

2-Nov 2018

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission, Washington, DC

RE: Notice of Ex parte, Dockets WC 17-59 & 18-156

Dear Ms. Dortch,

David Frankel held a series of meetings on 1 and 2 Nov with Jerusha Burnett, Kurt Schroeder, Eric Burger, Dan Margolis, Parul Desai, Travis Litman, Zenji Nakazawa, Arielle Roth, Jamie Susskind, Irina Asoskov, Gil Strobel, Lisa Hone and interns Kagen Despain and Andrew Coley.

Mr. Frankel explained that tracing calls back to the source and stopping them there had proven effective in recent enforcement cases. Comments in the record regarding traceback are universally positive. Many providers are participating in traceback, implementing know-your customer procedures, and taking other steps to insure that their platforms are not conduits for illegal robocalls.

Mr. Frankel asked the Commission to issue an Enforcement Advisory, similar to that for Rural Call Completion in 2013, calling on ALL providers to participate as warranted in industry efforts to stop illegal calls at the source.

The discussions were follow-up to written comments submitted in this docket by ZipDX last month. The attached presentation was used.

During the series of meetings, Mr. Frankel received five robocalls on his mobile phone.

Regards,

/s/

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cc: Meeting Participants, via E-mail

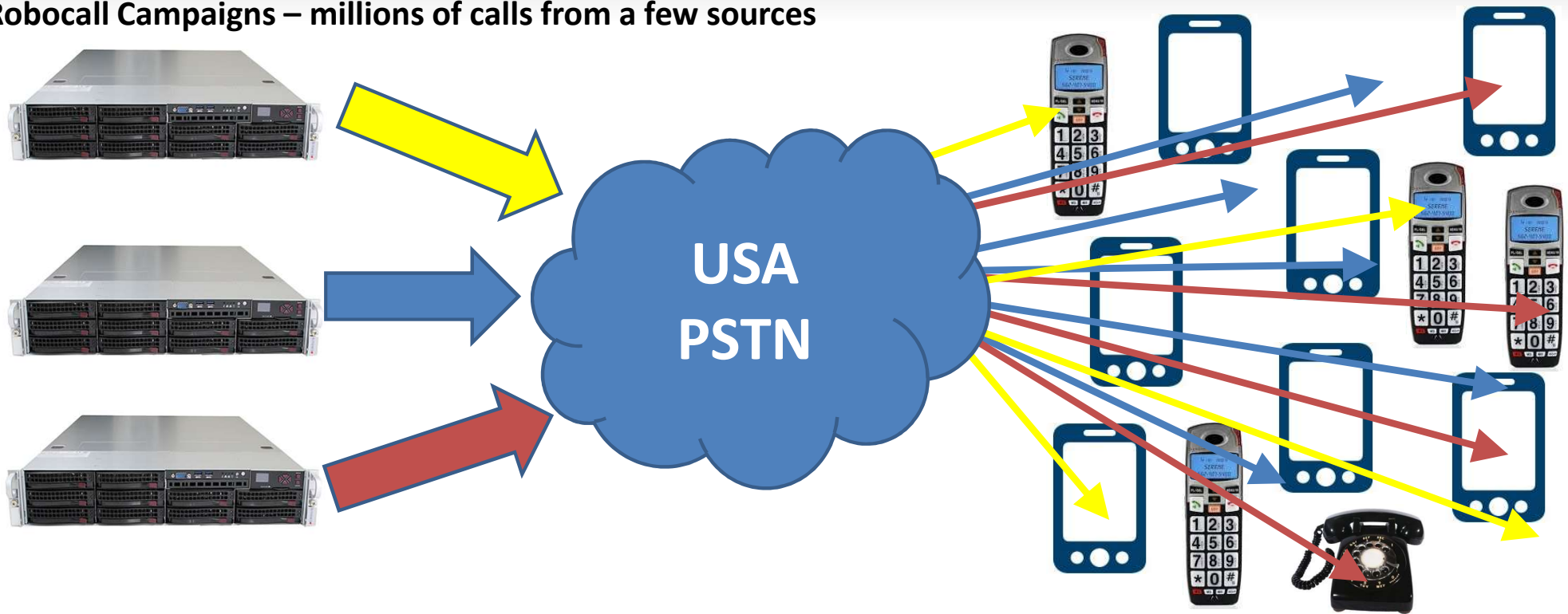
Stopping Robocalls @ The Source

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Robocalls = Dandelions

Robocall Campaigns – millions of calls from a few sources



Hundreds of millions of endpoints needing protection

Advice from the Illegal Robocall King

The technology is easy to obtain and can be used by anyone. ... The biggest issue to stop robocalls is the availability of carriers to accommodate this type of calls. There are companies that advertise on the web right now that offer long distance kind of services for dialer short-duration termination also known as robocalls. To me, this is where the enforcement needs to focus on to stop this activity.



Advice from the Illegal Robocall King

The most important factor on these robocalls are the Voice-over-IP carriers that are advertising the short-duration calls. When they advertise short-duration calls, that means they are going to accept all the calls you can throw at them. It doesn't matter what caller-ID you use. They never ask. ...

If you call AT&T directly, they're not going to accept that type of traffic because that type of company does not deal with those type of calls. But if you call a small Voice-over-IP carrier, they're going to somehow blend the dialer traffic with the conversational calls to make it look like everything is normal. So that way they are fueling the robocalls, and I think a good idea would be to focus on those five or six companies that are actually offering these services. ...



You can use any caller-ID you want. ... Spoofing is very easy – you can do that in a day. It's very simple.

So if those carriers allow all those calls to go through, the major networks won't see that the calls are coming from a robocaller.

Trace Back Illegal Calls to their Source

- The Illegal Robocall problem is NOT intractable
- Traceback success cases show the power of this approach
- Streamlining and scaling traceback will reverse the rising trend
- Industry has stepped up their support for traceback
 - Feedback on traceback is universally positive
- Now we need ALL providers on-board and engaged
- This can start now without waiting for rule-making or technology
- Any provider that's not part of the solution is part of the problem

Provider Responsibilities

- Designate a traceback contact
- Promptly respond to traceback requests
- Know-your-customer prior to:
 - Providing high-volume calling capability
 - Enabling unrestricted caller-ID substitution
- Invoke a proactive illegal robocall mitigation process when notified about problematic traffic sourced through your network
- Enforce existing tariff and contract provisions, and Acceptable Use Policies, prohibiting illegal and abusive calls; enhance as required

8YY Traffic Pumping

- Related to the general Robocall problem
- Massive number of automated calls to generate dips & minutes
- Traceback is the only way to find the source of the calls
 - Caller ID is spoofed
- Need provider vigilance to mitigate
 - Pumpers are motivated by some providers' revenue-sharing arrangements
- Economic (dis)incentives
 - Eliminate originating access & dip charges – no revenue to share
 - Or, eliminate revenue sharing – challenging, because easily obfuscated
- Enforcement disincentives:
 - Provider rigor on Caller-ID so that perpetrators are easy to find
 - Consequences for 8YY traffic pumpers and the providers that facilitate it

“Costs” from the dark ages – Dip Example

- The Internet’s DNS look-up is somewhat analogous to an 8YY dip
 - www.zipdx.com returns IP 166.88.23.105 (depending on query details)
 - 888-947-3988 returns CIC 0288 (depending on query details)



5 million queries / month
@ \$0.0015 /query =
\$90,000 per year



- I buy Domain Name Service with 10M queries per month for \$59/year.
 - Multiway geographically redundant with web interface, reporting, add'l features

Caller-ID Guidance (Best Practice)

- Caller-ID must be:
 - A number assigned to customer placing the call, or
 - A number that the customer has explicit permission from the assignee to use
- Originating Provider enforces this through:
 - Inserting the customer's assigned number itself, or
 - Screening the number provided by the customer against a verified list, or
 - Contractual terms (with established, known customers)
- Providers can screen call records to verify conformance
- If the Provider discovers that a customer is non-conforming, Provider rejects that customer's traffic or substitutes an assigned number

Provider Diligence on Spoofing & Traceback

The scariest 43 minutes of his life. That's how a San Jose community leader is describing a call he got this week telling him his wife had been kidnapped.

The call appeared to come from his wife's cellphone.

It was a scam. His phone rang, and the image of his wife and her cellphone number appeared on the screen. It's called number spoofing and it cost him \$1000.

"I picked it up and there's screaming and crying. 'We have her hostage here.' ... He told me he wanted me to get \$1,500." ... All the while there's yelling and screaming.



"I probably lost two pounds of water sweating."

What made this so credible is that the call appeared to come from his wife's cellphone.

FCC Provides Air Cover

- Providers are ready & willing to help
- Fears keep them from fully engaging:
 - Information-sharing (CPNI) restrictions*
 - Call completion requirements
 - Anti-trust concerns
 - Fear of failure (what if robocallers change tactics?)
- Give permission via obligation & education
 - Share information to find the call sources
 - Stop problematic calls at the source
- Tilt the balance away from illegal robocallers
 - We will learn together and adapt OUR tactics



* § 222(d)(2): “Nothing in this section prohibits a telecommunications carrier from using, disclosing, or permitting access to customer proprietary network information obtained from its customers, either directly or indirectly through its agents (2) to protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.” [No restrictions on to whom the info is disclosed – carriers, enforcers, others working to protect.]

Enforcement Advisory ala RCC (2013)

DA 13-1605

July 19, 2013

Enforcement Advisory No. 2013-6

FCC ENFORCEMENT ADVISORY

RURAL CALL COMPLETION

**Long Distance Providers Must Take Consumer Complaints
about Rural Call Completion Problems Seriously**

Perfunctory Responses or Unexplained Denials of Responsibility Violate Commission Rules

Resolving rural call completion problems is a **top priority of the Commission**. Practices that result in rural call completion problems threaten commerce, public safety, and the ability of consumers, businesses, and public health and safety officials in rural America to access and use a reliable network, making **remediation of these practices, and the information needed to do so, critically important.**

What laws apply? *Carriers that allow rural call completion problems to persist may be liable for a violation of Section 201 of the Act.* In 2012, the Commission's Wireline Competition Bureau issued a declaratory ruling clarifying that **"it is an unjust and unreasonable practice in violation of section 201 of the Act for a carrier that knows or should know that it is providing degraded service to certain areas to fail to correct the problem or to fail to ensure that intermediate providers, least-cost routers, or other entities acting for or employed by the carrier are performing adequately. This is particularly the case when the problems are brought to the carrier's attention by customers, rate-of-return carriers serving rural areas, or others, and the carrier nevertheless fails to take corrective action that is within its power."**

Industry Actions & Expectations

- Robocall Strike Force (2016) launched USTelecom Traceback Group
- Many providers are already proactively working to mitigate
 - Implementing best practices
 - Complying with traceback efforts
- Analytics providers are innovating to quickly identify new campaigns
 - Focus on the most egregious, blatantly illegal traffic
- Traceback needs to scale up and speed up, using input from analytics
- All providers need to get on board
- Expect iterative improvements as we learn more and robocallers react

Sample Abbreviated Advisory

The epidemic of illegal telephone calls is a top priority of the Commission. Stopping these calls at their source has been a key element of our recent enforcement actions and is part of our multipronged mitigation strategy.

Many providers are proactive in vetting customers before permitting access to vectors for malicious calling, and cooperate fully in traceback of such traffic. Increasingly, industry members refine and exchange these practices and promptly share traceback details per the plain language of §222(d)(2) – efforts we applaud.

Tracing malicious calls back to the originating provider alerts that provider to engage with their customer to verify and address the problem, and to engage with the Enforcement Bureau as appropriate.

Most provider contracts, tariffs, and terms-of-use prohibit illegal calling. Enforcing these provisions stops such calls at the source. Similarly, provider requirements that the Caller-ID only be a number assigned to the caller or used with the assignee's permission reduce the opportunity for such calling.

Americans expect ALL providers to adopt practices and revise them as necessary to do everything possible to reverse the rising trend in illegal calling.

This Commission will use its enforcement powers under existing authorities, including statutes and regulations pertaining to prohibited calling as well as any applicable §201(b) prohibitions on unjust and unreasonable practices, to insure that the entities that it regulates are doing what they can to mitigate illegal calling. We will scrutinize providers that have been notified about their role in the path of such calls and have failed to act.

The Enforcement Bureau will leverage the industry's diligence and innovation to mitigate the illegal calling scourge, prioritizing those campaigns that are most prolific and/or malicious.

Recommendation

- Promptly issue an Enforcement Advisory – this should not be contentious!
- Compel providers to play an active role in illegal robocall mitigation
- Set the FCC expectation that providers will address illegal robocalls by:
 - Cooperating with traceback including rapid response and unimpeded information flow
 - Knowing the customer before enabling abusable services
 - Limiting Caller-ID values to those assigned to the customer or used with permission
 - Implementing and updating a Mitigation Plan, leveraging industry best practices
- Establish and share metrics for tracking mitigation efforts and results
- Leverage the provider community and the innovators in this space

References / Links

- Abramovich Testimony:
- <https://www.commerce.senate.gov/public/index.cfm/hearings?ID=E0EB17D2-A895-40B4-B385-F94EA2716957>
- NBC Bay Area Spoof Story:
- <https://www.nbcbayarea.com/news/local/San-Jose-Man-Loses-1500-in-Spoofing-Incident-Reporting-a-Fake-Kidnapping-498755291.html>
- Ofcom Calling Line ID Guidance:
- https://www.ofcom.org.uk/data/assets/pdf_file/0021/116670/cli-guidance.pdf