

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
 ) CG Docket No. 17-59  
Advanced Methods to Target and Eliminate Unlawful )  
Robocalls ) FCC 17151  
 )  
 )

To: The Federal Communications Commission  
Date: January 23, 2018

Comment of the Federal Trade Commission's Staff

INTRODUCTION

In the spring of 2017, the EC issued a Notice of Proposed Rulemaking that sought to expand the categories of calls that voice service providers are authorized to block and a Notice of Inquiry inviting comment on the types of standards that should govern if the FCC authorized providers to block “presumptively illegal calls.”<sup>1</sup> In November 2017, the FCC issued a Report and Order that enabled voice service providers to block categories of calls before they reach consumers’ phones as proposed by the Notice of Proposed Rulemaking.<sup>2</sup> To date, the FCC has not yet taken further public action regarding the Notice of Inquiry’s consideration of authorizing providers to block “presumptively illegal calls.”<sup>3</sup>

The FCC’s Report and Order authorized two categories of provider-based call blocking proposed by the Notice of Proposed Rulemaking: 1) when the subscriber to a particular telephone number requests that telecommunications providers block calls originating from that number; and 2) when the originating number is invalid, unallocated, or unassigned.<sup>4</sup> This step is one of many in a concerted effort by government and industry to help curb the flood of unwanted

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and illegal telemarketing calls to American consumers. The Federal Trade Commission (FTC) supported the FCC's efforts to expand provider-based call blocking and continues to encourage



chance of error due to the larger volume of numbers and the speed with which these numbers can change status unless and until a more comprehensive and accurate database of unallocated and unassigned numbers is established<sup>12</sup>

for legitimate callers and subscribers impacted by increased blocking.<sup>15</sup> To that end, FTC staff recommends that all entities engaged in call blocking consider engaging in practices to reduce the potential for erroneous blocking, including such as communicating clearly to subscribers the types of calls that are being blocked using plain and reasonably specific terms to label calls, and providing designated points of contact for subscribers and callers alike to address potentially erroneously blocked or labeled calls. Such practices appear to be beneficial without imposing unnecessary or undue costs. FTC staff recommends caution, however, in establishing centralized “white lists”—lists of numbers that will not be blocked—to protect legitimate outbound callers.

#### Clear Communication About Call-Blocking and Call Labeling Services Regarding Unwanted Calls

FTC staff supports encouraging providers of call blocking or call filtering services to consider describing plainly to consumers what types of unwanted calls<sup>16</sup> will be blocked or flagged. Further, when flagging or labeling a call, providers should consider using plain and reasonably specific terms to describe the type of incoming call to the consumer receiving the call. In addition, blocking providers that receive feedback about incoming calls from their subscribers should consider providing clear and reasonably specific labels for their subscribers to use to describe the unwanted call they received. Improving descriptions should help prevent instances of erroneous blocking and labeling and ensure that consumers understand the types of calls they may be missing. Finally, providers of call blocking services should consider developing clear and specific procedures to address complaints of erroneous blocking and provide a designated point of contact to

or encouraging the establishment of formal centralized mechanisms, such as a white list.<sup>17</sup> FTC staff agrees with the concerns raised by USTelecom about centralized white lists creating “a substantial security risk should it fall into the hands of even a single caller” and serving as a “de facto master key” that would provide robocallers with the ability to override the efforts painstakingly developed to thwart them.<sup>18</sup> Even without a security compromise, illegal robocallers will make every effort to infiltrate whitelists to enable their calls to go through. FTC staff recommends that centralized white lists be avoided, lest they undermine the significant progress call-blocking providers have made in reducing the number of illegal calls.

## CONCLUSION

FTC staff supports the FCC’s inquiry into how best to balance the long-overdue progress in developing call-blocking and call-filtering solutions to protect consumers from illegal and unwanted calls and the interests of subscribers and legitimate callers that could be harmed by erroneously blocked calls. The FTC stands ready to provide further information and assistance as needed.

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<sup>17</sup> The FCC’s Robocall NPRM & NOB posed a number of questions regarding the use of a “white list” to mitigate potential concerns regarding erroneous blocking. The Robocall NPRM & NOB defined a “white list” as “a list of numbers that will not be blocked.” Robocall NPRM & NOB n. 57. The Robocall NPRM & NOB sought input regarding a number of questions related to the implementation of a white list to protect legitimate outbound callers:

First, we seek comment on establishing a mechanism, such as a white list, to enable legitimate callers to proactively avoid having their calls blocked. Should we specify the number of mechanisms to be used or administrative details, such as the type of evidence providers might require of such legitimate callers? If so, what should we require? Should we specify a timeframe within which providers must add a legitimate caller to its white list? How should white list information be shared by providers? Is there anything the Commission can do to ensure that white list information is shared in a timely fashion such that legitimate callers need not contact each and every provider separately? Is Commission action needed to guard against white lists being accessed or obtained by makers of illegal robocalls? What is the risk that a caller could circumvent efforts to block illegal robocalls by spoofing numbers on the white list?