

November 9, 2017

VIA ECFS

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

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

Dear Ms. Dortch,

As this Commission takes its first action to curb the threat of illegal robocalls, INCOMPAS commends the Commission for taking into consideration and incorporating the call completion concerns of competitive voice service providers and others in its Proposed Report and Order.¹ INCOMPAS supports the Commission's proposals to codify its 2016 guidance on "do-not-originate" requests as well as the agency's proposal to allow voice service providers to block invalid numbers and calls originating from numbers not allocated to any provider. Furthermore, INCOMPAS believes that the Commission's narrowly-tailored approach to blocking numbers that are allocated to a provider but not assigned to a subscriber should mitigate concerns that legal outbound calls made from intermediate, administrative, and proxy numbers will be blocked without the consent of subscribers.

However, until the Commission can ensure that the precise call blocking rules it has proposed protect legal calls, it should resist appeals to include in its Proposed Report and Order a safe harbor that offers voice service providers shelter from potential liability for blocking calls that fall outside the scope of the proposed rules. In setting aside its long-standing policy against allowing voice service providers to block calls, the Commission should take every precaution to ensure that call blocking activities are being conducted in accordance with the proposed rules and to allow providers a means of redress for violations of the call completion rules. Also, as noted by Microsoft, a safe harbor could "reduce the incentive to improve and maintain precision of call blocking mechanisms."² Until such time as the Commission is assured that the proposed

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").

² See Comments of Microsoft Corporation, CG Docket No. 17-59, at 18 (filed July 3, 2017).

rules are effective in meeting the dual purpose of eliminating robocalls and protecting legitimate traffic, it would be premature to consider a safe harbor for call blocking.

Respectfully submitted,

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