

**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 T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”)^{1/} submits these comments in response to the *Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking* in the above-referenced proceeding^{2/} proposing additional steps to protect consumers from robocalls and implementing provisions of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (“TRACED Act”).

I. INTRODUCTION AND SUMMARY

T-Mobile applauds the Commission’s continued efforts to combat robocalls and implement the TRACED Act. T-Mobile has led the industry in preventing unwanted and illegal calls from reaching customers, and the Commission’s recent actions will empower T-Mobile and other providers to develop and deploy even more tools to combat this scourge. Most notably, the

^{1/} T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company. T-Mobile and Sprint are now one company operating under the name T-Mobile. The merger closed on April 1, 2020.

^{2/} *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 (rel. July 17, 2020) (“*Third Report and Order*” and “*Fourth Further Notice*” respectively).

two safe harbors established in the *Third Report and Order* will aid providers by reducing the threat of liability when carriers block calls.^{3/} While there remains more work to do, the efforts by the Commission and industry have begun to produce results, as evidenced by the recent and significant decrease in consumer complaints about robocalls at both the FCC and FTC.^{4/}

The Commission should continue to broaden and strengthen safe harbor protections and allow providers the flexibility to adopt their own innovative and effective forms of call blocking without imposing unnecessary obligations. Specifically, while the Commission should expand the call-blocking safe harbor to include network-based call rejections, it should avoid being overly prescriptive and should not impose additional redress or mislabeling requirements or take further steps to prevent the blocking of emergency public safety calls.

II. T-MOBILE IS THE INDUSTRY LEADER IN COMBATTING ILLEGAL AND UNWANTED ROBOCALLS

T-Mobile was the first voice service provider to reach many milestones in the fight against illegal and unwanted robocalls, and we continue to provide our customers with the most robust set of scam-fighting tools in the market.^{5/} T-Mobile recently introduced Scam Shield,^{6/} a

^{3/} *Third Report and Order* ¶¶ 25-45.

^{4/} See Letter from The Honorable Ajit Pai, Chairman, FCC, to the Honorable Maggie Hassan and the Honorable Thomas R. Carper, United States Senate, at 1 (dated Aug. 6, 2020); Lois Greisman, *Robocall Reports Still Down, FTC Still Fighting*, FTC CONSUMER INFORMATION, (June 15, 2020) <https://www.consumer.ftc.gov/blog/2020/06/robocall-reports-still-down-ftc-still-fighting> (“The FTC’s latest Do Not Call Registry data shows robocall complaints were down 68% in April 2020 compared to April 2019 and down 60% in May 2020 compared to May 2019.”).

^{5/} See Comments of T-Mobile USA, Inc., WC Docket Nos. 17-97 and 20-67, at 1 (filed May 15, 2020).

^{6/} Scam Shield is available to all T-Mobile postpaid and Metro by T-Mobile customers. Scam Shield Premium gives customers even more control by allowing customers to send entire categories of unwanted robocalls (such as telemarketing calls) directly to voicemail, create block lists, and get voicemail-to-text for at-a-glance access to voicemails. Scam Shield Premium is free for customers with Magenta Plus and \$4 per month per line for other T-Mobile postpaid customers. Legacy Sprint customers have many of the benefits of Scam Shield now and will continue to get additional features as the networks are merged. They manage the benefits of Scam Shield via the Call Screener app, *infra*, note 13.

suite of free consumer protection tools to prevent unwanted and illegal robocalls from reaching T-Mobile customers. Scam Shield includes Scam Likely, Scam Block, free Caller ID, a PROXY number and number change, and a dashboard that shows all the calls the network has blocked in real time.^{7/}

T-Mobile's long-running free Scam ID and Scam Block were T-Mobile's original tools first introduced in 2017 to help customers avoid unwanted calls. They are network-based, meaning there is no special device required or app to download before they can be used. Scam ID, which is automatically available to all T-Mobile customers, labels scam calls as "Scam Likely" so customers can make informed decisions about which calls to answer. Those customers who do not want to see even "Scam Likely" notifications can enable Scam Block by dialing #662# on their devices or by toggling it on and off through the Scam Shield app.^{8/} Because T-Mobile looks at actual call behavior on the network, Scam ID and Scam Block can catch spoofed calls even as scammers are changing tactics, in real-time.

Scam Shield also includes free caller ID for everyone, which means our customers see a caller's information, even if it is not in the customer's contact list. In addition, Scam Shield protections include STIR/SHAKEN technology, which indicates that a number has not been spoofed by displaying the words "Number Verified" on the T-Mobile customer's device.^{9/} T-

^{7/} Press Release, T-Mobile Unveils Latest Un-carrier Move: Scam Shield, A Massive Set of Free Solutions to Protect Customers From Rampant Scams and Robocalls, T-Mobile (July 16, 2020) <https://investor.t-mobile.com/news-and-events/t-mobile-us-press-releases/press-release-details/2020/T-Mobile-Unveils-Latest-Un-carrier-Move-Scam-Shield-A-Massive-Set-of-Free-Solutions-to-Protect-Customers-From-Rampant-Scams-and-Robocalls/default.aspx> ("Scam Shield Press Release").

^{8/} Other ways customers can turn on Scam Block include the following: (1) Log in to My T-Mobile or the T-Mobile app, where they will see an option to turn on Scam Block; (2) Turn Scam Block on for DIGITS numbers by dialing 611 from a T-Mobile device to speak to a mobile expert; and (3) T-Mobile pre-paid customers can turn on Scam Block by dialing #436#, visiting a retail store, or dialing 611 to speak to Care.

^{9/} Scam Shield Press Release.

Mobile has integrated STIR/SHAKEN authenticated traffic exchange with more partners than any other voice service provider^{10/} and currently has more than 30 devices capable of displaying a message to indicate that the number has not been spoofed.^{11/}

In addition to the services above, Scam Shield also offers a number of free scam-fighting services for which other carriers make their customers pay. For example, if a customer's personal number has become overrun with spam calls, T-Mobile will provide the customer with a new number for free. In addition, T-Mobile PROXY allows customers to get a free second number, so they can keep their personal number for personal calls and use the second number for other calls, the way they might use a junk email address. T-Mobile also provides 12 months of free identity monitoring alert services through Be ID Aware, in partnership with McAfee. Scam Shield also allows customers to access a list of the calls the network has blocked in real time.^{12/} Customers activate and manage these protections using the free Scam Shield app.^{13/}

III. SAFE HARBOR PROTECTIONS SHOULD BE EXTENDED TO NETWORK-BASED REJECTIONS

The current safe harbor allows carriers to block calls based on reasonable analytics including STIR/SHAKEN with customer opt-out. The Commission now proposes to expand the safe harbor to allow providers to block calls at the network level (meaning that calls would be

^{10/} T-Mobile currently has implemented STIR/SHAKEN with AT&T Wireless, Comcast Xfinity Voice home lines, Sprint, Inteliquent, Bandwidth, Twilio, Altice, and Clear Rate. Legacy Sprint has implemented it with Comcast, T-Mobile, Altice/Cablevision, Brightlink/Transnexus, Peerless, and YMAX/Magicjack.

^{11/} Some devices use the older display "Caller Verified," but T-Mobile is migrating to the use of "Number Verified" for current and new devices.

^{12/} Scam Shield Press Release.

^{13/} Legacy Sprint customers use the Call Screener app, available at <https://www.sprint.com/en/landings/scamprotection.html>.

blocked without customer opt-in or opt-out) if the calls are highly likely to be illegal.^{14/} T-Mobile supports this expansion of the safe harbor that would allow it to block a category of calls consumers definitely do not want.

These are identifiable categories of calls that are almost certain to be illegal, such as domestic or international calls from invalid or unassigned numbers. These calls are highly likely to be illegal, and reasonable analytics, combined with caller identification information, would result in their being blocked. The same is true for calls such as IRS scam calls from numbers on the Do-Not-Originate list. The Commission is right that no reasonable consumer would want to receive these calls, and, therefore, carriers should be afforded the protection of a safe harbor to block them.

IV. THE COMMISSION SHOULD NOT IMPOSE ADDITIONAL REDRESS OR MISLABELING REQUIREMENTS

The Commission should not impose additional redress mechanisms for mislabeled calls.^{15/} While Congress recognized the need for blocked call redress in the TRACED Act, it did not do so for mislabeled calls. As T-Mobile explained previously,^{16/} Section 10 of the TRACED Act requires transparency and effective redress mechanisms for both consumers and callers for call *blocking*.^{17/} The Commission's authority regarding caller ID labeling practices, on the other hand, is limited to producing a report to Congress addressing, in part, misleading or inaccurate caller ID information^{18/} and issuing best practices for accurate identification that providers of

^{14/} *Fourth Further Notice* ¶¶ 104-06.

^{15/} *Id.* ¶ 109.

^{16/} Reply Comments of T-Mobile USA, Inc., WC Docket Nos. 17-97 and 20-67, at 8 (filed May 29, 2020) (“T-Mobile Reply Comments”).

^{17/} TRACED Act § 10(b) (codified at 47 U.S.C. § 227(j)).

^{18/} *Id.* § 3(a) (codified at 47 U.S.C. § 227(h)).

voice service *may* use as part of the implementation of effective call authentication frameworks.^{19/} Having addressed the redress issue for blocked calls, Congress could have done the same for mislabeled calls, but it did not.

Congress took the right approach in allowing flexibility, rather than mandates, as it encourages various robocall mitigation tools and seeks to ensure adequate redress mechanisms for legitimate callers. Providers should be permitted to label calls as they deem appropriate and allow their customers to determine if they value those labels. Furthermore, redress for blocked and mislabeled calls is not the same because consumers know if they have received a mislabeled call whereas they do not see blocked calls. If a T-Mobile customer does not answer a mislabeled call, the call goes to the customer's voice mail. While scammers may not leave voicemails, legitimate callers that provide wanted information do. That means that T-Mobile customers receive the information from legitimate callers who will leave a message. T-Mobile customers who think that a call was mislabeled are encouraged to report the mislabeling on T-Mobile's website dedicated to helping with redress in this case: <https://callreporting.t-mobile.com/>. In addition, businesses that think their numbers have been incorrectly labeled can report the issues to T-Mobile's analytics vendor on <https://calltransparency.com/>.^{20/}

The Commission also need not set timelines or methods for responding to unblocking requests from blocked callers. The TRACED Act merely requires that consumers and callers are provided with redress options that are both transparent and effective.^{21/} T-Mobile has every incentive to act promptly to protect legitimate calls and works closely with its analytics vendor,

^{19/} *Id.* § 4(b)(7) (emphasis added).

^{20/} T-Mobile Reply Comments at 9.

^{21/} TRACED Act § 10(b) (codified at 47 U.S.C. § 227(j)(1)(A)).

First Orion, to limit the potential impact of possible erroneous blocking and labeling and address issues as quickly as possible when they arise. And, this is working. There is no evidence that carriers are not already effectively providing redress for blocked or mislabeled calls. Therefore, regulatory mandates should not be imposed to address a problem that does not exist.

V. NO FURTHER STEPS ARE REQUIRED TO PREVENT BLOCKING OF EMERGENCY PUBLIC SAFETY CALLS

As the Commission notes, voice service providers have strong incentives to ensure that emergency calls are not blocked. The Commission does not need to take additional steps to ensure this.^{22/} Moreover, there is no evidence that providers are not already taking appropriate measures to ensure emergency calls are not blocked.

Several parties, including Transaction Network Services, Inc. (“TNS”)^{23/} and First Orion,^{24/} have seen outbound calls from emergency service call centers using invalid numbers. That is why in the *Third Report and Order*, the Commission correctly reminded emergency services callers, such as call centers making outbound call-back calls, that calls purporting to originate from invalid numbers may be blocked under the Commission’s existing rules, and “strongly encourage[d] such callers to ensure that they are not using numbers the Commission

^{22/} See *Fourth Further Notice* ¶ 94.

^{23/} Letter from Steven A. Augustino, Counsel for Transaction Network Services, Inc., to Ms. Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-59, at 2 (filed July 10, 2020) (“In particular, on a few occasions, TNS has seen an outbound call from an emergency services center contain an invalid telephone number (such as a four digit number), which is a factor used to identify potentially fraudulent calls and could increase the chance of a mistaken identification of that call.”).

^{24/} Letter from Jennifer Glasgow, EVP, Policy and Compliance, First Orion, and John Ayers, VP, Government Affairs, First Orion, to Ms. Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-59, at 3 (filed July 9, 2020) (“First Orion is confident in our ability to protect government outbound emergency numbers, particularly calls back to consumers from PSAPs. We do however encounter situations where emergency services providers spoof invalid numbers when calling outbound—presumably at least in part to avoid calls back to specific numbers from the called consumers.”).

has given voice service providers clear authorization to block.”^{25/} As the Commission noted, emergency services callers should work with voice service providers and their blocking partners to ensure that their calls are not blocked, and T-Mobile and First Orion have been and continue to be engaged in such cooperative efforts.^{26/}

VI. CONCLUSION

T-Mobile continues to support the Commission’s efforts to fight illegal and unwanted scam robocalls, including through implementation of the TRACED Act. T-Mobile appreciates that the Commission has clarified that providers are protected from liability when they block calls pursuant to the two safe harbors adopted in the *Third Report and Order*. For the reasons discussed above, it encourages the Commission to adopt an additional safe harbor for network-based call rejections while refraining from imposing additional redress or mislabeling requirements or taking further steps regarding blocking of emergency calls.

Respectfully submitted,

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^{25/} *Fourth Further Notice* ¶ 52, n.123.

^{26/} *Id.*