



August 31, 2020

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington D.C., 20554

Re: *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59

Dear Ms. Dortch:

The Enterprise Communications Advocacy Coalition represents enterprises and organizations seeking to communicate with their constituents who face obstacles imposed by overbroad technologies, misdirected legal burdens, and lack of understanding as to the difficulties faced by these groups in communicating lawfully with their members and customers. ECAC's members include the calling entities and the vendors and providers that support delivery of electronic communications, including by automated and live voice, text, and e-mail.

ECAC is aligned with government regulators, voice service providers, and customers in efforts to eliminate illegal and unwanted robocalls. ECAC's members are unfairly castigated along with callers making illegal and unwanted calls.

ECAC's members suffer from illegal robocalls in two ways. First, calling parties are struggling to contact their constituents because of the overarching decline in voice

communications caused by frustrations from illegal and unwanted calls. Second, anti-robocall technologies are overbroad and incorrectly lump our members' calls in with illegal and unwanted calls.

Our members are concerned that the Commission's and communications' industry's laudable efforts to combat illegal and unwanted calls have created unintended consequences. Most notably is the impact to customers receiving communications they have requested and consented to receive. ECAC members strive to abide by all laws regulating their communications, including customer consent.

The Commission and interested parties have struggled to define unwanted calls. We propose a simple definition as calls to which the recipient has not given express informed consent and to which there is no opt-out option. The anti-robocalling efforts have conflated these calls with those made by entities that both flout laws and regulations regulating calling and those that are straight up scams.

ECAC wants to be part of the robocall solution rather than an unintended victim of overbroad and overzealous efforts to combat illegal and unwanted calls. Our members understand voice communications, and automated outbound communications in particular. Our members agree to follow all applicable calls regulating calling, including consent and opt-out requirements.

ECAC believes the Commission should take into account the guidance below as it considers the issues raised in the current Further Notice or Proposed Rulemaking:

- Redress: Legal callers must have straightforward recourse for inaccurate labeling and unjustified blocking. We propose that a 24-hour response for unjustified

blocking is reasonable, as is a five-business day response period to respond to concerns about inaccurate call labeling.

- Reasonable Analytics: The Commission has created a safe harbor for calls that are erroneously blocked in part because of information in the STIR/SHAKEN call verification process. Our members have struggled to work productively with the analytics entities used by the carriers. We do not request white-list status because we recognize that callers can spoof numbers of entities that are obeying the law. But terminating carriers and their analytics partners should not be able to invoke a safe harbor unless they receive verified caller information whether directly from the caller or through their agents. Terminating carriers and their analytics partners should not be able to invoke the safe harbor if they charge callers for providing this information. It is profoundly unfair if terminating carriers and their analytics partners charge callers to fix an erroneous blocking and labeling problem that is of their own creation.
- Verified identity: ECAC supports verifying the identity of entities making communications and passing that information throughout the communications path in a secure manner so that the customer's service provider and the customer receive verification that the entity contacting them is who they purport to be. The vast majority of callers making legitimate communications have no need to disguise their identity or contact information.

ECAC looks forward to continuing to work with the Commission, other government agencies, and interested parties in battling illegal and unwanted robocalls while ensuring that legal, wanted communications continue to reach their intended recipients.

Respectfully submitted,

Rebekah Johnson, Chair

Stuart Discount, Co-Chair

Mitch Roth, General Counsel

Robert Kobek, Co-Founder

Enterprise Communications Advocacy Coalition
c/o Mitchell Roth
Roth Jackson
8200 Greensboro Drive, Suite 820
McLean, VA 22102