

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

**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 Citizen**

January 29, 2020

Consumer Reports, National Consumer Law Center on behalf of its low-income clients, Consumer Action, Consumer Federation of America, National Association of Consumer Advocates, and Public Citizen thank the Federal Communications Commission (“FCC” or “Commission”) for soliciting input for its upcoming report on robocalls.¹ This report is timely, as the FCC has taken welcome steps in recent years to better protect consumers from unwanted calls, including by clarifying that voice service providers can offer advanced call-blocking tools on an opt-out basis.² Congress also has been active on this issue, and has recently enacted legislation that requires voice service providers to implement caller ID authentication technology and directs the FCC to initiate a rulemaking to help prevent consumers from receiving spoofed calls.³ To ensure that consumers actually have effective protections against unwanted robocalls, it is crucial that the FCC thoroughly evaluate implementation and the efficacy of these measures taken, and take steps to remedy any gaps in protection.

To that end, the FCC should:

1. Require voice service providers to report specific information on their implementation efforts rather than simply request the information.
2. Require the information to include a description of each program offered by the provider to:
 - Implement call authentication technology, and
 - Provide opt-out or opt-in call blocking options.
3. Require every voice service provider to provide the dates by which call authentication technology and effective call-blocking options will be partially, and fully, implemented for its network.
4. Require every voice service provider that does not provide access to the Stir-Shaken (S-S) call authentication technology currently being widely implemented throughout the country, to explain:
 - How calls to and from those customers who will not be able to participate in the S-S technology will be handled,
 - Whether calls *from* those customers whose calls cannot be authenticated through S-S will be impacted,
 - How calls *to* those customers who cannot participate in the S-S technology will be screened, and
 - What alternative call authentication mechanisms the provider will provide to protect those customers.
5. Require all voice service providers to give a description of call-blocking and call-labeling mechanisms that are provided on an opt-out and opt-in basis to customers, along with an analysis of the number of customers (and percentage of total customers) who use these mechanisms.
6. Require all providers to evaluate the efficacy of the anti-robocall measures being undertaken, including a description of how the provider evaluates the efficacy of the measures.

¹ Fed. Commc’ns Comm’n, Advanced Methods To Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor, CG Docket No. 17–59, WC Docket No. 17– 97; DA 19–1312; FRS 16377 (Dec. 30, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-12-30/pdf/2019-28136.pdf>.

² Fed. Commc’ns 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_Rcd.pdf.

³ S.151, Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (2019).

7. Ask callers and call-blocking companies to provide information that would be useful for this report.

It's of the utmost importance that the FCC holds voice service providers accountable and obtains the information needed to accurately assess whether consumers are getting the protections they need. Consumers have long been frustrated by the federal government's failure to fully address the problem of unwanted robocalls. Though the National Do Not Call Registry promised to significantly ameliorate the problem, complaints about violations of the Do Not Call list have exploded.⁴ Consumers filed over 5 million complaints about violations in fiscal year 2019 alone.⁵ This is reflected in FCC complaint data, in which unwanted calls reliably rank as one of the top consumer complaints.⁶

Assessing the Robocall Problem through Information from Voice Service Providers

To effectively assess the robocall problem, the FCC should require, rather than simply request, that voice service providers to answer the questions posed in the Public Notice. In response to previous, voluntary requests for information, voice service providers described steps they were taking to help protect consumers from robocalls, but without identifying whether or not these efforts were actually being effective in reducing the number of unwanted robocalls received by consumers, and whether they helped protect all customers (including those with cell, advanced landline, and traditional landline service).⁷ As a result, the February 2019 FCC staff report failed to fully hold voice service providers accountable for their role in addressing the robocalls problem.⁸

Therefore, the FCC should now require all voice service providers to report on their progress toward implementation of caller ID authentication technology, and to identify where gaps in coverage remain—for example, with respect to non-IP landlines, and whether and how these measures deal with the proliferation of telephone numbers available through VoIP.⁹

The FCC should also require voice service providers to report on their call-mitigation tools—whether they are being provided on an opt-in or opt-out basis; the charge to consumers, if any; if opt-in, how many consumers have opted in to using them; and coverage broken down by type of service. Several voice service providers have begun to offer call-blocking tools to at least some of their customers, but too many consumers still lack access to these tools. Traditional landline phone users, in particular, lack effective options to block unwanted robocalls.

⁴ *National Do Not Call Registry Data Book FY 2016*, Fed. Trade Comm'n at 4 (Dec. 2016), https://www.ftc.gov/system/files/documents/reports/national-do-not-call-registry-data-book-fiscal-year-2016/dnc_data_book_fy_2016_post.pdf.

⁵ *National Do Not Call Registry Data Book FY 2019*, Fed. Trade Comm'n at 6 (Oct. 2019), https://www.ftc.gov/system/files/documents/reports/national-do-not-call-registry-data-book-fiscal-year-2019/dnc_data_book_2019.pdf.

⁶ Fed. Commc'ns Comm'n, *Stop Unwanted Robocalls and Texts* (Jan. 6, 2020), <https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts>.

⁷ See, e.g. Comments of US Telecom, CG Docket No. 17-59 (Jul. 20, 2018), <https://ecfsapi.fcc.gov/file/107210492630262/USTelecom-Robocall-Comments-2018-07-20-FINAL.pdf>.

⁸ Fed. Commc'ns Comm'n, *Report on Robocalls*, CG Docket No. 17-59 (Feb. 2019), <https://docs.fcc.gov/public/attachments/DOC-356196A1.pdf>.

⁹ *Will the TRACED Act Stop Robocalls?* YouMail (Dec. 19, 2019), <https://blog.youmail.com/2019/12/will-the-traced-act-stop-robocalls/>.

To that end, the FCC should require the voice service providers to assess how well these tools are actually protecting consumers from unwanted robocalls. Among other information, the FCC should collect the following from the voice service providers:

1. The overall volume of robocalls;
2. The volume of robocalls broken out by individual companies making the calls, if there is the technical capability to do so;
3. The geographical origins of the robocalls;
4. The number of spoofed calls as a percentage of unwanted calls;
5. The number of robocalls (both spoofed and un-spoofed) blocked;
6. The percentage blocked as a percentage of estimated volume of robocalls attempted;
7. The number of “false positive” calls erroneously identified as spoofed; and
8. Strategies employed by robocallers to evade detection.

Assessing the Robocall Problem through Information from Other Sources

Callers, some of whom have previously filed comments seeking to narrow or weaken the robocalls laws, also should be asked to provide useful information. From callers themselves, the Commission should ask: the number of robocalls made per day; the equipment used; the numbers of prerecorded and artificial voice calls, and the numbers of calls made with human agents using any type of automated equipment, specifying the type of equipment; the numbers of robocalls directed to home phones, and the numbers directed to cell phones; and the purpose for the robocalls they make (telemarketing, debt collection, etc.).

Call-blocking and call-mitigation companies also have access to a great deal of useful information. They should provide their best estimates of the volume of robocalls to consumers in the United States per month, broken down by types of call (telemarketing, debt collection, scams, etc.), their geographical origin, and the percentage of calls blocked as related to total volume of calls attempted.

Soliciting information from each of these sources is important because there is a serious deficit of information about the robocall problem. We rely primarily on information provided by the FTC; data from the call-blocking companies, such as YouMail and Nomorobo; consumer stories; and complaint data in order to understand the outlines of the robocall problem. These sources have been helpful, but gaps remain.

The Need for Continued FCC Engagement

Having comprehensive, reliable data is also necessary because some callers are seeking to weaken the crucial legal protections against unwanted robocalls, on the grounds that the robocall problem is primarily about scam calls. While several commenters seeking a diminished Telephone Consumer Protection Act (TCPA) have incorrectly characterized the robocall problem as due to automated calls from fraudsters,¹⁰ consumers have

¹⁰ See, e.g. Comments of Professional Council for Consumer Engagement, CG Docket No. 02-278 and 18-152 (Jun. 13, 2018), [https://ecfsapi.fcc.gov/file/106130429322839/PACE%20TCPA%20Comment%20to%20FCC%20\(6-13-18\).pdf](https://ecfsapi.fcc.gov/file/106130429322839/PACE%20TCPA%20Comment%20to%20FCC%20(6-13-18).pdf); Comments of Noble Systems, CG Docket No. 02-278 and 18-152 at 26 (Jun. 13, 2018), https://ecfsapi.fcc.gov/file/1061323365377/Noble_System_Comments_FCC_DA18-493_FINAL.pdf.

consistently made it clear that their concern is with *any* unwanted, non-emergency robocalls. Weakening legal protections against unwanted robocalls would not only lead to millions more robocalls from so-called “legitimate” companies, who in many cases would no longer be required to obtain consent or honor opt-out requests from consumers; it would also likely lead to more scam robocalls as well.

Finally, we urge you to consider releasing additional reports in the future, so consumer advocates and other stakeholders can remain adequately informed about changing trends in illegal and unwanted robocalls, and policymakers can respond quickly to these changes.

Thank you again for your continuing efforts to assess and respond to the robocall problem. We are happy to provide any additional information that would be helpful to this work.

Respectfully submitted,

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