



November 8, 2017

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG
Docket No. 17-59

Dear Ms. Dortch:

CTIA and the wireless industry appreciate the Commission's work to combat illegal robocalls and support the development of robust tools to protect and empower consumers. In the draft *Report and Order*,¹ the Commission authorizes carriers to voluntarily block calls when the subscriber to a number requests blocking of calls appearing from that number, and calls originating from invalid, unallocated, and unassigned numbers; and clarifies that such action is not inconsistent with federal law. CTIA commends the Commission for these steps. CTIA encourages the Commission to take additional steps to support industry as it works to address illegal robocalls. Specifically, the Commission should modify the draft *Report and Order* to include the following clarifications, which would enable carriers to better support robocall mitigation now and in the future.

- *First*, the Commission should clarify that carriers will not be held liable for any good-faith call blocking by offering a safe harbor, as described below.
- *Second*, in clarifying that sharing information is consistent with protections for customer proprietary network information ("CPNI"), the Commission should clarify that permissible sharing is not limited to sharing a subscriber's Do Not Originate ("DNO") request, but includes any

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Proposed Report and Order, FCC-CIRC1711-01 (Oct. 26, 2017) ("Proposed Report and Order").



information sharing required for traceback or other robocall abatement.

The FCC has multiple proceedings related to robocalling and call authentication.² CTIA urges the Commission to consider illegal robocall abatement in a comprehensive manner, in order to encourage innovative technologies and services that can help protect and empower consumers.

I. THE COMMISSION SHOULD PROVIDE CARRIERS A SAFE HARBOR FROM LIABILITY FOR CARRIERS THAT ENGAGE IN GOOD FAITH CALL BLOCKING.

CTIA agrees with the Commission that under certain conditions, call blocking is in the public interest. Our members applaud the Commission's effort to "remov[e] regulatory roadblocks and give industry the flexibility to block illegal calls."³ The Commission should acknowledge more explicitly that carriers take on significant risk when engaged in call blocking activity, and should act to protect carriers from potential liability, including through safe harbors, when they engage in good-faith call blocking, either at a customer's request or based on the originating number. CTIA and others asked the Commission to "enact broad safe harbors for blocking."⁴ Despite the safeguards carriers may implement, good-faith call blocking can lead to legitimate calls being blocked in error. As CTIA discussed in its comments, a carrier that blocks a legitimate call may be subject to the risk of a lawsuit from the caller or enforcement action from the Commission.⁵ Carriers should not face this risk while engaged in activity the Commission encourages.

The FCC should enact a narrow safe harbor protecting the blocking it authorizes in this *Report and Order*.⁶ CTIA asks that the Commission clarify that

² See e.g., *Call Authentication Trust Anchor*, WC Docket No. 17-97, Notice of Inquiry, 32 FCC Rcd. 5988 (2017).

³ Proposed Report and Order, ¶ 9.

⁴ Comments of Comcast Corporation, CG Docket No. 17-59 at 9 (filed July 3, 2017); Comments of ATIS, CG Docket No. 17-59 at 11 (filed July 3, 2017).

⁵ Comments of CTIA, CG Docket No. 17-59 at 14 (filed June 30, 2017).

⁶ Although a discussion of a broader safe harbor took place in the *Notice of Inquiry*, it is important for the FCC to provide carriers a safe harbor in the *Report and Order* for blocking calls when the subscriber to a number requests blocking of calls operating from that number and calls originating from invalid, unallocated, and unassigned numbers, as authorized under new rule 64.1200(k). The FCC is encouraging permissive blocking and should reduce the risk associated from doing so.



no complaint, cause of action, or enforcement proceeding shall be maintained under federal or state law against any provider that blocks a call under a good-faith belief that such blocking is permissible under FCC rules. Such a clarification will give carriers more confidence to engage in call blocking.

II. THE COMMISSION SHOULD CLARIFY THAT CPNI OBLIGATIONS ARE NOT AN OBSTACLE TO SHARING INFORMATION FOR OTHER ROBOCALL MITIGATION AND TRACEBACK EFFORTS.

CTIA supports the Commission's clarification that sharing a subscriber's DNO request will not violate Section 222 of the Communications Act or the Commission's CPNI rules.⁷ However, effective robocall mitigation and traceback efforts will require more. Carriers need to be able to share information in other contexts, including when engaged in blocking the Commission authorizes in the *Report and Order* or that might be possible in the future. For blocking, as well as industry research and innovation, to work in a modern telecommunications system, carriers must be able to share information about suspicious calls and patterns of calls, without fear of liability for CPNI violations. CTIA supports a comprehensive approach to permitting information-sharing, given the realities of robocall abatement. Industry is moving fast to tackle this challenge and encourages the Commission to clarify the CPNI risks related to new mitigation tactics.

CTIA urges the FCC to expand its CPNI clarification to encompass all forms of information-sharing to mitigate illegal robocalls. Such a clarification will encourage carriers to share important information about calls and traffic patterns, strengthening abatement efforts.

⁷ Proposed Report and Order, ¶ 53.



CTIA appreciates the opportunity to comment on the proposed *Report and Order*, and the Commission's commitment to helping industry develop and deploy call blocking technologies that can help consumers. With the changes suggested above, CTIA believes that the proposed *Report and Order* will play a valuable role in helping to protect consumers. We also look forward to further assisting the Commission in its efforts to help industry address illegal robocalls more broadly.

Sincerely,

/s/ Krista L. Witanowski
Assistant Vice President,
Regulatory Affairs
CTIA