

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)
)
To: The Commission)
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COMMENTS OF NUMERACLE, INC.

Numeracle, Inc. (“Numeracle”) hereby files comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Public Notice*.¹ Numeracle supports the Commission’s efforts to eliminate illegal and unwanted robocalls, but cautions that current industry practices are threatening the viability of voice communications by inaccurately labeling and blocking legal and wanted calls, which is further exacerbated by customer frustration in general that their wanted calls are drowned out by illegal calls. The Commission’s actions must focus on facilitating the continued use of voice communications by making sure that efforts to combat illegal and unwanted calls do not present barriers to the continued delivery of legal calls by consumers and enterprises and that the costs of administering authentication systems to do just that do not make costs on carriers and their customers so high as to threaten the voice channel’s continued existence as a valued means of contact between businesses and their customers.

I. INTRODUCTION

Numeracle serves as a trusted intermediary between legal call originators, carriers, and analytics companies to ensure that wanted, legal calls are labeled accurately and are not

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Public Notice, CG Docket No. 17-59, released June 20, 2018

erroneously blocked. Numeracle provides information for legal callers as to how their calls are labeled and treated by analytics companies and carriers. Numeracle also provides information to those analytics companies and carriers about originating numbers and calling practices by legal call originators so that the analytics companies can fine tune their algorithms and treat these calls accurately. Finally, Numeracle provides legal call originators guidance as to best practices to increase the likelihood that their calls are treated properly even by analytics companies that do not directly work with Numeracle. Numeracle strives for accurate open communication so that calls customers want to receive go through, such as their prescription reminders from the local pharmacy or information that their special order is ready for pick up at the home improvement store. By helping to ensure that wanted and legal calls such as these go through, analytics companies and carriers can take tougher action against illegal callers while minimizing or eliminating side effects to legal callers, such as inaccurate labeling and blocking. From our founder's participation as a member of the FCC Robocall Strike Force and through partnerships with the carriers, analytics engines and developers of call blocking and labeling apps, Numeracle has worked to understand the issues surrounding the false positives of blocking and labeling.

Based on our unique perspective and insights into this industry problem, our recommendation is for the FCC to encourage and support a streamlined process for call originators to identify who they are, the numbers they use and the intent of the calls. The FCC should encourage and support a process for identification and classification of trusted entities requiring transparency and accountability in a secured and encrypted structure managed by the entity to minimize confidential and competitive information from being shared across carriers, analytics engines, and app providers. The FCC should avoid requesting more call patterns and tactics to identify illegal versus legal callers as illegal callers will simply implement the same

tactics to mimic legal call patterns.

II. THE COMMISSION SHOULD SUPPORT LEGAL CALLERS TO IDENTIFY WHO THEY ARE TO CARRIERS AND ANALYTICS/APP PROVIDERS, AND ENCOURAGE CARRIERS TO SUPPORT THE IDENTIFICATION SO ALGORITHMS CAN BE FOCUSED ON ILLEGAL CALLERS

Numeracle developed the first single point of discovery for call originators within the complex calling ecosystem to discover where, along a call's path to a consumer, a number is being blocked or mislabeled as fraud, potential fraud, scam, or potential scam. Through this solution, Numeracle has identified that high call volume numbers of legal callers are mistakenly labeled as fraud, scam, potential scam, or high risk to the called party. This is not specific to one industry such as legal first and third-party collection companies. Government entities have reached out to Numeracle in search of help on calls labeled as high risk

Based on our evidence, the carriers and their analytics engine partners along with application solution providers cannot reliably identify illegal callers when they fail to reliably identify legal callers. Instead of building algorithms to determine legal versus illegal callers, which is impossible, Numeracle highly recommends the carriers adopt a Know Your Customer process that allows legal entities to identify their numbers, volumes, and contact information. In doing so, the carriers and analytics engines will be able to focus on illegal callers, who we expect will not disclose their identities.

Instead of requesting which criteria are better at identifying suspected illegal calling, Numeracle recommends knowing with certainty those numbers that belong to legal callers. The top major carriers consistently insist on their customers not being the source of illegal calls, yet Numeracle has identified their customers outbound calls are labeled Scam and Fraud. Therefore, the entire ecosystem would benefit from a foundation of truth rather than each carrier guessing if calls from the same number are legal or not. This information would serve as a way to build a wedge between legal versus illegal callers.

III. REQUEST FOR INDUSTRY CALL PATTERN INFORMATION WILL NOT REDUCE FALSE POSITIVES OR IMPROVE IDENTIFICATION OF ILLEGAL CALLERS

Again, why would carriers and analytics providers build disparate proprietary algorithms when the simple answer and approach is to provide a path for legal call originators to register their numbers through an entity evaluating the legal incorporation and contact information of the registered caller? A legal callers' outbound calls will terminate on hundreds of carriers rendering it unreasonable for a legal caller to expect all will properly label their calls. A registry requiring a vetting process before numbers can be added is the only way to ensure consistency for legal callers across the entire ecosystem.

Numeracle performs a vetting process on its customers before providing registration and visibility into the labeling and blocking of their numbers. Numeracle employs the following framework and encourages all carriers to adopt the same or work through partners to perform the evaluation of each call originator:

- Determine the identity of its customers
- Determine its customers' potential risks as a entity
- Determine its customers' risk associated with communication compliance
- Determine the normal and expected transactions of its customers
- Monitor account activity for transactions that are inconsistent with those normal and expected transactions
- Report any transactions of its customers that are determined to be suspicious

Through PACE Communication Protection Coalition, legal call originators have supported the carriers and analytics providers to define a path for legal call originators to register their numbers. In doing so, the carriers will have a consistent process across upstream and downstream carriers when originating calls for their customers. If carriers and call originators are acting legally, there is

no reason for objection. Numeracle continues to support the efforts of the Communication Protection Coalition.

IV. THE COMMISSION SHOULD SUPPORT LEGAL CALLERS TO IDENTIFY THEIR ORGANIZATION, NUMBERS, AND INTENT OF CALL TO ELIMINATE FALSE POSITIVES.

False positives exist because there is no foundation of truth used across the call blocking and labeling ecosystem for legal callers. Every outbound call is suspect for being an illegal call and then criteria defined by carriers and analytics providers are used to determine legal versus illegal. It should not be a surprise that false positives exist when guessing, regardless of the sophistication of an algorithm. In fact, Numeracle identifies the consistency at which false positives regarding labeling and risk ratings occur for legal callers. Because criteria for determining labeling is not regulated or defined it creates an environment where the perspective and opinion of the company performing the labeling and blocking decides what is legal or illegal. Good faith efforts by the carriers are a lackadaisical approach when a process for legal callers to be known can be established and supported by legal callers.

As evidenced in PACE's Communication Protection Coalition, repeatedly companies spanning all industries including political organizations, healthcare, retail, and automobile enterprises have been informed their calls should be blocked or labeled as third-parties determine in their proprietary algorithms regardless of whether the caller is in compliance with federal and state rules. Fully compliant legal calls are, at the discretion of the analytics providers, blocked or labeled Fraud or Scam with no recourse for the legal entity. As long as false positives occur, the Commission should not extend safe harbors to carriers before exhaustive efforts to explore trusted identification of calling entities has been fully vetted.

V. CONCLUSION

Based on Numeracle's achievements in bringing visibility and control to legal call

originators in the new ecosystem of call blocking and labeling, we have seen improvements in call practices resulting in improved consumer experience as evidenced through contact rate analysis. The unintended consequences of the blocking and labeling fully evidenced by Numeracle have the potential to become unintended benefits to consumers and call originators by establishing trust in the voice channel. This will only be achieved through continued cooperation of carriers, analytics engines, and app providers with the legal call originators. Numeracle will continue to drive this collaboration through our involvement in the IP-NNI Task Force, PACE Communication Protection Coalition, USTA Analytics Engine Workshops, and dedication to our vision of bringing trust back to communication channels.

Numeracle recommends that the FCC should encourage and support a process for identification and classification of trusted entities requiring transparency and accountability in a secured and encrypted structure managed by the entity to minimize confidential and competitive information from being shared across carriers, analytics engines and app providers. Verified and trusted Caller ID will lose credibility and validity among consumers if there is no process for legal entities to be properly identified and reputation monitored.

Respectfully submitted,

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