

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

<b>In the Matter of</b>	)	
	)	
<b>Advanced Methods to Target and Eliminate Unlawful Robocalls</b>	)	<b>CG Docket No. 17-59</b>
	)	
	)	

**COMMENTS OF  
ITTA – THE VOICE OF AMERICA’S BROADBAND PROVIDERS**

ITTA – The Voice of America’s Broadband Providers (ITTA) hereby submits these comments in response to the Consumer and Governmental Affairs Bureau’s Public Notice seeking to refresh the record on how the Commission might further empower voice service providers to block illegal calls before they reach American consumers.<sup>1</sup>

ITTA applauds the Commission’s continued emphasis on pursuing actions to combat the scourge of illegal robocalls. As the Commission is well aware, industry likewise is actively examining measures to address illegal robocalls.<sup>2</sup> For instance, within the past few weeks, the Alliance for Telecommunications Industry Solutions (ATIS)<sup>3</sup> officially launched the Secure Telephone Identity Governance Authority (STI-GA), managed by the industry under the auspices of ATIS, to ensure the integrity of the issuance, management, security, and use of certificates

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<sup>1</sup>*Consumer and Governmental Affairs Bureau Seeks to Refresh the Record on Advanced Methods to Target and Eliminate Unlawful Robocalls*, Public Notice, DA 18-842 (Aug. 10, 2018) (*Public Notice*).

<sup>2</sup> See, e.g., *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9712, para. 16 (2017) (*Call Blocking R&O and/or FNPRM*) (declining to prescribe a sharing mechanism for Do-Not-Originate (DNO) requests “especially in light of industry’s existing efforts at coordination,” and “encouraging industry to continue developing its methods for implementing DNO”); 9726, para. 59 (referencing industry efforts at targeting illegal robocalls).

<sup>3</sup> ATIS is “a forum where the information and communications technology (ICT) companies convene to find solutions to their most pressing shared challenges.” ATIS, *About*, [https://www.atis.org/01\\_about/](https://www.atis.org/01_about/) (last visited Sept. 20, 2018).

issued in compliance with the SHAKEN call authentication standard.<sup>4</sup> This is a further significant milestone leading to the implementation of SHAKEN. Another example is the Industry Traceback Group, which has engaged in coordinated efforts to enhance tracing of the origin of robocalls, and has facilitated a DNO trial.<sup>5</sup> These and other initiatives demonstrate that industry shares the Commission’s motivation to eliminate illegal robocalls entirely, or at least reduce them substantially.

Nevertheless, the Commission has wisely recognized that individual carrier efforts to block illegal robocalls or engage in other efforts to thwart them should be achieved on a permissive basis, not mandated. This is the approach the Commission took in the *Call Blocking R&O*.<sup>6</sup> Any further actions the Commission takes in response to the *Public Notice* or any other proposal in this proceeding likewise should be done on a permissive, but not mandatory, basis.

The *Public Notice* seeks comment on how a “white list” could best be implemented, and whether an industry-wide list or provider-specific list is preferable.<sup>7</sup> ITTA submits that an industry-wide list will facilitate timely sharing of information among providers. In turn, timely sharing of white list information will ease burdens on consumers to contact providers individually, and will be especially pivotal when a number has been blocked erroneously. To ensure that each provider has up-to-date white list information, the Commission could provide

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<sup>4</sup> See Letter from Susan Miller, President and CEO, ATIS, to Chairman Ajit Pai, Commissioners Michael O’Rielly, Brendan Carr, and Jessica Rosenworcel, FCC, CG Docket No. 17-59, at 1 (filed Sept.13, 2018).

<sup>5</sup> See *Public Notice* at 3; *Call Blocking R&O*, 32 FCC Rcd at 9711-12, paras. 13, 15.

<sup>6</sup> See, e.g., *Call Blocking R&O*, 32 FCC Rcd at 9736, Appx. C, para. 9 (“The rules we adopt today are permissive and not mandatory.”); 9711, para. 13 n.42 (blocking calls at the request of the subscriber to the originating number “is permissive, rather than mandatory”); 9706, para. 1 (“enabling” voice service providers to block certain calls and “allowing” providers to block calls from phone numbers on a DNO list and those that purport to be from invalid, unallocated, or unused numbers).

<sup>7</sup> See *Public Notice* at 4.

guidance for how often each provider should refresh the white list each provider maintains for its own systems, for example, once every 24 hours. Utilizing an industry-wide list should also help relieve smaller providers of undue administrative burdens.

The *Public Notice* further seeks comment on whether maintaining a list of “trusted numbers” that functions such that providers need to conduct further investigation before blocking calls from numbers on that list better balances factors including the avoidance of blocking lawful calls, avoidance of enabling unlawful spoofing on numbers on the white list, and ease of administration than a white list of numbers that cannot be blocked.<sup>8</sup> ITTA believes that this approach is too cumbersome, and would result both in undue burdens on providers and delays for legitimate callers. Instead, ITTA urges that, in administration of a white list, an ounce of prevention is worth a pound of cure. Unlike with placing numbers on a permissible block list, placing a number on the white list would not be initiated by the provider or third-party administrator. Therefore, safeguards must be in place to ensure that a request to be added to the white list is, indeed, legitimate.

In this regard, a customer service representative of the provider could refer the ostensibly legitimate caller to the industry-wide list point of contact. The white list administrator would be responsible for developing a reasonable screening process to establish the legitimacy of white list requests which could include, for instance, a notarized written request, followed by a telephone interview.<sup>9</sup> While ITTA recognizes that this process would not lend itself to immediate resolution of erroneous call blocking, the benefits of ensuring in this manner the legitimacy of the caller’s request to be added to the white list outweigh any incremental delays. Moreover, the initial delay caused by this process would be one-time, rather than the delay that would be

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<sup>8</sup> *See id.*

<sup>9</sup> *See id.* (seeking comment on what information would best enable verification of the identity of the caller).

inherent every time a provider conducted a further investigation of a call originating from a number on the above-described “trusted numbers” list. Furthermore, to help mitigate the initial delay, the white list administrator’s screening process should include processing times for white list requests. In order to reconcile the goal of ensuring that requests to be added to the white list are legitimate while minimizing and swiftly rectifying erroneous call blocking, ITTA does not object to the Commission establishing guidelines, such as the proof establishing that a caller is legitimate, as well as timelines to cease call blocking, so long as such guidelines account for the greater burdens on smaller providers, who have fewer resources to implement such guidelines.

Although the *Public Notice* does not raise this issue, ITTA notes that in the *Call Blocking R&O*, the Commission declined to adopt a safe harbor “at th[at] time because [the Commission did] not have a sufficiently developed record on the subject.”<sup>10</sup> ITTA urges that, as long as the provider is acting in good faith within the contours of the rules the Commission adopts, it should be immune from any Commission enforcement liability for legitimate calls blocked or illegal calls that are not blocked.<sup>11</sup> So long as the provider complies with the guidelines the Commission sets forth to protect legitimate callers, a provider should not be subject to any enforcement liability where a legitimate call ends up being blocked accidentally or, conversely, where an illegitimate caller mistakenly ends up on the white list.

For the foregoing reasons, the Commission should establish an industry-wide white list, with robust safeguards to ensure that a request to be added to the white list is, indeed, legitimate. The Commission also should establish timelines to promote rapid verification of white list

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<sup>10</sup> *Call Blocking R&O*, 32 FCC Rcd at 9709, para. 9 n.28.

<sup>11</sup> See Statement of Ajit Pai, Chairman, Fed. Communications Comm’n, Hearing on the FCC’s Fiscal Year 2018 Budget Request: Before the Subcommittee on Financial Services and General Government, Committee on Appropriations, U.S. Senate 3-4 (June 20, 2017) (“In March . . . the Commission adopted a Notice of Proposed Rulemaking and a Notice of Inquiry to consider allowing service providers to block robocalls under certain circumstances, without fear of liability for failing to complete calls.”).

requesters and updating of white lists, to help minimize instances of legitimate calls being blocked. However, no system is 100 percent foolproof, and as long as the provider is acting in good faith within the contours of the rules the Commission adopts, it should be immune from any Commission enforcement liability for legitimate calls blocked or illegal calls that are not blocked. This would also be consistent with the Commission's approach heretofore that call blocking is permissive, not mandatory – an approach the Commission should continue to apply going forward.

Respectfully submitted,

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