

**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 AT&T

Amanda E. Potter
Gary L. Phillips
David Lawson
AT&T SERVICES, INC.
1120 20th Street, NW
Washington, DC 20036

Its Attorneys

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AT&T Services, Inc.¹ hereby submits these comments in response to the public notice issued by the Consumer and Governmental Affairs Bureau (“Bureau”), seeking to refresh the record on how the Commission might further empower voice service providers to block illegal calls.² AT&T is eager to leverage the experience it has developed, as well as the significant investments it has made, to target and remove additional illegal robocalls traversing the AT&T network. AT&T therefore welcomes the opportunity to provide input on how the Commission should enable more robust provider-initiated blocking—including valid, actively assigned telephone numbers—as a weapon in the arsenal to combat illegal robocalls, and at the same time limit the potential for “false positives” and ensure a process to correct them when they occur.

INTRODUCTION AND SUMMARY

To comprehensively address the widespread problem of illegal and unwanted robocalls, stakeholders must take a multi-faceted approach, of which call blocking is just one part. No single tool will solve this serious consumer problem. AT&T thus has taken a leadership role, working with industry to develop a number of tools and resources to combat illegal robocalls,

¹ AT&T Services, Inc. is filing these comments on behalf of AT&T Mobility and its wireline operating affiliates (collectively, “AT&T”).

² Public Notice, FCC, *Consumer and Governmental Affairs Bureau Seeks To Refresh the Record on Advanced Methods To Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, DA 18-842 (CGAB rel. Aug. 10, 2018) (“*Public Notice*”).

including, but not limited to: US Telecom’s Industry Traceback Group, SHAKEN/STIR, and close coordination with law enforcement, among several others.

AT&T also offers a number of consumer tools designed to reduce the number of illegal and unwanted calls AT&T customers receive. For example, AT&T Call Protect, which AT&T launched in December 2016, is an opt-in service available to AT&T’s post-paid mobile wireless customers at no additional charge that automatically blocks fraud calls and labels calls from numbers identified with other suspect or potentially unwanted sources, including telemarketer, suspected spam, and other categories of calls.³ The services work across AT&T’s nationwide wireless network, on any eligible iOS or Android smartphone, whenever the subscriber is located in an AT&T HD Voice coverage area. AT&T also offers the AT&T Call Protect companion application, which allows AT&T Call Protect subscribers to access additional features of the AT&T Call Protect service. As of August 30, 2018, AT&T has blocked or flagged more than 636 million calls through AT&T Call Protect.

AT&T operates another call blocking program that is separate and distinct from AT&T Call Protect. As AT&T previously detailed for the Commission, this program identifies and blocks illegal traffic—including calls originating from actively assigned telephone numbers—delivered to AT&T from certain wholesale IP customers, consistent with AT&T’s contractual arrangements with those customers. The program has been a tremendous success. Since October 2016, AT&T has blocked approximately 4.2 billion illegal calls traversing its wholesale network. AT&T believes that its illegal robocall blocking initiative, with its robust detection and

³ AT&T offers a similar service for customers of AT&T Home Phone, AT&T’s consumer voice over Internet protocol (“VoIP”) service, as well as an AT&T-branded phone with call blocking capabilities, the AT&T Smart Call Blocker phone, that works with any landline voice service with caller ID and on all wireline networks, including legacy TDM-based telephone service. For a more complete description of the consumer tools offered by AT&T, *see generally* Comments of AT&T, CG Docket No. 17-59 (filed July 20, 2018) (“AT&T Robocall Report Comments”).

investigative techniques, can and should be instructive here. Notwithstanding the inroads the illegal robocall blocking program has made against illegal robocalls, in addition to a new blocking program implemented in response to the Commission's *2017 Call Blocking Order*, AT&T's fraud experts observe that illegal robocalls transiting its wholesale network typically originate from actively assigned telephone numbers. While AT&T currently is blocking such calls that transit its wholesale IP platform, AT&T does not presently have clear authority to block illegal robocalls elsewhere in its network outside the context of the *2017 Call Blocking Order*.⁴

AT&T stands ready, willing, and able to target and block illegal robocalls more aggressively on its network. As discussed below, AT&T has developed and implemented the appropriate detection and investigative policies and procedures to avoid impacting legitimate traffic. Relying on these best practices, the Commission should adopt rules that enable service providers (including AT&T) on other platforms to block illegal robocalls in their networks on a permissive basis. Concurrently, AT&T urges the Commission to propose and adopt a safe harbor that would insulate service providers that take a measured and reasonable approach to provider-initiated call blocking programs.

⁴ While AT&T has considered various potential ways to expand the scope of its illegal robocall blocking program to other areas of its network (and will continue to do so), AT&T has yet to identify an acceptable solution.

DISCUSSION

I. THE COMMISSION SHOULD AUTHORIZE PROVIDER-INITIATED BLOCKING OF ACTIVELY ASSIGNED TELEPHONE NUMBERS WITH APPROPRIATE SAFEGUARDS

A. AT&T's Robocall Blocking Program Reliably Detects Illegal Robocalls.

AT&T's robocall blocking program is now well documented in the record of this proceeding.⁵ Leveraging the expertise of AT&T's fraud investigators and network analytics teams, AT&T developed a suspected robocall report that is now a vital tool for the detection of illegal robocalls on its network.⁶ The report, which is updated on a virtually continuous basis, allows AT&T to compile information on telephone numbers used to place calls with suspicious characteristics. Aggregate call data that AT&T compiles in the report include, but are not limited to: average call durations, call completion rates, CNAM values, call volumes and the timeframes in which calls are placed, complaint data (including Commission and FTC complaint data), sequential dialing patterns, and call volumes to telephone numbers on the FTC's Do Not Call list.⁷

AT&T's suspected robocall report is highly effective at identifying suspect calls because it leverages such a broad set of data. While certain information included in the report may in isolation signal an illegal calling scheme, the report's value lies in the patterns that emerge across the large swath of data it contains—including internal proprietary AT&T data as well as public external information. It is these patterns, observable only at the macro level, that typically provide the first, but certainly not final, indication that a particular telephone number may be part of an illegal robocall scheme.

⁵ See, e.g., AT&T Robocall Report Comments at 10-12; Reply Comments of AT&T, CG Docket No. 17-59, at 3 (filed July 31, 2017) ("AT&T 2017 NPRM/NOI Reply Comments").

⁶ See Letter from Linda S. Vandeloop, AT&T, to Marlene H. Dortch, FCC, CG Docket No. 17-59, Exh. at 4 (filed Mar. 6, 2018) ("AT&T March 6, 2018 Ex Parte").

⁷ See *id.*, Exh. at 2.

AT&T's data analytics and fraud teams also are constantly looking for new patterns indicative of illegal robocalls and other ways to improve the suspect robocall report. The teams meet regularly to share new findings and consider potential modifications, whether in response to changes in tactics of the illegal robocallers or as a result of fresh analysis of the data. AT&T also maintains and, as appropriate, updates processes to suppress alerts on legitimate numbers and traffic aggregation lines with patterns that sometimes mimic robocall campaigns.⁸ These dynamic processes help to ensure that AT&T's robocall blocking program maintains its effectiveness.

B. AT&T's Manual Investigative Techniques and Other Precautions Reduce the Potential for False Positives.

Identifying suspect traffic is only the first step in the process. Each and every telephone number that AT&T blocks through the illegal robocall blocking program is the subject of a careful investigation before such block is placed. More specifically, relying on the data included in the suspected robocall report, AT&T's team of experienced fraud investigators get to work to determine whether telephone numbers on the suspected robocall report are engaged in the transmission of Prohibited Traffic (as that term is defined in the AT&T Business Service Guide) on AT&T's network.⁹ Their investigations involve multiple steps, often including: gathering additional call detail information, online research, and outreach to service providers to authenticate the fraud team's independent investigation.¹⁰

Critically, every suspect telephone number is dialed by a fraud investigator before a block is placed.¹¹ Indeed, dialing every suspect telephone number is an invaluable part of AT&T's

⁸ See *id.*, Exh. at 4.

⁹ See Letter from Vonda Long-Dillard, AT&T, to Marlene H. Dortch, FCC, CG Docket No. 17-59, at 1 (filed Sept. 22, 2017).

¹⁰ AT&T March 6, 2018 Ex Parte, Exh. at 4.

¹¹ See *id.*

illegal robocall blocking program, not only because it provides often the best evidence to support a blocking decision, but also because the practice allows AT&T's fraud investigators to observe the practices (and patterns) of the illegal actors. For example, one practice AT&T has observed is the segregation of inbound and outbound service providers. In AT&T's experience, many high-volume illegal robocallers purchase direct inward dialing ("DID") service from one provider (typically a competitive local exchange carrier) and rely on and a separate provider (typically a small VoIP provider) for outbound dialing service. These robocallers typically then spoof the DIDs supplied by the inbound service provider and, using SIP trunks supplied by the outbound service provider, place tens of thousands (sometimes millions) of illegal calls in a short period of time. This practice helps the fraudsters avoid detection.

Moreover, because so many illegal robocalls involve spoofed telephone numbers, dialing the suspect telephone number helps to ensure that AT&T does not inadvertently block an unsuspecting—and innocent—consumer or business. When AT&T's investigation determines that a telephone number on the suspect robocall report was co-opted for use in an illegal scheme without the knowledge of the number holder, AT&T attempts to assist the affected party, including by referring a consumer (or business) to his or her service provider. In such a circumstance, AT&T would not implement a call block on the co-opted telephone number without the consent of the impacted consumer or business. Likewise, when AT&T determines that a customer of a particular service provider may be responsible for originating high volumes of illegal traffic, AT&T routinely shares that information with the service provider to enable the provider to investigate its customer's activities.¹² More often than not, dialing the suspect

¹² Indeed, AT&T referred such a case to another carrier on September 19, 2018 after detecting hundreds of thousands of calls originating from the carrier's customer's telephone number between September 14 and September 17—a mere four-day period. In that particular instance, AT&T did not block the telephone number and is awaiting further cooperation from the carrier.

telephone number only serves to provide additional evidence that the number is being used to place illegal calls, and that a block on the number is appropriate—e.g., when the call connects to a well-known and documented scam, or, when an interactive voice response (“IVR”) system is deployed, the system’s only (and often inoperable) prompt requests that the caller press a button to be placed on a do-not-call list.¹³

More generally, but perhaps most importantly, AT&T avoids “false positives” by consciously targeting only the most egregious and blatantly illegal traffic.¹⁴ Put another way, AT&T does not attempt to block “close calls.” For example, because AT&T does not monitor the content of the calls placed using suspect telephone numbers,¹⁵ AT&T does not rely on the robocall blocking initiative to block merely “unwanted” calls or calls that, although not placed with an intent to defraud, nevertheless may violate do-not-call or TCPA requirements.¹⁶ A non-exhaustive list of prophylactic steps that AT&T takes in connection with the illegal robocall blocking initiative is as follows:

- ***Cold-line process.*** AT&T regularly refreshes its list of blocked telephone numbers to ensure that stale blocks are removed in a timely manner, thus avoiding adverse impacts on consumers.
- ***Active participation within industry association working groups.*** AT&T’s fraud experts, among others, work closely with other providers on illegal robocall and call blocking

¹³ See, e.g., <https://www.nomorobo.com/lookup>.

¹⁴ *Public Notice* at 3.

¹⁵ As noted above however, AT&T makes blocking decisions based, in part, on recordings played or other information gathered when an AT&T fraud investigator dials a suspect telephone number prior to placing the block.

¹⁶ As AT&T has previously explained, although the suspected robocall report includes information indicative of TCPA, do-not-call, and similar violations, AT&T does not (and could not) police traffic on its network for such violations. See AT&T March 6, 2018 Ex Parte, Exh. at 2. AT&T does, however, take steps to weed out potential customers who would engage in such activity and, in the event AT&T were to identify a customer engaged in suspect activity, AT&T takes steps to investigate and eliminate any illegal or prohibited behavior, including, but not limited to, termination of service.

matters, keeping the lines of communication open so that AT&T can inform other carriers of suspect traffic it detects, and so that AT&T is in the best position to learn of any issues involving legitimate traffic as soon as they may arise.

- **Unblock process.** Notwithstanding the fact that AT&T has received virtually no complaints of false positives in the nearly two years following the launch of the robocall blocking initiative, AT&T has a documented process in place to receive and address complaints from providers regarding impacts on legitimate traffic.¹⁷ Callers who experience a blocked call may contact AT&T's fraud department by dialing 1-800-337-5373, and select the first prompt (misuse and abuse issues), to provide information in the event of a suspected mistaken call block.¹⁸

The tailored nature of AT&T's robocall blocking program underscores a critical point: the processes established as part of the program are highly intensive and *manual*. And for that reason, AT&T's robocall blocking program (and any broader provider-initiated call blocking that the Commission may authorize) should be distinguished from opt-in call blocking/labeling services, including AT&T Call Protect. Such services have become a valuable tool in the tool box service providers have to combat illegal robocalls, and AT&T agrees that the Commission should consider steps to expand their adoption by consumers. But at the same time, AT&T Call Protect and AT&T's robocall blocking program are very different. As detailed above, the illegal robocall blocking program is neither automated nor based on algorithms or crowd-sourced information. While data collected from opt-in call blocking/labeling services may provide

¹⁷ AT&T's protocols in such circumstances include the temporary removal of any block that is the subject of a complaint, pending completion of AT&T's independent follow-up investigation. *See id.*, Exh. at 5.

¹⁸ AT&T has distributed this telephone number within the industry, as well as to groups that represent the interests of telemarketers. AT&T also posts the telephone number on multiple pages of its website. *See, e.g.*, <https://about.att.com/sites/cybersecurity/ae/robocall>.

helpful investigative leads or additional confirmatory evidence of illegal robocalls, AT&T believes it would be inappropriate at this stage to import the automation and methodology applied by opt-in services into a provider-initiated call blocking program.

C. AT&T's Robocall Blocking Program Provides Helpful Best Practices for Broader Provider-Initiated Blocking.

As the Commission considers whether and how to provide flexibility for broader provider-initiated blocking, while balancing the need to limit the potential for false positives and/or abuse, AT&T believes the Commission should look to AT&T's robocall blocking initiative. As detailed above, AT&T closely monitors traffic patterns on its network to identify telephone numbers engaged in suspect activity. AT&T then relies on a number of objective investigative criteria to determine whether to block a particular telephone number. These criteria provide a high degree of confidence to AT&T's experienced fraud team that the subject telephone number is placing illegal calls and that a block is appropriate. At the same time, the attributes of AT&T's robocall blocking program provide the Commission with "specific, enforceable criteria ... necessary to prevent improper blocking."¹⁹

AT&T urges the Commission to authorize broader provider-initiated blocking on a permissive basis, consistent with the description of AT&T's robocall blocking program provided above. More specifically, the Commission should adapt aspects of AT&T's program to establish requirements for service providers that seek or require additional legal authority for such call blocking, while leaving flexibility to identify and apply new tools as they are developed. The Commission should require service providers to document procedures pursuant to which a telephone number may be blocked, as well as processes by which blocks are removed. The required procedures should include, at a minimum:

¹⁹ *Public Notice* at 2.

- The telephone number at issue is dialed prior to placing a block;
- The service provider has a reasonable, good-faith basis to believe the telephone number is being used to make illegal calls;
- The cold-line process implemented by the service provider; and
- The unblock process implemented by the service provider.

Service providers that choose to develop and implement such a call blocking program would be required to retain records demonstrating compliance with the foregoing criteria, including with respect to all telephone numbers blocked under the blocking program.

In addition, the Commission could consider establishing additional requirements for service providers that seek to engage in broader provider-initiated call blocking, including requiring cooperation with US Telecom’s Industry Traceback Group and/or establishing “know-your-customer” procedures.²⁰ Indeed, by requiring service providers that engage in such call blocking to first engage with industry and establish appropriate customer vetting, the Commission would ensure that broader call blocking is limited to those service providers that have invested sufficient resources to warrant broader blocking flexibility.²¹ By the same token, requiring cooperation with industry traceback efforts and “know-your-customer” procedures would serve as an important recognition that blocking alone is insufficient to address the scourge of illegal robocalls—cooperation with law enforcement and active customer management are just as important.²²

²⁰ See Verizon’s Comments on Public Notice, CG Docket No. 17-59, at 7-8, 9-11 (filed July 20, 2018).

²¹ Satisfaction of such criteria should also confer the protection of a legal safe harbor, as discussed below.

²² While AT&T believes that proposals to develop telephone number “white lists” or custom call block intercept messages have merit, *see Public Notice* at 3-4, the Commission should avoid mandating such requirements, given the potential for such requirements to hinder, rather than assist, providers’ efforts to combat illegal robocalls. In particular, a national white list could provide valuable information in the short term but would only lead to more illegal spoofing if the white list were to fall into the wrong hands. Likewise, AT&T agrees that a custom intercept message would enable a service provider to more quickly identify and reverse a mistaken call block, but it remains to be seen whether such custom intercept

Thus, in AT&T's view, the proposed requirements would strike an appropriate balance among a number of competing interests, including: (i) providing flexibility to service providers to further develop, hone, and evolve best practices; (ii) avoiding the enshrinement of arbitrary thresholds/requirements that would enable illegal robocallers to evade provider blocking programs; (iii) shielding critical proprietary data; (iv) limiting any negative impact on legitimate traffic; and (v) avoiding the potential for abuse and/or arbitrage opportunities by service providers and/or third parties.

II. SERVICE PROVIDERS NEED THE PROTECTION OF A SAFE HARBOR TO ENSURE CONTINUED INNOVATION AND EXPERIMENTATION TO COMBAT ILLEGAL ROBOCALLS

As the foregoing discussion demonstrates, AT&T is eager to expand its call blocking capabilities, particularly in the mobile wireless network. Indeed, notwithstanding the reasonable belief that particular telephone numbers are being used to originate illegal traffic, the investigative data to back that belief up, and AT&T's present efforts to block calls from such telephone numbers traversing its wholesale platform, tens of millions of illegal robocalls continue unimpeded to AT&T Mobility customers *every single day*.²³

In AT&T's view, such a situation is unacceptable. AT&T recognizes that call blocking is no "silver bullet."²⁴ AT&T also concedes the tension between the Commission's call blocking rules and precedent and its desire to more effectively combat illegal robocalls.²⁵ Nevertheless, AT&T believes that provider-initiated call blocking has an important role to play in this fight,

messages would thwart the effectiveness of blocking programs altogether, thus making any such mandate inappropriate at this time.

²³ To explain it another way, AT&T's network, like all communications networks, includes necessary redundancies. As a result, there are multiple entry points into AT&T's network that illegal robocallers can exploit to target consumers, notwithstanding AT&T's efforts to block in one or more areas of its network. To be truly effective, AT&T needs the ability to block illegal robocalls *across* its network.

²⁴ Robocall Strike Force, Robocall Strike Force Report, at 2 (Oct. 26, 2016), *see also* AT&T Robocall Report Comments at 13; AT&T 2017 NPRM/NOI Reply Comments at 3.

²⁵ *See* AT&T Robocall Report Comments at 13 & n.44.

and AT&T strongly desires the ability to leverage the tools and experience it has gained through its robocall blocking program to engage in more aggressive call blocking for the benefit of AT&T customers.

Accordingly, AT&T urges the Commission to propose and adopt a safe harbor to insulate voice service providers that engage in call blocking from liability in the event the provider inadvertently blocks a legitimate call. More specifically, as AT&T has previously advocated, the Commission should adopt a rule consistent with the following:

A voice service provider that inadvertently blocks a legitimate call shall not be deemed to have violated the Communications Act of 1934, as amended, or the Commission's rules, if, at the time the provider blocked the call, the provider:

- (a) performed network blocking of calls in connection with an event that the carrier had a good-faith reason to believe was an illegal robocall event;
- (b) had procedures in place for network blocking that were reasonably likely to confirm that calls blocked were limited to illegal robocalls;
- (c) followed those procedures; and
- (d) had a process in place to unblock legitimate calls in the event of any inadvertent blocking of such calls.²⁶

Such a safe harbor would strike the appropriate balance between the Commission's competing interests in ensuring high call completion rates and combating the scourge of illegal robocalls, consistent with AT&T's proposal to expand authority for provider-initiated call blocking, detailed above. AT&T's proposed safe harbor thus would ensure that the only providers that could claim protection under the safe harbor would be those that cooperate with and participate in industry-led efforts designed to address the issue of illegal robocalls *and* adopt and implement

²⁶ See AT&T March 6, 2018 Ex Parte at 1.

policies and procedures detailing their practices to identify and address such robocalls, including procedures to cease blocking of any calls upon learning they are legitimate calls.²⁷

CONCLUSION

AT&T applauds the steadfast efforts of the Commission and Bureau to address the serious issue of illegal and unwanted robocalls. AT&T urges the Commission to continue this work by authorizing provider-initiated blocking on a broader scale, and by proposing and adopting a call blocking safe harbor, consistent with the foregoing comments.

Respectfully submitted,

Amanda E. Potter

Amanda E. Potter

Gary L. Phillips

David Lawson

AT&T SERVICES, INC.

1120 20th Street, NW

Washington, DC 20036

Its Attorneys

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²⁷ See AT&T Robocall Report Comments at 14; AT&T 2017 NPRM/NOI Reply Comments at 7.