

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

COMMENTS OF TRANSACTION NETWORK SERVICES, INC.

Transaction Network Services, Inc. (“TNS”), by its attorneys, hereby provides these initial comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Fourth Further Notice of Proposed Rulemaking (hereinafter, 4th FNPRM)¹ in its ongoing docket to target and eliminate unlawful robocalls. As the provider behind the analytics engine Call Guardian, which is used by four of the six largest wireless carriers in the United States, TNS supports the Commission’s efforts to eradicate unlawful robocalls. The goal of all analytics engines is to mitigate illegal and fraudulent calls and to provide timely, relevant and accurate information to the subscriber so that the subscriber may choose how to handle a call. This two-pronged approach helps to protect consumers and to empower them with control over the calls they receive.

In these comments, TNS addresses the transparency and redress questions raised in the 4th FNPRM. As explained below, these issues are part of an ongoing discussion among voice service providers, call analytics providers and call originators. These issues require a balancing of considerations to avoid undermining the effectiveness of analytics engines in

¹ *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, CG Docket No. 17-59, FCC 20-96 (rel. July 17, 2020).

mitigating harmful and fraudulent calls for the sake of additional transparency for consumers or call originators. Effective redress options exist today and, while all parties are working to improve their efficiency, mandates from the Commission are not needed to engender progress in these efforts.

I. THE COMMISSION SHOULD NOT UNDERMINE THE EFFICACY OF CALL BLOCKING IN AN EFFORT TO PROTECT CALLING PARTIES

In the Third Report and Order portion of this proceeding, the Commission adopted a safe harbor for call blocking based on reasonable analytics and providing customer opt-out.² The Commission correctly determined that such a safe harbor would reduce uncertainty and therefore “encourage voice service providers to better protect their customers from unwanted calls.”³ The Commission rejected calls to refrain from adopting the safe harbors due to concerns with erroneous blocking, noting that reasonable analytics mitigate the risk of erroneous blocking.⁴

In response to Section 10(b) of the TRACED Act, the Commission adopted minimal requirements for addressing claims of erroneous blocking. Voice service providers must maintain a single point of contact for receiving claims of erroneous blocking, must respond to good faith disputes within a reasonable time, considering the nature and circumstances of the

² *4th FNPRM* at ¶ 25.

³ *4th FNPRM* at ¶ 23.

⁴ *4th FNPRM* at ¶ 47. The Commission also noted that “a consumer should have the choice to accept some level of risk of erroneous blocking in exchange for additional protections against unwanted calls.” *Id.*

claim, and must do so at no cost to the call originator.⁵ The 4th FNPRM, however, asks whether additional redress options should be adopted for blocked calls. TNS respectfully submits that the Commission should refrain from prescriptive regulation of call blocking remedies.

First, the 4th FNPRM asks whether it should require voice service providers to provide notification to call originators when calls are blocked.⁶ As TNS explained in dockets 17-97 and 20-67, disclosure of when a particular call is blocked may be counter-productive and undermine the effectiveness of robocall mitigation solutions.⁷ Real-time information about when a call is blocked can provide valuable information to bad actors. It can, for example, facilitate “snowshoe spamming,” where a bad actor spreads calls across enough telephone numbers to avoid detection on any single number.⁸ Moreover, real-time notification to a call originator when a call is blocked would inform a bad actor that calls are no longer completing with that number, would allow the bad actor to shift calling to a different number and thereby potentially would enable the bad actor to complete calls that otherwise would be blocked. For these reasons, any solution to the concerns of legitimate call originators should not include real-time, per-call notification to call originators of blocked calls.

Moreover, TNS notes that mandatory notification procedures to call originators is not needed at this time. As TNS and others have noted, every major call analytics provider offers a redress mechanism for call originators that contend blocking (or labeling) is done in

⁵ 4th FNPRM at ¶ 54-55. In addition, if a voice service provider determines that an error was made, it must cease blocking calls from that number promptly, unless circumstances subsequently change. *Id.* at ¶ 55.

⁶ 4th FNPRM at ¶ 107.

⁷ Comments of Transaction Network Services, Inc., WC Docket Nos. 17-97 and 20-67, at 12 (filed May 15, 2020).

⁸ *Id.*

error. These redress procedures include a mixture of free resolution procedures and paid solutions that employ monitoring and remediation techniques to assist call originators. TNS, for example, will respond, for free, to requests from call originators seeking information on the classification of their outbound telephone numbers, subject only to the reasonableness of the request.⁹ TNS will respond to reasonable requests with information concerning the current classification of each telephone number and best practices for improving the classification of any numbers with negative feedback. TNS also offers a more robust service that provides monitoring and real-time analysis of telephone numbers. This service utilizes proprietary capabilities of TNS' analytics software and is available for a fee, however.

To the extent that call originators seek monitoring and notification of changes in the treatment of their numbers, there are several other services (outside of TNS) that provide this information. In addition, call originators have information of their own which will indicate when calls are blocked, such as sudden drops in completion rates.¹⁰ Call originators thus have several options today to receive information regarding their calls and to serve as a tip-off to seek redress with particular voice service providers. Given these options, more prescriptive regulation of the redress process for blocked calls is not needed.¹¹

⁹ TNS has, for example, received requests from call originators for verification of as many as 1 million telephone numbers in a single request. The Commission should make clear that redress procedures are subject to reasonable limitations as to the size and scope of a call originator's request.

¹⁰ It also is not difficult to determine the voice service provider to which particular telephone numbers are assigned, which helps to identify the service provider to contact with redress concerns. Moreover, call originators can seed their outbound calls with known test numbers from multiple carriers, in order to identify when particular voice service providers are blocking calls.

¹¹ For similar reasons, the Commission should allow voice service providers to determine when and how to notify subscribers of blocked calls. The Commission's *Call Blocking Declaratory Ruling* already requires voice service providers to explain their blocking

Second, the 4th FNPRM asks whether the Commission should specify a minimum time for responses to claims of erroneous blocking.¹² In the Third Report and Order portion of the same document, the Commission already mandated that voice service providers investigate and resolve claims of erroneous blocking “in a reasonable amount of time.”¹³ As the Commission noted there, the circumstances surrounding a request may vary, and so would the amount of time that is “reasonable” to resolve such disputes.¹⁴ There is no need, as asked in paragraph 108 of the 4th FNPRM, to address this time period further. TNS, for example, already sends an acknowledgment of a call blocking dispute by the end of the next business day in most instances, but some circumstances may take longer. For example, if a request involves an unusually large number of telephone numbers, the acknowledgement may take longer to provide. Further, a TNS noted previous comments, resolution of any dispute involves both the call originator and the voice service provider and often requires multiple responses from each to resolve. It is not practical to identify a time period within which a request should be resolved as every case will be different. Instead, the Commission’s admonition that a request must be investigated and resolved in a reasonable amount of time is adequate in this instance.

services to subscribers and to allow those subscribers to opt-out of the default blocking services. *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 4876, 4886-87 ¶¶ 32-33 (2019). Voice service providers can determine whether blocked call lists are helpful to subscribers in making a decision whether to opt-out of a blocking service.

¹² 4th FNPRM at ¶ 108.

¹³ *Id.* at ¶ 55.

¹⁴ *Id.*

II. THE COMMISSION SHOULD NOT INTERVENE IN CALL LABELING PROCEDURES AT THIS TIME

Separate from call blocking, the 4th FNPRM also asks whether it should address the mislabeling of calls and, if so, how.¹⁵ Labeling differs from call blocking, however, in several ways. First and foremost, in contrast to blocking, call labeling practices allow the call to be completed to the end user's phone. The called party is presented with a labeled call, whereas with call blocking, the call does not reach the end user's phone. This allows the called party to answer the call, which presumably it would do if it recognizes the originating number of the caller or their CNAM if available, or send it to voicemail. This also allows the caller to leave a voicemail message if the call rolls to the called party's voicemail.

Moreover, a call originator has more control over how its calls are labeled by following best practices for outbound calling. Call originators who avoid multiple "nuisance" calls, who adhere to reasonable time of day restrictions, who do not mix marketing and non-marketing uses on outbound numbers and who leave voicemail messages typically have better reputational feedback and better experiences with call labeling. In addition, much as email spam filters allow trusted sender lists, trusted call originators can be put into a subscriber's contact list, in which case any call labeling will not impact the display name.

Further, TNS emphasizes that the goal of all call analytics is to provide timely, relevant and accurate information regarding a call. TNS utilizes information from over 1 billion signaling transactions per day and dozens of other industry data sources, STIR/SHAKEN parameters, and crowd-sourced data, to provide a dynamic scoring system for calls in real-time. TNS constantly reviews and adjusts its ratings based on feedback it receives from crowd-sourced

¹⁵ *Id.* at ¶ 109.

feedback, manual reviews of calls, call patterns, enterprise customer reporting and other sources. The information available to TNS often is more complete than is available to a call originator – such as feedback provided by call recipients within the TNS app, and evidence of spoofing of the call originator’s telephone number by third parties. As a result, call labels can change more frequently than call blocking decisions, and can be more transient in time.

For these reasons, discussions concerning errors in call labeling are more nuanced than a typical call blocking question. Resolution of claims of mislabeling require more feedback and involve more questions of degree and judgment in classifying calls. While errors in call labels may occur, many times, an alleged “error” may simply reflect different values that the call originator and called party place on the call. These questions are harder to address with rules than are call blocking claims.

TNS appreciates that call analytics providers, voice service providers, and call originators are working together to stamp out the illegal robocalls that are polluting the system and undermining confidence in voice calling. Call labeling is a part of this solution and provides called parties with helpful information that empowers them to determine how to handle particular calls. The industry is working toward ensuring that labels are as accurate as possible and are helpful to called parties. For the time being, the Commission should continue to allow industry participants to address these questions cooperatively and in the best interests of consumers receiving the calls. If specific disputes persist, the Commission can evaluate whether those disputes can be addressed via formal complaints or other Commission practices. It should not, however, attempt to anticipate these disputes or their relevant considerations without more practical experience and clear evidence of a failure to address substantial concerns.

III. CONCLUSION

For the foregoing reasons, the Commission should continue to allow the industry to refine the protocols and procedures for a redress mechanism through voluntary cooperation, not prescriptive regulation. Call originators have available multiple and sufficient redress procedures through present industry practices. The Commission should not intervene further at this time in the operation of these procedures.

Respectfully submitted,



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August 31, 2020