

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

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

COMMENTS OF SECURUS TECHNOLOGIES, LLC

Securus Technologies, LLC (“Securus”), by its undersigned counsel, submits these comments in response to the Fourth Further Notice of Proposed Rulemaking (the “FNPRM”) released in the above-captioned docket on June 17, 2020.¹

I. Introduction

Securus provides phone, messaging, and video call technologies to incarcerated persons across North America, and serves over 3,400 public safety, law enforcement, and correction agencies. On an average day, Securus originates approximately 2 million calls from correctional facilities, and it is not uncommon for Securus to handle over 3,000 simultaneous calls originating from a single Department of Corrections customer. Such large call volumes originating from a single facility, use of an automated voice message upon initiation of the call, and relatively short

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls; Alarm Industry Communications Committee Petition for Clarification or Reconsideration; American Dental Association Petition for Clarification or Reconsideration*, CG Docket No. 17-59, Third Report and Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, FCC 20-96 (rel. July 17, 2020) (the “FNPRM”).

median call duration are all characteristics of robocalls, making ICS calls susceptible to inadvertent blocks permitted by the Commission's call blocking safe harbor.

Securus commends the Commission's and industry efforts to identify and block unlawful robocalls but urges the Commission to ensure that progress in combatting unlawful calls does not come at the expense of customers who are particularly vulnerable to the inadvertent blocking of lawful and often important calls. Policies that interfere with the ability of incarcerated individuals to successfully place outbound calls will have unintended harmful consequences, including the potential for behavioral issues that could jeopardize the safety and security of incarcerated individuals and correctional officers alike.

While Securus recognizes the importance of shielding consumers from unlawful and unwanted robocalls, it is critical that the Commission ensure its rules reflect the unique challenges that ICS providers face in implementing caller ID authentication and that users of ICS face in rectifying erroneous call blocks. The Commission must ensure that effective transparency and redress mechanisms are in place to ensure that lawful ICS calls are not blocked, and are promptly rectified when they are. Specifically, to prevent erroneous blocking of ICS calls, the Commission should not allow voice service providers to solely rely on caller ID verification information to block calls. In order to ensure that call blocking errors are corrected in a timely manner, the Commission should also require robust redress mechanisms that clearly articulate a timeframe for required unblocking, require blocking providers to provide prompt notice of blocked calls using SIP and ISUP codes, and require blocking providers to make a list of individually blocked calls available to consumers and originating providers upon request.

II. Well-intentioned call blocking programs are resulting in the inadvertent blocking of lawful calls originating at correctional facilities.

While the Commission’s efforts to address unlawful robocalls are laudable, Securus remains concerned that well-intentioned call blocking programs may result in inadvertent blocking of at least some legitimate calls that have characteristics similar to robocalls, including calls placed by incarcerated individuals. Although Securus previously informed the Commission that Securus “has not yet experienced calls originating from correctional facilities it serves being blocked in any significant numbers,”² this is no longer the case. Securus has begun to see calls originating out of at least one correctional facility in Erie County, Ohio, being blocked at the carrier level due to the calls being marked as “SPAM”.³ Based upon Securus’ internal investigation, the majority of the calls being blocked appear to be calls placed to cell phones operated by a single major wireless carrier, and calls to copper landlines have not yet been affected. Securus has urged its facility customers and agency staff to direct incarcerated individuals’ friends and family to contact their wireless carrier to request that call blocking be removed, but Securus’s ability to rectify the problem directly on behalf of incarcerated persons remains limited.

Although the Commission has consistently recognized that communication between inmates and their friends and families can have a meaningful impact on prisoner rehabilitation and recidivism,⁴ it is becoming increasingly clear that the Commission’s current and proposed policies

² Reply Comments of Securus Technologies, LLC, WC Docket Nos. 17-97 & 20-67, at 6 (filed May 29, 2020).

³ See Letter from Andrew D. Lipman, Counsel for Securus Technologies, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 17-59 at 2 (filed Jul. 8, 2020).

⁴ See, e.g., *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order on Remand and Fourth Further Notice of Proposed Rulemaking, FCC 20-111, ¶ 5 (rel. Aug. 7, 2020); *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 14107, 14130, ¶¶ 42-43 (2013) (explaining importance of ICS for reducing recidivism by fostering growth of family support structures)

do not reflect the importance of completing ICS calls. Failure to ensure that ICS calls are completed and not blocked will adversely impact consumers, including recipients of calls from incarcerated individuals, and could jeopardize the safety and security of incarcerated individuals and correctional officers alike. Ensuring that the inadvertent blocking of ICS calls is effectively and promptly remedied is even more important during times of crisis (*e.g.*, extreme weather events, COVID-19, or civil disorders) when originating callers rely on ICS to advise friends and family of their health and well-being, and to check on the safety of friends and family who are not incarcerated.

ICS is a unique service in which the calling party is limited – by design – from placing calls other than to pre-approved telephone numbers, and likewise, cannot receive incoming calls. As a result, these callers (and the recipients of their calls) have unique challenges in their ability to rectify erroneous call labels and blocking. The Commission’s call blocking rules should account for these unique circumstances. If an ordinary consumer’s call is blocked, they have a variety of options for self-help to work around this problem temporarily, including sending a text message or email, using a different phone, or relaying a message via a third party. Incarcerated persons cannot do any of these, and the person they were trying to call will never know that the voice service provider blocked a call intended for them. As such, it is vital that the Commission take action to limit the number of inadvertently blocked calls in the first place, and that robust redress mechanisms exist to protect incarcerated persons should blocking still occur.

III. The Commission should not allow voice service providers to block calls based solely on caller ID authentication information.

The Commission seeks comment on whether it should allow voice service providers to block calls based in whole or in part on caller ID authentication information.⁵ This proposal is premature. The Commission correctly acknowledges, “blocking based only on such information would be both over and under inclusive.”⁶ As Securus and other parties have repeatedly emphasized throughout this and other proceedings, the SHAKEN/STIR caller ID authentication framework (“SHAKEN/STIR Framework”) is insufficient on its own to determine whether a call should be blocked.⁷ Because authentication and verification through SHAKEN/STIR has yet to see wide scale deployment, there is insufficient assurance that blocking calls based solely on a lack of SHAKEN/STIR authentication would not result in the erroneous blocking of lawful and legitimate calls, including ICS calls. It would be inappropriate for the Commission to authorize call blocking based solely on caller ID authentication information when the STIR/SHAKEN Framework currently does not allow for significant segments of the carrier population to implement the Framework.⁸ As Securus has previously explained, Securus does not have its own Operating Company Number (“OCN”) nor associated NPA-NXX numbering blocks, and the

⁵ FNPRM at ¶ 83.

⁶ *Id.*

⁷ *See e.g.*, Comments of Securus Technologies, Inc., CG Docket No. 17-59, WC Docket No. 17-97, at 4 (filed Jul. 24, 2019) (“Securus Robocall Comments”) (noting warning from industry at the Commission’s summit on the SHAKEN/STIR Framework against using SHAKEN/STIR verification as the sole basis for blocking calls); Comments of First Orion, CG Docket No. 17-59, WC Docket No. 17-97, at 2-3 (filed Jul. 24, 2019) (stating that the Framework can “meaningfully reduce robocalls” but only after the Framework is broadly deployed and where the Framework is used in conjunction with other call-blocking analytical tools); Comments of USTelecom, CG Docket No. 17-59, WC Docket No. 17-97, at 6 (filed Jul. 24, 2019) (stating that the Framework is “ineffective by itself as the single input for voice service providers to make a sound determination whether to block a call”).

⁸ *See* Comments of Securus Technologies, LLC, WC Docket Nos. 17-59 & 17-97, at 2-5 (filed May 15, 2020); Securus Robocall Comments at 5.

SHAKEN/STIR Framework currently permits only the owner of an OCN to sign a call.⁹ The SHAKEN/STIR Framework also does not permit Securus to sign toll-free numbers originating from its network, nor calls that use telephone numbers purchased from incumbent local exchange carriers as Plain Old Telephone Service (“POTS”) lines. Until such time as delegated certificates are available, or non-OCN owners are permitted to obtain certificates directly from the SHAKEN/STIR Certificate Authority, call blocking based on caller ID authentication places ICS callers at the mercy of voice service providers with whom they have no relationship and no way to contact in the event of an erroneous block.

While the Commission states that it does not permit blocking based solely on caller ID authentication information, it nevertheless seeks comments to “ensure that voice service providers that are subject to delayed compliance with the TRACED Act are not unreasonably blocked because they are not authenticated.”¹⁰ If the Commission insists on allowing the use of caller ID authentication to block calls, the Commission should at the very least leave a lifeline by requiring notice of blocked calls to the originating carrier. Specifically, the Commission should require voice service providers to notify the originating carrier of the reason(s) for blocking any particular call (or all calls) from the originating carrier. The Commission should also clearly articulate a reasonable timeframe for the voice service provider to provide such notice. Providing a notice of the reason for a block is particularly important for ICS calls, which have many of the same features of a robocall (*e.g.*, large numbers of calls originating from a single telephone number, use of an automated voice upon initiation of the call, relatively short call duration), especially since ICS

⁹ See *Call Authentication Trust Anchor; Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket No. 17-97, WC Docket No. 20-67, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd. 3241, 3259-60, n. 145 (2020).

¹⁰ FNPRM at ¶ 86.

providers like Securus are limited in their ability to implement the STIR/SHAKEN Framework at this time.

IV. The Commission must consider the unique nature of ICS calls in establishing redress mechanisms for erroneous call blocking.

Securus is encouraged by the Commission’s recognition that the TRACED Act requires transparency and effective redress mechanisms for consumers in any blocking regime,¹¹ but the Commission does not go far enough to ensure that effective redress mechanisms are fully implemented. The Commission seeks comment on providing effective redress options for consumers and callers, including whether the steps already taken are sufficient to provide effective redress.¹² Although the Order requires voice service providers who receive a report of an erroneous block to investigate and resolve the blocking dispute within a “reasonable amount of time,” it does not define “reasonable.”¹³ Similarly, although the Order requires voice service providers to “promptly cease blocking calls” where a caller has made a credible claim of erroneous blocking, it fails to define “promptly.”¹⁴ This ambiguity is particularly troublesome when ICS callers face the prospect of increased call-blocking due to a lack of caller ID authentication information.

The Commission seeks comment on whether notification of a blocked call should be provided within 24 hours and disputes resolved within 24 hours or a week.¹⁵ The Commission should set a concrete timeline for redress options and require voice service providers to investigate any complaints within 24 hours of receipt, and unblock calls immediately upon determining that the call should not have been blocked. Identifying a call as an ICS call can be done quickly as there

¹¹ FNPRM at ¶ 110.

¹² FNPRM at ¶¶ 91-92.

¹³ FNPRM at ¶ 55.

¹⁴ *Id.*

¹⁵ FNPRM at ¶¶ 107-08.

are a limited number of telephone numbers used for ICS calls in comparison to other categories of calls. Dispute resolution can also be accomplished efficiently because the probability of a robocall originating on Securus's network is effectively zero. On the other hand, the consequences of an erroneously blocked call can be substantial and immediate for Securus's customers who do not have access to recourses available to the public to use a different provider or seek redress on their own.

The Commission also should require voice service providers to notify originating ICS providers of any call blocks, including through the use of specific SIP codes, similar to the proposed 608 response code for rejected calls.¹⁶ Securus strongly supports the use of specific SIP codes and a specific ISUP code(s) to indicate that a call has been blocked under the Commission's robocall blocking safe harbor.¹⁷ Because a 486 busy signal does not provide an originating carrier the reason for the blocking or rejection of a call and therefore impedes the ability for an originating carrier to investigate and resolve erroneous blocks, the required SIP and ISUP codes should be specifically designated to notify the originating carrier that a call was blocked due to failed authentication under the analytics used by the terminating carrier, and not used when a call fails for any other reason. Given the unique challenges faced by ICS callers and called parties in remedying erroneous call blocks, ICS providers will necessarily play a critical role in working with terminating voice service providers to rectify erroneous blocks. Providers like Securus will receive only a SIP code from the terminating or intermediate provider via an IP interconnection, but if the call is over Time Division Multiplex ("TDM") at any point along the call path, it is

¹⁶ See Internet Engineering Task Force, Request for Comments, A Session Initiation Protocol (SIP) Response Code for Rejected Calls (Dec. 2019), available at: <https://tools.ietf.org/html/rfc8688>.

¹⁷ See FNPRM at ¶ 107 (seeking comment on whether providers should be given flexibility to use codes or intercept messages to notify callers of a block).

imperative that there is a specific ISUP code that is translated to a specific SIP code that can be received by the originating carrier to indicate that a block has occurred. Moreover, allowing blocking providers to rely only on intercept messages heard by the caller would be ineffective in the context of ICS calls because ICS callers are only able to receive incoming audio after a call is accepted by the recipient. Accordingly, if a call has been blocked by the terminating service provider before it reaches the called party, there has been no acceptance of the call and no intercept message will be heard by the ICS caller.

Finally, the Commission should require terminating voice service providers to provide a list of individually blocked calls, especially where a call is blocked without consumer consent.¹⁸ As a practical matter, ICS callers and recipients of ICS calls are particularly limited in their ability to know if a call is being blocked, or to rectify an erroneous block. For example, ICS callers have no way to request or receive a list of blocked calls, and the intended recipient of an ICS call has no way to contact the caller to determine whether a call was blocked (*i.e.*, the intended recipient may only assume that the call was never placed). Because there are only a limited number of telephone numbers associated with ICS calls, requiring voice service providers to make a list of blocked ICS calls available to ICS providers upon request would be no more burdensome than requiring blocking providers to make such lists available to individual subscribers upon request.

V. Conclusion

Securus continues to support the Commission's efforts to curb illegal and malicious robocalls. The Commission, however, must remain mindful that any call blocking program must include robust mechanisms for callers, called parties and originating carriers to rectify erroneous call blocks with stringent timeframes for blocking providers to investigate and remedy inadvertent

¹⁸ FNPRM at ¶ 111.

blocks. In crafting required redress mechanisms, the Commission must also remain mindful of the unique circumstances facing ICS callers including the inherent inability for incarcerated persons and ICS call recipients to utilize methods of redress available to the general public. The burdens of the redress measures sought by Securus are modest relative to the substantial and immediate harm inadvertent call blocking causes to incarcerated persons and their loved ones, and will help the Commission achieve its policy objectives without causing collateral harm to these American consumers.

Respectfully submitted,

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