efforts to protect the health of children. Since the NIS began in 1994, over 500,000 parents and over 300,000 healthcare providers have participated. In the next few weeks, NORC at the University of Chicago will call your household to ask you to take part in this study for CDC. Your personal information will be kept confidential and is protected by federal law.

In the first part of this study, we will ask you about your child's immunizations and health. Some households may also be asked questions about the health services their children need or use. In the second part, we will ask for your permission to contact your child's healthcare providers to ask about immunizations each provider has given to them. If you have a child between 17 and 37 months of age or a teen aged 13-17 years, it will be helpful to have the names and addresses of their healthcare providers handy.

Your phone number was chosen randomly by computer. It is important for us to interview every household we call to get a complete picture of your area's immunization rates and key factors that might affect them. The study is important, but you do not have to take part, or you can decide not to answer one or more questions.

You may call us toll free at **1-877-220-4805** if you would like to take part in the study or to learn more about the study and what you will be asked. For more information, turn this letter over or go to the study web site: www.cdc.gov/vaccines/nis.

Your answers to the NIS will provide information to help improve the nation's health now and in the years ahead. We need your help and hope you will decide to take part when we call.

Thank you for your cooperation. I am grateful for your help.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Messonnier".

Nancy Messonnier, M.D.
Director, National Center for Immunization and Respiratory Diseases
Centers for Disease Control and Prevention
Captain, United States Public Health Service

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What is NORC at the University of Chicago?

NORC at the University of Chicago (NORC) is an independent research organization that conducts interviews on immunizations and children's health for the CDC. Additional information on NORC can be found on its website at www.norc.org.

NORC Toll Free Number: 1-877-220-4805

You can call the NORC toll free number to take part in the study, learn more about the study, and hear what you will be asked.

Who sees my answers?

You will be called by a trained interviewer who enters your answers into a computer. Everyone who works on the survey must sign an oath that promises they will never give out anyone's personal information. Only a few people who work on this survey ever see any personal information. Answers that could identify you or your family in any way are separated from your other answers. Survey findings are put into summary reports that contain no names or other information that identifies you.

How do you protect my information?

Your answers are used for health research purposes only. We conduct this survey under the Public Health Service Act and the Privacy Act. These laws require that we protect your family's information and keep it confidential. If you would like to know more about how we protect your answers, these laws are described in detail at www.cdc.gov/vaccines/imz-managers/nis/confidentiality.html.

If you want to know more about your rights as a study participant you may call the NORC Institutional Review Board at 1-866-309-0542.

How do I find more about immunizations and places to get them?

You may call toll free 1-800-CDC-INFO (1-800-232-4636) for more information about vaccinations or to get the phone number of a doctor or clinic near you.

If you prefer to use a TTY



Please call the AT&T Relay Service at 711 and request that NORC be called at 1-877-220-4805.