

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**COMMENTS  
OF  
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby submits these comments in response to the Fourth Further Notice of Proposed Rulemaking (“*Further Notice*”)<sup>2</sup> released by the Federal Communications Commission (“Commission”) in the above-captioned proceedings. The *Further Notice* seeks comment on further implementation of the TRACED Act.<sup>3</sup> NTCA supports herein the *Further Notice* proposal to adopt an effective “redress process” by which consumers can address situations in which they believe or come to find out that their legitimate and wanted calls are blocked by mistake. The association further supports the application of any redress processes adopted for blocking equally in all respects to call labeling (*i.e.*, the indication to the called party on their caller-ID display that a call is “spam,” “scam” or some similar notification that the incoming call should be viewed as suspicious).

---

<sup>1</sup> NTCA represents approximately 850 rural local exchange carriers (“RLECs”). All of NTCA’s members are voice and broadband providers, and many of its members provide wireless, video, and other competitive services to their communities

<sup>2</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, FCC 20-96 (rel. Jul. 17, 2020 (“*Third Report and Order*” or “*Further Notice*”).

<sup>3</sup> Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, § 4(b)(1)(A), 133 Stat. 3274, 3277 (2019) (“TRACED Act”).

**I. VOICE PROVIDERS CHOOSING TO BLOCK OR LABEL CALLS MUST ADOPT A PROCESS FOR RAPID REDRESS OF “FALSE POSITIVES” THAT INADVERTENTLY BLOCK OR MISLABEL LEGITIMATE OR WANTED CALLS.**

The *Further Notice* seeks comment on “redress” processes that would enable consumers to correct “false positives,” that is, to address situations in which calls they place are blocked by the terminating provider by mistake.<sup>4</sup> NTCA has long supported such processes, and in addition supports the *Further Notice* proposal to extend the very same important consumer-protection measures to call labeling practices as well.<sup>5</sup> The ability of consumers that believe or come to find that their calls have been blocked or mislabeled in error to quickly rectify the mistake is necessary to maintain the reliability of voice communications, particularly for rural consumers.

As an initial matter, NTCA reiterates its support for the Commission’s efforts to strengthen and clarify voice providers’ authority to block suspected unwanted or illegal robocalls.<sup>6</sup> NTCA has also worked with its members and with the industry at large<sup>7</sup> to promote adoption of STIR/SHAKEN caller-ID authentication protocols. NTCA’s members take seriously their obligation to obtain and utilize the tools available for the protection of all consumers.

At the same time, every consumer deserves, *in equal measure*, a commitment by the Commission and all service providers to the continued reliability of the voice network. A caller finding that his or her legitimate and wanted calls have been blocked, or mislabeled as somehow suspicious, should have a means of correcting such a mistake as expeditiously as possible.

---

<sup>4</sup> *Further Notice*, ¶¶ 107-108.

<sup>5</sup> *Id.*, ¶ 109.

<sup>6</sup> See Comments of NTCA, CG Docket No. 17-59 (fil. Jul. 24, 2019), p. 10 (“As community-based providers, RLECs take seriously their duty to protect the rural Americans they serve and are committed to utilizing every tool they can find to mitigate the incidence of robocalls or other unwanted calls to their customers.”).

<sup>7</sup> As a founding member of the Secure Telephone Identity Governance Authority (“STI-GA”) Board of Directors, NTCA has put its members’ commitment to protecting rural consumers and combatting the scourge of caller-ID spoofing into action with time and financial resources dedicated to the creation of the STI-GA to ensure that the ecosystem for all providers to cooperatively implement STIR/SHAKEN was in place as soon as possible.

Moreover, these calling parties may not even know why a call failed, and they should not be forced to navigate a customer service bureaucracy to determine that the source of the failed call is an overzealous or improperly calibrated call blocking tool or the mistaken mislabeling of a call.

Thus, the Commission should require voice providers choosing to block or label calls to deliver an “intercept message” to calling parties to inform them that such action has been taken.<sup>8</sup> Calls blocked or mislabeled in error harm consumers and businesses on both sides of the call. Callers on the originating side (attempting to reach relatives, friends, or potential employees) may be unable to do so for reasons they cannot see and do not understand. On the terminating side, consumers will potentially never receive or be able to answer calls they may have wanted, because they never knew such calls were being blocked or mislabeled in error. It may only be via email or some other communications medium between the parties that they discover a problem has arisen – if that follow-up occurs at all. Neither the calling nor the called party should face delays in resolving the situation or be required to guess and investigate why calls are not going through, as they are forced to navigate a customer service bureaucracy to determine the nature of the problem – the Commission should enable consumers to bypass much of this process and enable parties implicated by inadvertent blocking or mislabeling to quickly “zero in” on the problem. An “intercept message” to callers in the event a call is blocked or labeled as suspicious should convey to blocked callers that their call has been so handled and further provide the calling party instructions on how to correct a “false positive.”

---

<sup>8</sup> *Further Notice*, ¶ 107.

In addition, voice providers choosing to block calls must adopt a process for rapid redress of “false positives” that inadvertently block or mislabel legitimate or wanted calls.<sup>9</sup> Knowing why calls have failed – that calls have been blocked or labeled as a suspected unwanted or illegal robocall and receiving an intercept message – is of limited value if a consumer inadvertently caught up as a “false positive” must devote time to investigating how to remedy that erroneous designation. They should not be forced to file a complaint at the Commission – such is a “remedy” in name only as it could take months or even years to resolve. Nor should consumers be forced to turn to their voice provider to intercede on their behalf. Thus, voice providers that choose to voluntarily avail themselves of the authority granted by the Commission to use call blocking/labeling tools should be required to establish a process by which a party (or their provider if they so choose to offer such a service to their subscribers) can rapidly correct a false positive.

NTCA also supports the *Further Notice* proposal to requiring terminating providers to provide to their subscribers, upon request, a list of calls intended to reach them but blocked instead.<sup>10</sup> As the *Further Notice* correctly states, absent having such a list, “a consumer may not know that they are missing calls they would prefer to receive.”<sup>11</sup> This, with the other measures above, would ensure that parties on both sides of a call that does not reach its intended destination but is legitimate and wanted are in a position to correct mistakes.

Moreover, this blocked call list – as with all of the other consumer-protection proposals supported herein – must apply equally in all respects to call labeling. A call labeled as “spam” or “scam” or otherwise suspicious and presented to the called party as such on their caller-ID

---

<sup>9</sup> *Id.*, ¶ 108.

<sup>10</sup> *Id.*, ¶ 110.

<sup>11</sup> *Id.*

display is tantamount in many respects to blocking. Called parties are highly unlikely to answer such calls, and indeed they often have the option to block the caller's telephone number upon viewing that label. Thus, a call mistakenly labeled as "spam" or "scam" or something similar by mistake places both parties in the same situation as if a call is blocked outright – a caller making a legitimate call is unable to reach a party that wanted it with neither party being aware of the mistake. Calling parties should be notified via an intercept message if their call is labeled as suspect in any way, and these callers should also have access to the very same redress process as is adopted for calls that are blocked outright. A list of labeled as well as blocked calls provided to called parties would, as noted above, enable both parties to be aware of "false positives" much faster and would arm both parties with the information necessary to correct a mistake.

Finally, it must be noted that the concerns with respect to false positives discussed herein are a very real concern for rural consumers and the operators that serve them. For one, the Commission has only recently granted voice providers broad latitude to block suspected illegal or unwanted calls and to do so using "reasonable analytics."<sup>12</sup> Mistakes will be made as these services are rolled out to greater numbers of consumers, more calls are blocked or labeled, and refinements to blocking tools and data analytics are made. Legitimate calls will almost certainly be blocked or mislabeled, and the Commission has a responsibility to consumers to plan ahead for this concern. Consumers caught up in mistaken blocking should not be left to figure out what has happened and "fend for themselves," and the Commission should not await the filing of thousands of complaints before taking action to enable a rapid resolution to such situations. In addition, while the majority of RLECs have the technical ability within their own networks to

---

<sup>12</sup> *Third Report and Order*, ¶¶ 20-50.

implement the STIR/SHAKEN caller-ID “spoofing” mitigation standard, as NTCA has noted,<sup>13</sup> implementation within rural networks alone is insufficient for these carriers and the consumers they serve to realize the benefits of this framework. IP interconnection concerns – and lingering TDM facilities in some places – will complicate, if not preclude, the implementation of SHAKEN/STIR in rural markets. While the Commission has rightfully made clear that the lack of caller-ID authentication alone does not permit a terminating provider to block a call, again, mistakes will be made. If calls from rural consumers appear unauthenticated when reaching urban areas because IP interconnection does not exist between larger national operators and small rural carriers, there is serious risk that legitimate calls from rural customers will be inadvertently prevented from reaching called parties that may want them because they *appear* “untrustworthy.” To be sure, the most important step the Commission can take in terms of its TRACED Act implementation is adoption of basic IP interconnection “rules of the road” to spur all parties to enter into such agreements, thus moving forward the widespread adoption and implementation of STIR/SHAKEN not just within but also across networks. That step, while critical, is insufficient by itself to protect rural consumers from overzealous or improperly calibrated call blocking tools or labeling practices, and thus the measures proposed herein are necessary as well.

### III. CONCLUSION

For the reasons discussed above, the Commission should take steps to ensure call-blocking and labeling technologies and practices sufficiently protect consumers from “false positives” that result in legitimate and wanted calls from being blocked.

---

<sup>13</sup> Comments of NTCA, WC Docket No. 20-67 (fil. May 15, 2020).

Respectfully submitted,

**NTCA–The Rural Broadband Association**

By: /s/ Michael R. Romano

Michael R. Romano

Senior Vice President –

Industry Affairs & Business Development

[mromano@ntca.org](mailto:mromano@ntca.org)

By: /s/ Brian J. Ford

Brian J. Ford

Director of Industry Affairs

[bford@ntca.org](mailto:bford@ntca.org)

4121 Wilson Boulevard, Suite 1000

Arlington, VA 22203