

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Call Authentication Trust Anchor) CG Docket No. 17-97

Comments of
Consumers Union
Consumer Action
Consumer Federation of America
National Association of Consumer Advocates
National Consumer Law Center, on behalf of its low-income clients
Public Citizen
Public Knowledge

August 11, 2017

Consumers Union, Consumer Action, Consumer Federation of America, National Association of Consumer Advocates, National Consumer Law Center on behalf of its low-income clients, Public Citizen, and Public Knowledge commend the Federal Communications Commission (“FCC” or “Commission”) for taking the initiative to help implement caller ID authentication. There is a wide consensus among experts,¹ industry,² and consumer groups that implementing such a system, which will allow callers to verify that their caller ID information is correct, will form the basis for a comprehensive solution to the problem of fraudulent call spoofing.³ However, the FCC must take additional steps to ensure that this system offers effective protection against illegal and unwanted calls.

1. The FCC should direct voice providers to implement caller ID authentication by the end of 2018, at no cost to consumers.⁴
2. The FCC should direct voice providers to offer consumers the option of blocking calls that fail to verify their caller ID information, for no extra charge.
3. All voice customers, including those using traditional wireline service, should have effective protections from fraudulently spoofed calls.⁵
4. The caller ID authentication system should protect consumers from fraudulently spoofed calls originating overseas.⁶
5. Consumers should be given the option of verifying the legitimacy of calls they make while withholding their personal identifying information from the call recipient.⁷

We explain these points below.

1. The FCC should direct the voice providers to implement caller ID authentication by the end of 2018, at no cost to consumers.

The FCC should direct voice providers to take action and set a reasonable date for implementation, the end of 2018. The FCC’s encouragement is needed to make sure all providers move quickly toward implementation. The Internet Engineering Task Force has been working on this issue at least since 2013.⁸ While there has been progress in recent months, as a number of companies have agreed

¹ See, for example, *Modernizing the Telephone Consumer Protection Act, Before the United States House of Representatives Subcommittee on Communications and Technology*, 114th Cong. 3 (2016) (testimony of Richard Shockey), available at <http://docs.house.gov/meetings/IF/IF16/20160922/105351/HHRG-114-IF16-Wstate-ShockeyR-20160922.pdf>; Fed. Trade Comm’n, *Robocalls: All the Rage, An FTC Summit 36-37* (2012) (comments of Henning Schulzrinne), available at https://www.ftc.gov/sites/default/files/documents/public_events/robocalls-all-rage-ftcsummit/robocallsummittranscript.pdf.

² Comments of United States Telecom Association, CG Docket No. 02-278 13 (Jan 23, 2015), available at <https://ecfsapi.fcc.gov/file/60001015988.pdf>.

³ Fed. Commc’ns Comm’n, *Consumer Guide, Caller ID and Spoofing*, (last reviewed May 5, 2017), available at <https://transition.fcc.gov/cgb/consumerfacts/callerid.pdf>. Call spoofing describes the practice of inputting incorrect information on the caller ID. Caller ID spoofing is illegal when used with the intent to commit fraud.

⁴ Fed. Commc’ns Comm’n, *Call Authentication Trust Anchor, Notice of Inquiry* (July 14, 2017) at ¶14, available at <https://ecfsapi.fcc.gov/file/07141096201120/FCC-17-89A1.pdf> [hereinafter NOI].

⁵ *Id.* at ¶ 39

⁶ *Id.* at ¶ 40

⁷ *Id.* at ¶ 43.

⁸ Internet Engineering Task Force, *Authenticated Identity Management in the Session Initiation Protocol (SIP)*, available at <https://datatracker.ietf.org/doc/draft-ietf-stir-rfc4474bis/>.

to participate in testing of a prospective system, this technology has yet to be finalized.⁹ AT&T has vowed to “be ready for carrier interoperability verification by the 4th quarter of 2017,” but not all carriers have made similar promises.¹⁰ This 2018 target date thus gives all voice providers ample time to meet the objective, and sufficient motivation to complete the task.

It is imperative that the FCC and voice providers move quickly to implement the caller ID authentication system. We regularly hear from consumers that spoofed calls have made the robocall problem even more challenging and distressing. The problem of “neighbor spoofing,” in which scammers spoof local numbers to trick consumers into picking up the phone, has received significant media coverage recently,¹¹ and the FCC has recently fined a company for allegedly engaging in that practice.¹²

Caller ID authentication will help facilitate effective call-blocking, including the call blocking described in the pending rulemaking, Advanced Methods to Target and Eliminate Unlawful Robocalls.¹³ Caller ID spoofing poses a challenge to effective call-blocking, and caller ID authentication would work to address it. For example, the third-party call-blocking service Nomorobo reports that, because of caller ID spoofing, they have to run hourly updates in their efforts to stay ahead of the robocallers.¹⁴

2. The FCC should direct voice providers to offer consumers the option of blocking calls that fail to verify their caller ID information, for no extra charge.

Caller ID authentication is of minimal utility if consumers cannot use the information to block fraudulent or other unwanted calls. The FCC should direct the voice providers to offer consumers the choice of blocking calls that fail to authenticate their caller ID without a legitimate reason. We have supported the Repeated Objectionable Bothering of Consumers on Phones (ROBOCOP) Act, legislation that requires voice providers to implement caller ID authentication and to offer consumers the ability to block most robocalls that fail to authenticate their caller ID information.¹⁵ This option promises to give consumers effective, comprehensive protection against fraudulent robocalls.

⁹ Jonjie Sena, *It’s Time to Hang Up on Robocalls for Good*, Neustar Blog (May 16, 2017), <https://www.neustar.biz/blog/hang-up-on-robocalls>.

¹⁰ AT&T Hosts Second Meeting of Robocall Strike Force; Industry Delivers Short and Long-Term Solutions, AT&T Public Policy Blog (October 26, 2016), <https://www.attpublicpolicy.com/fcc/fcc-hosts-second-meeting-of-robocall-strike-force-industry-delivers-short-and-long-term-solutions/>.

¹¹ See, for example, Ailsa Chang, *Familiar-Looking Numbers are the Latest Twist in Robocalls*, NATIONAL PUBLIC RADIO (July 31, 2017), <http://www.npr.org/2017/07/31/540515367/familiar-looking-numbers-are-the-latest-twist-in-robocalls>.

¹² Fed. Comm’n’s Comm’n, *Robocall Scammer Faces \$120 Million Proposed Fine for Massive Caller ID Spoofing Operation* (June 22, 2017), https://apps.fcc.gov/edocs_public/attachmatch/DOC-345470A1.pdf.

¹³ See, Comments of Consumers Union et al. on Notice of Proposed Rulemaking, CG Docket No. 17-59 (June 30, 2017), *available at*

<https://ecfsapi.fcc.gov/file/10630190057273/Robocalls%20NPRM%20and%20%20NOI%20final.pdf>; Reply Comments of Consumers Union et al. on Notice of Proposed Rulemaking, CG Docket No. 17-59 (July 31, 2017), *available at*

<https://ecfsapi.fcc.gov/file/10801894405709/Robocalls%20FCC%20NPRM%20and%20NOI%20CU%20reply%20comments%20final.pdf>.

¹⁴ Nomorobo, *Background Updates* (accessed Aug. 8, 2017), <https://nomorobo.zendesk.com/hc/en-us/articles/115001498406-Background-Updates>.

¹⁵ H.R. 4932, 114th Cong. § 4 (2016).

3. All voice customers, including those using traditional wireline service, should have effective protections from fraudulently spoofed calls.

Additional steps should be taken to ensure that all customers, including those with traditional wireline service, get the protections they need against unwanted robocalls. Those with traditional landlines have limited options to pursue if they are plagued with unwanted robocalls.¹⁶ The FCC's notice of inquiry notes that the SHAKEN/STIR call authentication proposal relates only to calls that originate on SIP-based systems.¹⁷ The FCC should take care that all call recipients, including those with traditional landlines, benefit from the call authentication system, and that all are able to block fraudulently spoofed calls if they choose.

4. The caller ID authentication system should protect consumers from spoofed calls originating overseas.

The FCC should take steps to ensure that the caller ID authentication system has the ability to protect consumers from fraudulently spoofed calls originating abroad. The FTC notes that many scam robocalls originate overseas.¹⁸ And, as the FCC points out, American consumers are not the only ones who face unwanted robocalls—it is a problem experienced throughout the world.¹⁹ To ensure the efficacy of caller ID authentication, the FCC should direct stakeholders to establish systems that can capture international robocalls.

5. Consumers should be given the option of verifying the legitimacy of calls they make while withholding their personal identifying information from the call recipient.

Consumers should be able to benefit from new technologies to address unwanted robocalls without being required to transmit their own personal details. The Commission suggests that providers may be able to verify that caller ID information is valid, without necessarily transmitting personal information to the call recipient.²⁰ We agree that this is a reasonable step, if done at the request of a consumer.

Finally, while we applaud the FCC for pursuing this notice of inquiry, we ask that the FCC also assist consumers in obtaining immediate protection against unwanted robocalls. We request that the Commission continue to urge voice providers to offer all of their customers free, optional tools to block

¹⁶ Carla Fried, *New Study Finds Some Phone Companies Offer Better Protections than Others*, CONSUMER REPORTS, (Oct. 26, 2016), <http://www.consumerreports.org/consumer-protection/the-best-service-providers-for-blockingrobocalls/>.

¹⁷ NOI, *supra* note 4, at ¶ 39.

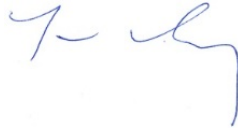
¹⁸ *Ringling off the Hook: Examining the Proliferation of Unwanted Calls, Before the United States Senate Special Comm. on Aging*, 114th Cong. 12 (2015) (testimony of the Federal Trade Commission), available at http://www.aging.senate.gov/imo/media/doc/FTC_Greisman_6_10_15.pdf.

¹⁹ NOI, *supra* note 4, at ¶ 40.

²⁰ *Id.* at ¶ 43.

unwanted robocalls—technology that has already been developed.²¹ Thank you again for your work to address the unwanted robocall issue.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Maureen Mahoney', written in a cursive style.

Maureen Mahoney
Policy Analyst
Consumers Union
1535 Mission Street
San Francisco, CA 94103

²¹ *Stopping Fraudulent Robocall Scams: Can More Be Done? Before the United States Senate Subcomm. on Consumer Protection, Product Safety, and Insurance*, 113th Cong. (2013) (statement of Matt Stein), available at <http://www.gpo.gov/fdsys/pkg/CHRG-113shrg85765/html/CHRG-113shrg85765.htm>.

Descriptions of the Organizations Joining this Filing

Consumers Union is the public policy and mobilization division of Consumer Reports. Consumers Union works for a fair, just, and safe marketplace for all consumers and to empower consumers to protect themselves, focusing on the areas of telecommunications, health care, food and product safety, energy, and financial services, among others. Consumer Reports is the world's largest independent product-testing organization. Using its more than 50 labs, auto test center, and survey research center, the nonprofit organization rates thousands of products and services annually. Founded in 1936, Consumer Reports has over 8 million subscribers to its magazine, website, and other publications.

Consumer Action has been a champion of underrepresented consumers since 1971. A national, nonprofit 501(c)(3) organization, Consumer Action focuses on financial education that empowers low to moderate income and limited English-speaking consumers to financially prosper. It also advocates for consumers in the media and before lawmakers and regulators to advance consumer rights and promote industry-wide change particularly in the fields of credit, banking, housing, privacy, insurance and utilities.
www.consumer-action.org

The Consumer Federation of America is an association of more than 250 nonprofit consumer groups that was established in 1968 to advance the consumer interest through research, advocacy and education.

The National Association of Consumer Advocates (NACA) is a nonprofit association of consumer advocates and attorney members who have represented hundreds of thousands of consumers victimized by fraudulent, abusive and predatory business practices. NACA is actively engaged in promoting a fair and open marketplace that forcefully protects the rights of consumers, particularly those of modest means.

National Consumer Law Center (NCLC) is a non-profit corporation founded in 1969 to assist legal services, consumer law attorneys, consumer advocates and public policy makers in using the powerful and complex tools of consumer law for just and fair treatment for all in the economic marketplace. NCLC has expertise in protecting low-income customer access to telecommunications, energy and water services in proceedings at the FCC and state utility commissions and publishes Access to Utility Service (5th edition, 2011) as well as NCLC's Guide to the Rights of Utility Consumers and Guide to Surviving Debt.

Public Citizen is a national nonprofit organization with more than 400,000 members and supporters. We represent consumer interests through lobbying, litigation, administrative advocacy, research, and public education on a broad range of issues including consumer rights in the marketplace, product safety, financial regulation, safe and affordable health care, campaign finance reform and government ethics, fair trade, climate change, and corporate and government accountability.

Public Knowledge is a nonprofit policy and public interest organization that promotes competition and consumer protection on technology, telecommunications, and intellectual property issues.