

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”)¹ submits the following comments in response to the Federal Communications Commission’s (“FCC’s” or “Commission’s”) *Fourth Further Notice of Proposed Rulemaking* (“FNPRM”)² in the above-captioned proceeding.

As the Commission continues to implement the TRACED Act,³ CCA appreciates the Commission’s ongoing recognition of the need for additional flexibility for small and rural providers, including through reasonable compliance timelines or the offering of alternative approaches to compliance. As CCA has explained, this flexibility is necessary because “one-size-fits-all” solutions will not result in the effective combating of robocalls.⁴ Accordingly, CCA

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. Members range from small, rural carriers serving fewer than 5,000 customers to regional and nationwide providers serving millions of customers, as well as vendors and suppliers that provide products and services throughout the wireless communications ecosystem.

² *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls, et al.*, CG Docket No. 17-59, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, FCC 20-96 (rel. July 17, 2020) (“FNPRM”).

³ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 105, 113 Stat. 3274 (2019) (“TRACED Act”).

⁴ *See, e.g.*, Comments of Competitive Carriers Association, WC Docket No. 17-97, WC Docket No. 20-67 (filed May 15, 2020); Comments of Competitive Carriers Association, GN Docket No. 17-59, WC Docket No. 17-97 (filed Jan. 29, 2020) (“CCA Call Blocking Comments”);

cautions the Commission to refrain from adopting prescriptive measures in this proceeding that may stifle innovation and hinder the goals of the FCC and Congress. Rather, the Commission should offer flexibility by allowing providers to implement their own measures that will work most effectively for their customers and individual networks. Proceeding in this manner recognizes the various challenges that certain providers—particularly resource-constrained smaller providers or TDM-based voice service providers—may experience in seeking to comply with prescriptive requirements.

I. The Commission Should Take into Account the Nascent Nature of Call Blocking Technologies and the Impact on Small and Rural Carriers as it Implements the TRACED Act

A. Section 4

The FNPRM seeks comment on allowing call blocking based on alternative information, as well as extending the Commission’s safe harbor to cover these alternative approaches and network-based blocking.⁵ Carriers and vendors continue to develop both network-based and app-based solutions to combat robocalls, and many of these technologies are in their infancy. The Commission therefore should not restrict the tools that are available as carriers implement reasonable analytics to combat robocalls. While incorporating caller ID identification information into other reasonable analytics may be a preferred approach, the Commission should use caution before prohibiting companies from using potentially relevant information.

It is critical for the Commission to acknowledge that carriers acting in good faith and employing reasonable analytics may make inadvertent errors, both in failing to block unlawful robocalls or inadvertently blocking wanted calls. Carriers cannot take effective action if they

Comments of Competitive Carriers Association, GN Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019).

⁵ See FNPRM ¶¶ 87, 104-106

face liability even for inadvertent errors, particularly since so much of the technology continues to develop and evolve. It is essential, therefore, that of the Commission adopt robust safe harbors, including extending its safe harbor to cover blocking based on caller ID authentication information or the unintended or inadvertent misidentification of the level of trust for individual calls, and for network-based blocking. Wireless carriers have a tremendous incentive to adopt call-blocking measures that most benefit their consumers, and therefore inevitably will be doing everything they can to both block unlawful calls and also to permit wanted calls. As call blocking efforts are constantly developing and improving, stringent enforcement by the Commission may unduly penalize carriers and potentially discourage the use of alternative approaches.

The Commission also asks about steps to ensure that voice providers with delayed compliance deadlines are not blocked because their calls are not able to be authenticated.⁶ It is vital that the Commission protect such carriers. Particularly since carriers with delayed compliance deadlines are likely to be smaller and rural carriers, or carriers with TDM networks, allowing traffic from such carriers to be blocked because it cannot be authenticated could create competitive harms, and could particularly disadvantage lower-income and rural Americans.

B. Section 7

The FNPRM seeks comment on further efforts to protect subscribers from unwanted calls from unauthenticated numbers. CCA shares the Commission's urgent desire to protect subscribers from these calls. However, the application of overly restrictive measures runs the risk of blocking many legal calls over CCA's members' non-IP networks. As the Commission is well aware, STIR/SHAKEN is not a panacea that will bring a definitive end to all robocalls.

⁶ FNPRM ¶ 86.

Rather, it is merely one solution out of many necessary to adequately block all unwanted calls. STIR/SHAKEN is also an IP solution that cannot be implemented on non-IP traffic. CCA has urged the Commission to adopt flexible timeframes for carriers who maintain non-IP networks or who exchange a significant amount of non-IP traffic via third-party TDM tandems.⁷ In particular, the Commission should ensure that traffic from carriers that have not implemented STIR/SHAKEN is not automatically disadvantaged merely because such carriers are employing an alternative solution.

II. The Commission Should Not Implement Excessive or Unnecessary Requirements on Carriers

In the FNPRM, the Commission proposes applying several additional affirmative requirements to voice service providers in order to further implement the TRACED Act and seeks comment on whether the Commission should adopt specific requirements or whether it should permit voice service providers to develop their own plans and measures.

Both Congress and the FCC have acknowledged the undue hardships that small providers may experience with respect to the implementation of call blocking technologies into their networks.⁸ Small and competitive carriers in particular face unique challenges in implementing prescriptive mandates; particularly when a prerequisite to compliance is obtaining and deploying

⁷ See, e.g. CCA Call Blocking Comments.

⁸ The TRACED Act directs that extensions be provided to small voice service providers due to undue hardship associated with implementation and to networks that rely on technologies that cannot initiate, maintain, and terminate Session Initiation Protocol (“SIP”) calls. TRACED Act §§ 4(b)(5)(A)(ii); 4(b)(5)(B). In addition, the FCC has recognized that “small voice service providers lack the financial ability and in-house professional expertise necessary to quickly implement the SHAKEN/STIR framework,” and rural providers “may need more time than their larger peers to transition their networks to Internet Protocol (IP)” which would be a necessary next step to implementing a program such as SHAKEN/STIR.” See *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd. 4876, 4898, 4900-01, ¶¶ 56, 78 (2019).

new technologies. Many small and competitive providers have limited resources and staff and are at the behest of equipment manufacturers and vendors when it comes to acquiring innovative technology and other necessary tools to meet the FCC's mandates.⁹ This has a direct impact on the timeline in which a provider can come into compliance.

One of the affirmative requirements proposed in the FNPRM is to require voice service providers to respond to traceback requests from the Commission, law enforcement, or the Traceback Consortium.¹⁰ The wireless industry already is working cooperatively to respond to such requests. Carriers have substantial incentives to eliminate robocalls, and carriers are strongly motivated both to eliminate any unlawful calls that originate on their networks, and to cooperate in eliminating unlawful calls that their subscribers may receive. The Commission should allow industry to continue to cooperate and permit market forces to drive responses before assessing whether any regulatory requirements are necessary.

With respect to the proposed requirement to take effective measures to prevent new and renewing customers from using their networks to originate new calls,¹¹ smaller providers may lack the resources to conduct extensive due diligence on new or renewing customers in order to determine whether such customers are originating bad or illegal traffic. To alleviate this burden on smaller carriers, the Commission should determine that any "effective measures" criteria is satisfied so long as a provider takes action once it has actual knowledge of a customer originating illegal calls.

⁹ CCA's members focus their finite resources on actively updating their network capabilities and are particularly focused on additional broadband deployment to rural and remote areas. Despite these efforts, they often lag behind the major providers in accessing the latest equipment and technology throughout their networks.

¹⁰ FNPRM ¶ 96.

¹¹ *Id.* ¶¶ 101-02.

Lastly, with respect to the Commission's proposed requirements to provide timely notification of when calls are blocked and to provide a list of individually blocked calls,¹² smaller providers may not have the resources to respond to immediate redress timelines as quickly as larger providers or be able to provide robust lists of individually blocked calls to customers due to technical considerations. Maintaining and offering such a list poses particular challenges to TDM-based voice service providers. The Commission again should acknowledge that analytics technologies are evolving and that carriers are making good-faith efforts to protect their customers. The Commission should allow carriers flexibility to implement these solutions based on what is best for their networks and customers.

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CCA and its members appreciate the Commission's focus on effectively combatting robocalls and protecting consumers. CCA continues to support this objective and urges the Commission not to lose sight of methods that may be more suitable for smaller and competitive providers by incorporating flexible paths for compliance with the FNPRM's proposals to the extent they are adopted by the Commission.

Respectfully submitted,

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¹² *Id.* ¶¶ 107-108 and 110-111.