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JUL 13 2012

Federal Communications Commission  
Office of the Secretary

Dear Mr. Smith,

I am writing in response to the article below. Although I am not a citizen of the USA, I feel compelled to write since I have some expertise in the area, having worked in the telecom industry and having participated in the CRTC public proceeding which resulted in Canada's National Do Not Call List. I am not using the formal FCC submissions site, since I think it is in everyone's best interest that the following comments NOT be publicized. I'll try to be brief.

**I strongly recommend that you do NOT proceed with publishing the proposed list of emergency numbers** due to the potential abuse by criminals who may wish to launch a denial of service attack on emergency services. Once such a list is published to telemarketers, an industry famed for being unscrupulous, the list is not controllable or traceable and could fall into the hands of those who wish to harm us.

Instead, I recommend that the FCC consolidate the currently proposed list of emergency numbers with the existing Do Not Call Registry, and instead of publishing the consolidated Do Not Call Registry wantonly, provide a consolidated Do Not Call List Service which would only provide an "ok to call" or "do not call" response to a telephone number or list of numbers provided by the telemarketer. This would provide at least some small protection, perhaps preventing the emergency numbers from being abused by concealing them in a veritable mountain of other registered "do not call" numbers. You've already messed this possibility up to some degree by allowing the Do Not Call Registry to be published, but if you add emergency numbers slowly, and unannounced over a period of time, perhaps the criminals will not notice. This would, of course, still require rigorous enforcement of the existing Registry, but you should already be doing that anyway.

Australia has taken an approach similar to this, in part because of our recommendations.

Canada has foolishly not listened, but if history is any indication, they might blindly follow your lead, even if you develop a well designed system. The CRTC brought in Linda Miller (at the time her email was [lindabmiller@att.com](mailto:lindabmiller@att.com)) from AT&T as a consultant, and then ultimately suppressed her testimony due to a toxic combination of corporate greed plus political and bureaucratic corruption and inertia. The telcos make money selling so-called "security services" and they do not want an effective Do Not Call System. Please don't make the same mistake yet again.

I would be happy to provide further detail on our proposed architecture for an effective and more importantly LOW RISK Do Not Call **System**. Please note that this is not a commercial solicitation of any kind. I am writing only because your well intentioned proposal has the potential to endanger all of us.

Also, handle this communication with care, and ideally, please consult with someone responsible at Homeland Security first before forwarding or doing anything else with it.

Sincerely,  
Mark Obermeyer  
Oakville, Ontario, Canada

## **FCC to establish ‘Do-Not-Call’ registry to protect Public Service Answering Points from ‘robocallers’**

Thu, 2012-06-21 12:23 PM

By: Jacob Goodwin

The Federal Communications Commission (FCC) is beginning to take steps to implement a “Do-Not-Call” registry for Public Safety Answering Points (PSAPs) -- which receive and route phone calls to first responders -- that would prohibit operators of automatic dialing equipment or “robocall” systems to send voice or text calls to these emergency facilities.

“The proposed rules are designed to address concerns about the use of automatic dialing equipment, which can generate large numbers of phone calls in a short period of time, tie up public safety lines, divert critical responder resources away from emergency services, and impede access by the public to emergency lines,” explained the FCC in a *Federal Register* notice it published on June 21.

This new Do-Not-Call registry for PSAPs was mandated in the *Middle Class Tax Relief and Job Creation Act of 2012*.

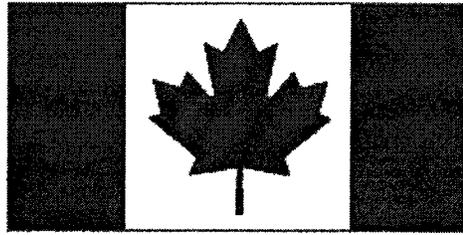
The public is invited to comment on the proposed new registry by August 6, 2012 by accessing the FCC’s electronic filing system by clicking here.

The agency adopted its proposed rulemaking on May 21.

The FCC needs to develop a detailed set of rules to implement this Do-Not-Call initiative. “Specifically, the Commission seeks comment on the most efficient means of establishing a PSAP Do-Not-Call registry, the process for accessing the registry by operators of automatic dialing equipment, safeguards to protect the registry from unauthorized disclosure or dissemination, rules to prohibit the use of automatic dialing equipment to contact numbers on the registry, and enforcement provisions contained in section 6507 ( c ) of the Tax Relief Act,” says the FCC notice.

The FCC has experience in this realm, having established a nationwide “Do-Not-Call” registry for ordinary citizens who do not want to receive unsolicited phone calls. “The commission seeks comment on whether and, if so, to what extent, the FTC’s approach is a useful and cost effective model for the PSAP registry,” the notice adds.

Further information about this new Do-Not-Call registry for PSAPs is available from Richard Smith, of the FCC's consumer and governmental affairs bureau, at 717-338-2797 or [Richard.Smith@fcc.gov](mailto:Richard.Smith@fcc.gov).



## **97% of the People of Canada**

May 12, 2006

DNCL Operations Working Group

April 26, 2006

Minutes

### 1) Welcome

Introduction by working group Chair: Howard Slawner

### 2) Roll Call by Susan Gardiner (CRTC)

### 3) Report on DNCL Proceeding by Gerry Lylyk (CRTC)

### 4) Report on Consortium Working Group by Stephen Whitehead (Facilitator)

- Significant questioning of applicability of a consortium
- Consortium working group to report my May 29<sup>th</sup> to the Commission

### 5) Administration of Working Groups

- Purpose of CISC meetings: bring together stakeholders, try to come to consensus on various issues, try to limit and discover which issues are in dispute;
- Tiff 1: Sponsor (and Co-chair) Khang Pham (Investor's Group)
- Tiff 2: Sponsor withdrew. Howard will cover.
- Tiff 3: Sponsor Pamela Jones (Telus)
- Tiff 4: Sponsor Janet Allinson (Siskinds)
- Deadline: July 20<sup>th</sup> to finish work.

### 6) TIF Discussions

In an effort to narrow the focus of the working group efforts, the group decided to divide all issues into consensus items, disputed items and action items. The group was then to direct their efforts on resolving the disputed items and obtain consensus on as many issues as possible.

### 7) TIF #1 – Database Management

**A) Consensus Items**

- I. Registration on the DNCL should be done by toll-free number and via internet.
- II. System must accommodate large number of registrations upon launch.
- III. Toll-free registrations to use IVR (further research required on use of live operators)
- IV. Faxes and Mail service will not be acceptable registration methods.
- V. Only register by phone if call is made from number to be registered.
- VI. Only de-register by phone if call is made from number to be registered.
- VII. Up to 3 numbers may be registered on-line at a time.
- VIII. DNCL to be updated as quickly as technically feasible.
- IX. All communications are to be encrypted.

**B) Disputed items and matters to be further researched**

**I. Process to de-register.**

[REDACTED]

**II. Which parties to have access to the DNCL (sellers vs. contract telemarketers).**

[REDACTED]

[REDACTED]

**III. Payment methods (subscription vs. usage).**

[REDACTED]

**IV. Whether numbers should be automatically removed when cancelled.**

[REDACTED]

**V. Whether there should be an expiry date on the registration (e.g. 3 years).**

[REDACTED]

• [REDACTED]

VI. Length of grace period to comply after name registered (e.g. 30 days).

[REDACTED]

VII. Whether third parties may register numbers

[REDACTED]

VIII. Extent of information to be collected (names, addresses, e-mail addresses, etc.) – Privacy issues

[REDACTED]

[REDACTED]

IX. Whether there should be a verification system and if so, what kind (e.g. e-mail).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

X. Size and breakdown of DNC lists (e.g. national, provincial, NPA, NXX).

[REDACTED]

XI. Access to List – Should DNCL be distributed to users or should users submit calling list to be scrubbed by list operator

[REDACTED]

[REDACTED]

XII. Should roll-out of DNCL be staggered

[REDACTED]

C) Action Items

- I. David Palmer (Bell) to research the number of expected registrations at peak
- II. John Lawford (PIAC) to determine necessity of live operator with Consumer Association of America
- III. Howard Slawner (Rogers) to determine technical feasibility of users submitting their list of numbers to be called to the list operator for scrubbing ("web service")

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IV. Determine pros and cons of verification systems –  
John Lawford (internet) Howard Slawner (phone)

8) TIF #2 – Funding

A) Consensus Items

I. Users of system should pay at least a portion of the operating costs.

[REDACTED]

B) Disputed items and matters to be further researched

II. Who should pay for consortium costs, start-up costs, awareness programs, CRTC costs (telecom fees)?

[REDACTED]

III. Is there a need for government financial participation?

[REDACTED]

IV. Whether user funding of investigations would create a conflict of interest?

V. Whether there should be a subscription or usage based system (or both)?

[REDACTED]

VI. U.S. or U.K. model for DNCL operator?

[REDACTED]

VII. Need to understand market size in order to understand the economics of the DNCL.

[REDACTED]

C) Action Items

I. Howard Slawner (Rogers), Linda Miller (AT&T), Lorraine McLachlan (CMA), Gerry Lylyk (CRTC) to research market size including anticipated number of users and number of time DNCL will be accessed.

[REDACTED]

[REDACTED]

[REDACTED]

9) TIF #3 – Complaints and Awareness

A) Consensus Items

I. Information required to make a complaint:

- Time of call
- Date of call
- Telephone number receiving call
- Name of telemarketer

[REDACTED]

[REDACTED]

II. Public awareness campaign should be wide and multi-faceted

[REDACTED]

B) Disputed items and matters to be further researched

I. Do we need the name of the complainant?

[REDACTED]

II. Do we need the telephone number of the telemarketer (if it is available)?

[REDACTED]

III. In how many days must the person file the complaint?

- 14 to 60 days proposed

[REDACTED]

[REDACTED]

IV. Need to determine criteria used to decide if complaint valid

[REDACTED]

V. Should operator be investigating whether an exemption exists?

VI. Should a threshold be established before any action is taken?

- Number of complaints in a specified period
  - Number of complainants in a specified period
- [REDACTED]
- [REDACTED]
- [REDACTED]

Method for receiving complaints

- IVR
- [REDACTED]

- Operator
- [REDACTED]

- E-mail
- [REDACTED]

- Mail
- [REDACTED]
- [REDACTED]

VII. How long should the operator retain information?

[REDACTED]

VIII. How long should telemarketers retain information?

[REDACTED]

IX. Should a confirmation number be provided to each complainant?

[REDACTED]  
X. Should caller line ID be mandated for telemarketers?

XI. Should penalties be progressive?  
[REDACTED]

#### 10) TIF #4 - Privacy

Due to time constraints, it was decided that the issue of privacy would be discussed in a conference call at a later time.

[REDACTED]

#### 11) Conclusion

It was decided that there were simply too many issues within the four TIFs to discuss in one meeting. It was therefore also decided that conference calls would be established for each of the individual TIFs to work through the issues. Another comprehensive face to face meeting would be held in early June to go over the progress.

**Contribution to the minutes of the DOWG meeting April 26, 2006**

**WORKING GROUP: DNCL Operations**

**DATE OF SUBMISSION: April 26, 2006**

**CONTRIBUTOR:**



**97% of the People of Canada**

**DISTRIBUTION TO: DOWG**

The following two comments were made by the ATT delegate; Program Manager  
FTC DNC Registry, AT&T Government Solutions - presumably an expert on the operation of the USA  
DNCL, during the DOWG working session, April 26, 2006.

1. "I can tell you that (the USA's FTC DNC Registry) currently offer web services now, and a few of the very large telemarketers do take advantage of it, and I certainly understand the idea (web services) being suggested, and it's a very, very good idea. I would contribute that we also currently have an interactive search capacity now in which you can put in a small set of numbers, it's not a list, it's a very small volume." ...ATT
2. "You can't get the (DNC) list without purchasing a subscription. And to purchase the subscription you have to have a profile. What the telemarketer does with the list or with their subscription, with their profile or their organization ID, I believe it's not traceable. Once that printout, the download is acquired, the telemarketer can do whatever they want with it." ...ATT

Both of these ATT comments support the notion of providing a National DNCL Service, as proposed by 97% of the People of Canada.

The **National DNCL Service** can be provided in several forms – IVR for small volume telemarketers with zero required infrastructure, an interactive **Web Application** (or "interactive search capacity" to use ATT's terminology) for medium volume users which have access to a web browser, and an **XML/SOAP based Web Service** for fully automated use by high volume users who can afford to build automated applications.

For those who are unfamiliar with the concept of a Web Service, a concise definition may be found at: [http://en.wikipedia.org/wiki/Web\\_service](http://en.wikipedia.org/wiki/Web_service). For a more in-depth discussion, visit <http://www.w3.org/2002/ws/>. For samples of XML requests and responses, please see Appendix A of this document.

For those who are afraid to think independently about what is the best result for Canadians, you no longer have to. The USA has already implemented DNCL Web Services – although they have made the mistake of also allowing downloads of the DNCL.

The second comment from ATT pertains to the *stunningly obvious conclusion* that the DNCL should never be downloaded by telemarketers. ATT has confirmed the fact that once a copy of the DNCL is downloaded, that copy is no longer under the control of the DNCL Operator. Duh...

An unscrupulous telemarketer might try to aggregate the use of the DNCL by offering their own "grey market" DNCL copies or service, undercutting the DNCL Operator rates. It would also be easy for unscrupulous telemarketers to form some sort of collective to share the cost of accessing the DNCL; again, unfairly circumventing the DNCL Operators fee structure.

This is probably why the USA experienced such a large revenue shortfall in the initial year of DNCL operations.

Eventually, the USA was able to fund the ongoing operations by *raising the usage fees for the honest telemarketers who pay fees*, but downloading of the DNCL virtually guaranteed that any honest, spirit-of-the-law-abiding telemarketers would be unduly burdened, and financially punished for their honesty.

**Appendix A**

For those unfamiliar with XML, here is a sample XML request to the National DNCL Service:

```
<?xml version="1.0" encoding="UTF-8"?>
<!DOCTYPE telemarketingDNCLRequest SYSTEM "...telemarketingDNCLRequest.dtd">
<telemarketingDNCLRequest>
  <telemarketer_account>
    123456abcd
  </telemarketer_account>
  <calling_number>
    416555xxxx
  </calling_number>
  <proposed_called_number1>
    <number>
      905452xx01
    </number>
  </proposed_called_number1>
  <proposed_called_number2>
    <number>
      905452xx02
    </number>
  </proposed_called_number2>
  <proposed_called_number3>
    <number>
      905452xx03
    </number>
  </proposed_called_number3>
  <proposed_called_number4>
    <number>
      905452xx04
    </number>
  </proposed_called_number4>
</telemarketingDNCLRequest>
```

...and the corresponding response from the National DNCL Service, a telemarketers verifiable proof that they have exercised due diligence in complying with Canada's DNCL requirements.

```
<?xml version="1.0" encoding="UTF-8"?>
<!DOCTYPE telemarketingDNCLRequest SYSTEM "...telemarketingDNCLRequest.dtd">
<telemarketingDNCLResponse>
  <telemarketer_account>
    123456abcd
  </telemarketer_account>
  <calling_number>
    416555xxxx
  </calling_number>
  <confirmation_number>
    2006_123456789123
  </confirmation_number>
  <valid_date>
    26_apr_2006
  </valid_date>
  <proposed_called_number1>
    <number>
      905452xx01
    </number>
    <status>
      Denied
    </status>
  </proposed_called_number1>
  <proposed_called_number2>
    <number>
      905452xx02
    </number>
    <status>
      Accepted
    </status>
  </proposed_called_number2>
  <proposed_called_number3>
    <number>
      905452xx03
    </number>
    <status>
      Denied
    </status>
  </proposed_called_number3>
  <proposed_called_number4>
    <number>
      905452xx04
    </number>
    <status>
      Accepted
    </status>
  </proposed_called_number4>
</telemarketingDNCLResponse>
```

The following is a direct quotation from CRTC PN 2006-4: "Many Canadians consider telemarketing calls to be an annoyance and an invasion of privacy. In a survey conducted by Environics in 2003 cited by Industry Canada,<sup>2</sup> 97 percent of respondents reported a negative reaction toward unsolicited calls...." This submission is on behalf of the 97% of Canadians who find all forms of telemarketing annoying, and want it stopped, immediately and permanently.