TO:

Federal Communications Commission
445 12th St., S.W.
Washington, D.C 20554

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re:

Public Reply Comments
CG Docket No. 02-278
WC Docket No. 07-135

FCC:

Phone spam is one the biggest scourges in the US.

I receive 10 to 20 phone spam calls a day on my business phone line — more than the number of legitimate calls. Both my wife and I have professional businesses at home. Cell service is unreliable and has poor voice quality, so we are stuck with a landline.

I work in IT and know exactly how phone spammers connect their automated dialers into the public switched telephone network (PSTN). They use a standardized interface called SIP.

The phone companies like to say that there is "no way" they can identify and prevent spam calls, but that is 100% false. The implementation cost to identify and block spam calls is close to zero. For example, SIP hardware usually has firmware that can be remotely updated, meaning that the hundreds of point-of-entries for spanners could be updated in days, if not hours.

Phone companies like spam because it is profitable for them.

Simple regulatory changes to existing laws could dramatically reduce phone spam with minimal cost.

1) Correct caller ID is mandatory. Penalties are on a "per call basis." The caller ID must identify the caller by correct name or correct company name, and use a phone number that is answered, in the company, by a real person, within one minute, at least 90% of the time (using the same business or non-business hours at the location they are calling). Require the phone companies to provide auditing, with published audit reports for their largest customers.

2) Hold phone companies liable for any legal violations.

3) Require all SIP interfaces to be registered with the phone companies, and that information is public. Phone companies must verify that caller ID via SIP interfaces is valid, and is consistent with the owner and billing information used by the phone company.

4) Put some teeth in "do not call lists." Every company that uses any form of automatic dialer must observe do not call lists 100% of the time. Penalties should be automatic, and on a "per call" basis.

5) Companies get around do not call lists by claiming their calls are "informational" rather than "sales calls." Close this nonsense loophole by making 100% of unsolicited phone calls subject to do not call — with only specifically identified exceptions (such as emergency phone trees, and polling companies with some strict controls and reporting).

6) Many spammers are offshore. Require every single out-of-country entry point to the PSTN to include country-of-origin in the caller ID. All phone companies already track out-of-country calls-in, because they need it for billing purpose.

7) Permit 100% of users to block calls by country-of-origin without charge and without hassle, delay or complexity.

8) Some spammers provide leads for local businesses, like "duct cleaning." Hold those local companies 100% liable for abuse of third-party lead-generators. Permit recipients of such calls to legally go after those local businesses, for aggregate damages, if they wish.

9) Require all phone companies to offer call blocking on both a per-phone-number and a per-prefix basis. Often, spammers buy an entire prefix (e.g. 619-444-xxxx). By rotating caller ID among the 10,000 numbers, regular call blocking doesn't work.

10) Allow all individual users (but not businesses) to block their caller ID for 800 and 888 numbers. Often, callers are tricked into calling an 800 number for the sole purpose of harvesting their phone number.

11) Hold employees of spammers individually accountable. I have talked with some spammers and they usually tell me that "they need the work" and they know full well what they are doing.

12) Require law enforcement at both the state and federal level to consider "aggregate damages" including "harassment cost" of any legal infraction. I talked to the FBI about going after spammers and they told me that they were specifically required to prioritize cases base on monetary damage and that a single spamming case had too low a value to ever be prosecuted. The local FBI office told me they get numerous spam calls every day – and there is nothing they can do about it, even though those calls are illegal, now.

Allow state and local governments to prosecute spammers and phone companies for aggregate damages and criminal prosecution. Do not let jurisdictional excuses ("we are regulated only by the Federal Government") stop local prosecution.

13) Require all companies with automatic dialers that make over 50 calls per month to provide a quarterly report that is public information. They must provide it to either a state or federal agency, and ALSO must post the report conspicuously on their website.

14) Companies that provide false information about their identity over the phone should be automatically guilty of criminal fraud, with fixed penalties on a per-call basis.

15) Encourage phone set manufacturers for land-line phones to offer a "one button block" feature – just like most smart phones have.

16) Allow states to implement their own regulatory rules. The excuse by phone companies that "only the Federal Government" can regulate common carriers is a fabulous excuse to effectively blocks ANY timely regulation. The Telcos can be expected to complain about "uneven standards" and "excessive cost," as well as generate monstrously unrealistic cost estimates for state-level compliance. As an expert in this field, I can tell you, in court if necessary, that the compliance costs are negligible compared to total income, and also compared to the aggregates costs to consumers and businesses. One of the fabulous benefits of a Federal Republic with States is that the individual states can be proving grounds for controversial public policy and regulation. Let one state try something—and at least a few states will—and see how well it works. If it is as bad as telco's say it will be, then the state can rescind or modify its regulations. Many of the proposed regulatory changes suggested above are well within accepted purview of states, now.

There is absolutely no reason to not require caller ID on every call. The number if valid reasons to not have caller ID (such as hot lines) can be managed by requiring those exceptions to be made only by a police department.

Please make identifying this problem and proposing solutions one of your priorities. If you were to calculate the aggregate cost it would probably go immediately to the top of your list.

Sincerely,

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