

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Advanced Methods to Target and Eliminate Unlawful Robocalls)	CG Docket No. 17-59
)	
Call Authentication Trust Anchor)	WC Docket No. 17-97

**Reply
Comments
of**

**Consumer Reports
National Consumer Law Center, on behalf of its low-income clients
Consumer Action
Consumer Federation of America
National Association of Consumer Advocates
Public Knowledge**

August 23, 2019

The above-listed groups thank the Federal Communications Commission (“FCC” or “Commission”) for accepting reply comments on the issues of call-blocking and the caller ID authentication system.¹ Having considered the comments submitted in the initial round, we submit the following further comments in reply.

Consumers continue to be overwhelmed with unwanted robocalls, and we appreciate that the Commission is continuing to explore ways to ensure that consumers have the protection they need against the scourge of unwanted calls. Above all, the FCC should require phone companies to implement caller-ID authentication technology, opt-out tools for scam calls, and opt-in call-blocking tools for other unwanted calls. Nearly 230,000 consumers have submitted petition signatures calling on the FCC to require phone companies to provide free anti-robocall tools.² In these reply comments, we reiterate the points made in our previous submission to the Commission,³ and emphasize the following points:

- The critical calls list, comprising calls that never should be blocked, should be centralized and limited to government calls only, with only a limited number of carefully considered exceptions for additional genuine emergency numbers;
- Consumers should have personal whitelists as well, where they can maintain a list of blocked and unblocked calls and manage their own blocking and unblocking requests;
- The FCC should also establish a centralized system to manage unblocking emergency numbers and other unblocking requests; and
- Opt-out call-blocking should not be delayed pending full SHAKEN/STIR implementation.

We elaborate on these points below.

The critical calls list should be centralized, limited to government calls only, with only a limited number of carefully considered exceptions for additional genuine emergency numbers.

It is essential that the critical calls list be limited to calls that are truly critical. We disagree with several commenters who advocate for an expansive critical calls list that includes commercial or debt collection calls.⁴ Since the critical calls list by definition is calls that may not be blocked,

¹ Fed. Comm’n’s Comm’n, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, CG Docket No. 17-59, WC Docket No. 17-97 (June 7, 2019), <https://ecfsapi.fcc.gov/file/0607046191409/FCC-19-51A1.pdf>.

² These signatures are available in two files attached to this submission.

³ Comments of Consumer Reports, National Consumer Law Center, et al. CG Docket No. , 17-59, WC Docket No. 17-97 (July 24, 2019),

<https://ecfsapi.fcc.gov/file/10725233409665/Consumer%20Group%20Comments%20CG%20Docket%2017-59%2C%20WC%20Docket%2017-97%207.24.19%20FINAL.pdf>.

⁴ See, for example, Comments of Numeracle, CG Docket No. 17-59, WC Docket No. 17-97 at 2 (July 24, 2019), https://ecfsapi.fcc.gov/file/10725534017565/Numeracle_Comments_to_FNPRM.pdf; American Bankers’

this would effectively remove consumers' ability to block these commercial, debt collection, or non-emergency informational calls. To better ensure, efficiently and effectively, that the critical calls list stays emergency-only, we recommend that the list be compiled and regularly updated *centrally* by the FCC.⁵ The Commission is in the best position to do this, as it has already established the PSAP (public safety answering point) registry.⁶ The FCC's generic white list should include:

1. All federal, state, and local law enforcement telephone numbers used to investigate crimes and enforce the criminal law.
2. All local government numbers used to make emergency calls regarding weather alerts, fire hazards, other physical threat to the health and safety of residents.
3. Other calls from local, state, or federal government agencies – but not from non-government employees calling on their behalf – calling consumers for matters related to emergencies, and/or governmental benefits or services.

No private businesses should be on the generic white list. Phone numbers used by local public schools to alert parents of school emergencies may be added to the generic white list. But calls from those numbers should be limited to real emergencies. Calls from schools that provide reminders of upcoming conferences, band rehearsals, etc. should only be permitted if callers have consent to make the calls.

Consumers should have personal whitelists as well, where they can maintain a list of where they can exercise their preferences as to blocking, unblocking, and whitelisting numbers.

To help bridge the distinction between a strict limit to genuine government emergency calls and facilitating other automated calls that consumers actually want, individual consumers should be able to generate their own “white list” to provide to their local telephone provider to allow certain specified callers to be put through. While callers may be able to assist consumers with registering the callers' numbers on these white lists, consumers should always have control over being able to withdraw those numbers from their personal whitelist.

For example, a consumer may initially agree to be robo-called by an alarm service guarding a relative's home, and so would allow the alarm service to be placed on their personal white list.

Association et al., CG Docket No. 17-59, WC Docket No. 17-97 at 4-9 (July 24, 2019), https://ecfsapi.fcc.gov/file/1072587443209/7-24-19%20Joint%20Trades%20Letter%20to%20FCC%20on%20Third%20Further%20Notice%20of%20Proposed%20Rulemaking_final.pdf.

⁵ Several commenters in the record make this point as well. See, for example, Comments of Transaction Network Services, Inc., CG Docket No. 17-59, WC Docket No. 17-97 at 10-11 (July 24, 2019), <https://ecfsapi.fcc.gov/file/10725610705060/Comments%20of%20Transaction%20Network%20Services%2007242019.pdf>.

⁶ *Id.*

However, if these calls become burdensome, the consumer should be able to easily access the white list through the telephone provider's website, or over the telephone, and withdraw that permission. Calls to that consumer after that withdrawal should then be blocked in the ordinary manner.

Automated calls from private schools, even for emergencies, should have to be registered on a consumer's individual white list. Similarly, calls from banks, doctors, hospitals, and others that provide alerts or reminders should be handled through the private white lists and subject to consumer control.

Additionally, consumers should have access to their individual folders to check calls that were blocked, in order to catch any that were incorrectly blocked or that the consumer otherwise desires to add to the white list.

The FCC should also establish a centralized system to manage unblocking emergency numbers and other unblocking requests.

Several commenters noted that the critical calls list may not be adequate to resolve issues relating to blocked calls.⁷ We agree that the FCC should establish a system to guide unblocking requests. The primary goal of the unblocking system should be to ensure that any incorrectly blocked emergency calls are unblocked as soon as possible. Second, the FCC should establish a call-unblocking system, governed by a specified set of criteria. Consumers should be able to initiate the process for unblocking a number on their phone; and the calling industry should also have the option of participating in the system, for a fee. In any event, for a number to be unblocked, its caller ID information must be verified through appropriate means, to ensure that scammers are not seeking to evade blocks. Evaluators should have a reasonable basis to believe that the call is not unlawful before unblocking it. Even so-called "legitimate" callers may make calls in violation of the consent requirements of the Telephone Consumer Protection Act (TCPA) or the Do Not Call Registry, and the caller's history of TCPA compliance should be considered before unblocking any of its calls.

Above all, consumer preferences should never be overridden. The call recipient must be consulted and agree before a number is unblocked. Finally, the system should be paid for by callers, who will benefit from its availability. The costs of controlling robocalls should not be

⁷ See, for example, Comments of Larimer Emergency Telephone Authority CG Docket No. 17-59 and WC Docket No. 17-97 at 2 (July 23, 2019). <https://ecfsapi.fcc.gov/file/10723284203992/LETA%20comment%20-%20TFNPR%20-%20FCC%2019-51%20-%20Advanced%20Methods%20to%20Target%20and%20Eliminate%20Unlawful%20Robocalls%20.pdf>.

borne by consumers. This is similar to the Do Not Call registry, which is paid for by callers seeking to consult the list.⁸

Opt-out call-blocking should not be delayed pending full SHAKEN/STIR implementation.

We reiterate that phone companies should be required to offer consumers three levels of anti-robocall protection: opt-out blocking for suspected fraudulent calls, opt-in blocking for suspected spam, and personal lists of calls to block.⁹ While we expect that SHAKEN/STIR will ultimately improve the accuracy of call-blocking, error rates cited in the record of advanced call-blocking tools are quite low,¹⁰ and as long as consumers have the opportunity to exercise their preferences with respect to these tools, phone companies should not delay in implementing them, despite requests from the calling industry.¹¹ The critical calls list, personal whitelists, and the call-unblocking system should help quickly address any problems with respect to implementation of call-blocking. We can expect that rural and other small providers will likely need more time to implement these SHAKEN/STIR technologies, and more generally it may take time before the system is fully effective. But consumers should not have to wait until full SHAKEN/STIR implementation in order to benefit from these services.

Conclusion

We are pleased that the Commission is considering these vital issues as industry moves forward with implementing caller ID authentication and opt-out call-blocking. Above all, it's important that the FCC mandate that all phone service providers comply, to help ensure that the system works optimally so that all consumers are protected. Further, we were pleased to note that several commenters cited the existence of call authentication tools that are compatible with traditional landline service, such as out-of-band SHAKEN/STIR¹² and tools offered by TNS.¹³ The Commission should evaluate these alternative means of authentication and consider whether they would be an acceptable alternative means of providing caller ID authentication that TDM providers could employ.

Thank you again for your attention to these issues.

⁸ Fed. Trade Comm'n, National Do Not Call Registry, Information for Businesses (last visited Aug. 21, 2019), <https://www.donotcall.gov/faq/faqbusiness.aspx>.

⁹ Comments of Consumer Reports, National Consumer Law Center, et al., *supra* note 2, at 7.

¹⁰ Comments of Transaction Network Services, Inc., *supra* note 4, at 14.

¹¹ See, for example, Comments of the American Association of Healthcare Administrative Management, CG Docket No. 17-59, WC Docket No. 17-97 at 2-3 (July 24, 2019), <https://ecfsapi.fcc.gov/file/10725507031046/AAHAM%20Call%20Blocking%20FNPRM%20Comments%20072419.pdf>.

¹² Comments of TransNexus, CG Docket No. 17-59, WC Docket No. 17-97 at 6 (July 24, 2019), <https://ecfsapi.fcc.gov/file/107192586222075/TransNexus-comments-regarding-robocall-blocking.pdf>.

¹³ Comments of Transaction Network Services, Inc., *supra* note 4, at 15.

Respectfully,

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