

Before the
FEDERAL COMMUNICATIONS Commission
Washington, DC 20554

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

COMMENTS OF RINGCENTRAL, INC.

RingCentral, Inc. (“RingCentral”) respectfully submits these comments in response to the Fourth Further Notice of Proposed Rulemaking (“*Fourth FNPRM*”) released by the Federal Communications Commission (“FCC” or “Commission”) seeking comment on various issues related to the implementation of the TRACED Act.¹ RingCentral is a leading provider of global enterprise cloud communications, collaboration, and contact center solutions. Communications technology has become even more vital in the current era, providing meaningful connections for life and allowing work to continue when meeting in-person may not be possible. Trusting that the number calling you is valid, or that your own outbound calls will go through to your intended recipients has never been more important in modern life. The phone network is the foundation of our connectivity.

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, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, CG Docket No. 17-59, Commission 20-96 (rel. July 17, 2020) (“Third R&O” or “Fourth FNPRM,” as appropriate).*

RingCentral commends the Commission for taking steps in recent years to reduce the scourge of illegal robocalls. Importantly, the FCC clarified that voice service providers may offer call blocking to customers on an opt-out basis.² And, consistent with the TRACED Act, the agency requires originating and terminating voice service providers to implement the STIR/SHAKEN caller ID authentication framework in the IP portions of their networks by June 30, 2021.³ With the *Third R&O*, the Commission takes additional steps to further these efforts by adopting two safe harbors for terminating voice service providers that block calls in certain circumstances.⁴ At the root of these activities is a desire to restore Americans’ trust in the phone network. The Commission and industry are working to move away from a world where the number one tip given to Americans to protect themselves from illegal robocalls is “[d]on’t answer calls from unknown numbers,”⁵ to a world where Americans have faith that calls are legitimate.

As the Commission considers the additional steps set forth in the *Fourth FNPRM*, agency action must further enhance—and not erode—trust in the network. The *Third R&O* appropriately requires implementation of certain redress mechanisms as a condition of obtaining the protections of the safe harbors. At least some of the Commission’s new rules threaten to undermine trust in the phone networks without additional measures in place to bolster that trust.

² *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd 4876, 4886 ¶ 31 (2019).

³ *Call Authentication Trust Anchor; Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241, 3252 ¶ 24 (2020).

⁴ *Third R&O* ¶ 19.

⁵ The FCC’s Push to Combat Robocalls & Spoofing, FCC Initiatives, Consumer Tips, <https://www.fcc.gov/spoofed-robocalls> (last visited Aug. 31, 2020).

It is most important that the Commission do more to ensure adequate transparency for blocked calls.⁶ The Commission should require voice service providers to return a Session Initiation Protocol (“SIP”) or TDM cause code when a call is blocked so that the originating voice service provider and caller know that the call was rejected, and not delivered to the intended recipient. Finally, the Commission should permit blocking based solely on the fact that a call fails caller ID authentication due to an invalid certificate, but not when a call lacks authentication. Doing so provides yet another tool for voice service providers to manage their networks and presents minimal risk that legitimate calls will be blocked.

I. TRANSPARENCY AROUND BLOCKED CALLS IS PREREQUISITE TO A TRUSTWORTHY CALL NETWORK

The Commission must carefully balance transparency against the risk of revealing too much about provider analytics, which could enable bad actors to use information about blocking and labeling to become smarter in their efforts to evade detection. To avoid eroding trust in the phone network, callers and their providers must know when calls are rejected and when they delivered to the intended recipient. RingCentral therefore suggests that the Commission require immediate transparency when calls are blocked, but not for call labeling decisions (e.g., “suspected SPAM” labels). Such a framework will provide necessary information to originating providers to address erroneous blocking without giving too much information away to bad actors that would enable them to circumvent call blocking protections.

An important tenet of the phone system is that a calling party is provided accurate information about the status of the far-end of the call. The Commission has previously made clear that callers need to know when their call goes through and when it does not. For example,

⁶ TRACED Act § 10 (codified at 47 U.S.C. § 227(j)(1)(A)).

in 2014, the Commission adopted rules addressing rural call completion problems.⁷ One of the rules adopted was a ban on “false audible ringing.”⁸ The *Rural Call Completion Order* explained that upon hearing a false ring tone, callers would often hang up, thinking nobody was available to receive the call. These callers would never know if the originating, terminating, or an intermediate provider was responsible for the call’s failure.⁹

Similar to the problems with rural call completion and false ringing, if a call is blocked, the originating provider and calling party may never even know that the call was blocked, or may attribute a failed call to unrelated problems in the network, undermining trust. However, the solution is easily available, and has already been proposed within the record. Specifically, as part of implementing the TRACED Act’s transparency requirement, the Commission should require notice of blocked calls to originating providers, who are acting as their customer’s agent to initiate calls.¹⁰ This notification should be in the form of a SIP code when a call fails. The use of SIP codes is widely supported in the underlying record.¹¹ The Commission need not mandate a new, robocalling-specific SIP code, and should not require the code to indicate the reason why the call was blocked, which would enable bad actors to circumvent the rules. Additionally, even if a SIP code does not carry through TDM networks, the information that

⁷ See *Rural Call Completion*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, 16200, 16202, ¶¶ 112, 115 (2013) (“*Rural Call Completion Order*”).

⁸ 47 CFR § 64.2201.

⁹ *Rural Call Completion Order*, 28 FCC Rcd at 16200 ¶ 111; see also *T-Mobile USA, Inc.*, Order, 33 FCC Rcd 3737, 3739 (EB 2018) (imposing consent decree and \$40,000,000 penalty “in connection with T-Mobile’s former practice of inserting false ring tones on calls placed by its customers”).

¹⁰ *Fourth FNPRM* ¶ 107.

¹¹ See, e.g., Reply Comments of RingCentral, WC Docket Nos. 17-97, 20-67, at 4 (filed May 29, 2020); *Third R&O* ¶ 59 n.141; *Fourth FNPRM* ¶ 107 n.198 (citing commenters supporting the use of SIP code notification).

does carry through will provide some actionable information.¹² The Commission could repurpose an existing TDM cause code—for example, Cause Code 55, which means the incoming call is barred within CUG—when calls are blocked over TDM networks.¹³ This code will carry through TDM networks. The requirement to send a SIP code or a TDM cause code should only be required when a call is not delivered to its intended recipient (e.g., a SIP code would not be required where the call was terminated to voicemail or where the ring was silenced, but otherwise delivered). As an alternative to requiring a SIP code, the agency could require the use of an intercept message.

Finally, the Commission should consider how it will evaluate the effectiveness of the industry's efforts to reduce the scourge of unwanted calls on the phone networks. Specifically, the Commission should consider collecting limited data on the percentage of calls that are blocked or labeled as unwanted by terminating providers. This type of limited data collection could provide a benchmark to explore the anecdotal evidence that erroneous blocking and mislabeling left unaddressed will undermine faith in the phone network.¹⁴ To generate more concrete information, the agency should continue formally collecting information to understand the concerns of many callers and smaller voice providers.¹⁵ The Commission should revisit its

¹² *Fourth FNPRM* ¶ 107 (asking whether SIP codes can transit a non-IP network).

¹³ *See, e.g.*, Dialogic, Default SIP-to-SS7 ISUP Cause Codes, http://www.dialogic.com/webhelp/img1010/10.5.2/webhelp/General_Reference/def_sip-ss7_cc.htm (last visited Aug. 31, 2020).

¹⁴ *See, e.g.*, *Third R&O* ¶ 57.

¹⁵ *See, e.g.*, *Consumer and Governmental Affairs Bureau Seeks Input on Report for Call Blocking*, Public Notice, 34 FCC Rcd 12470 (CGB 2019). This reporting mechanism would be different from the consumer-oriented mechanism that the Commission declined to adopt in the *Third R&O*. *See Third R&O* ¶ 60.

call blocking rules as needed to ensure that the balance between justifiable and erroneous blocking is correct.

II. CALLS THAT FAIL AUTHENTICATION FOR INVALID CERTIFICATES SHOULD BE TREATED DIFFERENTLY FROM THOSE THAT LACK AUTHENTICATION INFORMATION

The Commission should allow call blocking based on failed authentication for an invalid certificate, while prohibiting blocking solely due to a lack of authentication information or authentication that fails due to legitimate caller ID substitution.¹⁶ RingCentral shares the Commission’s “concern[] that blocking based only on [caller ID authentication] information would be both over and under inclusive.”¹⁷ Because an invalid certificate necessarily implies that an originating provider has had their certificate revoked or is otherwise untrustworthy, the Commission can confidently allow call blocking based solely on *failed* authentication for invalid certificate. However, calls may *lack* authentication information for a variety of reasons, such as traversing a TDM network. Therefore, a lack of authentication information does not provide sufficient information to justify blocking the call based on that alone. Likewise, providers must be permitted to block calls using reasonable analytics even if a call passes STIR/SHAKEN authentication, i.e., block a call that includes authentication information but raises enough red flags to indicate that the call is unlawful. Therefore, permitting call blocking based on a call failing authentication due to invalid certificate would provide another tool to voice service providers to more effectively screen calls coming through their network.

¹⁶ *Fourth FNPRM* ¶ 83 (seeking comment on allowing voice service providers to block based in whole or in part on caller ID authentication information).

¹⁷ *Id.*

III. CONCLUSION

The Commission should continue to facilitate the robust implementation of the TRACED Act and the SHAKEN/STIR framework. In doing so, the agency should ensure that its actions increase trust in the phone network by providing adequate transparency around blocked calls and by not allowing the blocking of calls that merely lack caller ID authentication information, but instead permitting blocking when a call fails caller ID authentication.

Respectfully submitted,

/s/ Rachel Warnick Petty

Rachel Warnick Petty
AVP & Assistant General Counsel
RINGCENTRAL, INC.
20 Davis Drive
Belmont, CA 94002
(650) 458-4110

August 31, 2020