

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

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| In the Matter of                                     | ) |                      |
|  | ) |                      |
| Implications of Artificial Intelligence Technologies | ) | CG Docket No. 23-362 |
| on Protecting Consumers from Unwanted                | ) |                      |
| Robocalls and Robotexts                              | ) |                      |

**REPLY COMMENTS OF INCOMPAS**

INCOMPAS submits these reply comments in response to the Federal Communications Commission’s (“Commission”) *Notice of Inquiry* in CG Docket No. 23-362 seeking comment on the implications of emerging artificial intelligence (“AI”) technologies on the Commission’s efforts to eliminate and mitigate illegal robocalls and robotexts.<sup>1</sup>

INCOMPAS is the preeminent national industry association for providers of internet and competitive communications networks. INCOMPAS represent a variety of different voice service models, including traditional CLECs and VoIP providers, that serve residential and enterprise customers. These providers are committed to mitigating the threat of illegal robocalls and robotexts to their customers while working with the Commission concurrently identify ways to preserve consumer trust in voice and messaging services while promoting policies that encourage competition, innovation and economic development. At the same time, INCOMPAS represents technology companies, both large and small, that are industry leaders in the development and integration of artificial intelligence technologies and products that are being used to enhance and protect the communications experience of their residential and business

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<sup>1</sup> *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Notice of Inquiry, FCC 23-101 (rel. Nov. 16, 2023) (“*Notice*”).

customers, including through the mitigation and elimination of unwanted robocalls and robotexts.

As the record in this proceeding shows, industry is already responsibly leveraging AI technologies to reduce the threat of illegal robocalls and robotexts to consumers. For example, Twilio is using AI solutions to “enhance their service offerings and support interoperability” across its Communications Platform as a Service (“CPaaS”) products, which has allowed it to protect and deliver better value for its customers.<sup>2</sup> Twilio’s AI-assisted offerings, like Voice Insights with Call Annotations or Fraud Guard for text messaging, use information provided by their enterprise customers to help in the identification and elimination of fraudulent robocall and text messages from their network.<sup>3</sup> Other products, like ATONator, which is able to determine when an enterprise customer’s credentials have been compromised, prevent bad actors from originating these unwanted messages in the first place.<sup>4</sup> Twilio’s commitment to providing these tools is supported by its adherence to its CustomerAI Trust Principles of transparency, responsibility, and accountability which allow customers to “know how AI is being used in our products and empower[s] customers to make information decisions about adoption.”<sup>5</sup>

Similarly, Microsoft’s AI-enabled fraud detection tools are being employed to protect consumers from fraudulent calls and text messages. These tools assist Threat Intelligence Teams and the company’s Digital Crimes Unit to investigate *trillions* of signals each day to “detect and prevent attacks before they occur” while simultaneously working to ensure that legitimate calls

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<sup>2</sup> Comments of Twilio, Inc., CG Docket No. 23-262, 2 (filed Dec. 18, 2023) (“Twilio Comments”).

<sup>3</sup> *Id.* at 3.

<sup>4</sup> *Id.* at 4.

<sup>5</sup> *Id.* at 5.

are not misidentified as scams.<sup>6</sup> To address risks associated with these technologies, Microsoft has established extensive governance principles for developing AI, including fairness, reliability and safety, privacy and security, inclusiveness, transparency, and accountability, and the company has committed to the White House’s plan for advancing responsible AI.<sup>7</sup> Given these examples, INCOMPAS supports calls for the Commission to maintain technology neutrality and flexibility so that providers can “select the tools most effective in protecting their networks and customers in any given context.”<sup>8</sup>

At the same time, AI technologies will require continuous refinement and monitoring to ensure that their use in protecting consumers from illegal robocalls and robotexts does not inadvertently impact legitimate voice traffic and text messaging. The record indicates that AI is being used by providers and their analytics partners to identify illegal calling patterns and conduct network-based blocking of robocalls.<sup>9</sup> INCOMPAS has previously identified concerns over discriminatory behavior (*i.e.* call blocking, mislabeling and missing call presentation information) at the terminating end of the call path and would urge the Commission to consider

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<sup>6</sup> Comments of Microsoft Corporation, CG Docket No. 23-262, 1 (filed Dec. 18, 2023) (“Microsoft Comments”).

<sup>7</sup> See FACT SHEET: Biden-Harris Administration Secures Voluntary Commitments from Leading Artificial Intelligence Companies to Manage the Risks Posed by AI, White House Briefing Room, July 21, 2023, *available at* <https://www.whitehouse.gov/briefing-room/statementsreleases/2023/07/21/fact-sheet-biden-harris-administration-secures-voluntary-commitmentsfrom-leading-artificial-intelligence-companies-to-manage-the-risks-posed-by-ai/>.

<sup>8</sup> See Comments of USTelecom—The Broadband Association, CG Docket No. 23-362, 3 (filed Dec. 18, 2023) (“USTelecom Comments”).

<sup>9</sup> See USTelecom Comments at 2; Comments of CTIA, CG Docket No. 23-263, 6 (filed Dec. 18, 2023) (“CTIA Comments”); Comments of First Orion Corp., CG Docket No. 23-362, 1-2 (filed Dec. 18, 2023).

this issue in this inquiry.<sup>10</sup> While the record also contains assurances that AI-based solutions include “safeguards to avoid suspending legitimate automated calls,”<sup>11</sup> INCOMPAS urges the Commission to ensure AI technologies used in call blocking, labeling, or call presentation are applied in a non-discriminatory and competitively neutral manner.

Finally, INCOMPAS agrees that the Commission’s efforts in this proceeding should primarily address bad actors use of AI to initiate illegal robocalls and robotexts and must be complementary to the Administration’s holistic approach to the development and use of AI. While the Commission must play an important role in ensuring that AI technologies are developed and deployed with the safeguards necessary to protect competition as well as consumer privacy and security, the agency’s approach must take into account the noted benefits that the current flexible approach has allowed. INCOMPAS concurs that the agency “should focus on protecting consumers from AI-enhanced robocalls and robotexts by enforcing existing rules and law against bad actors, particularly those that use AI to enhance their illegal or unwanted robocalls or robotexts.”<sup>12</sup> Further, given the efforts of the Administration to craft a comprehensive AI strategy, INCOMPAS also agrees that “Commission action should be closely aligned with the guidance being produced for AI risk management more broadly across the

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<sup>10</sup> See Letter of INCOMPAS and the Cloud Communications Alliance, CG Docket No. 17-59, WC Docket No. 17-97, 7-9 (filed Dec. 6, 2023) (urging the Commission to conduct closer oversight of call labeling and call presentation treatment at the terminating end of the call path).

<sup>11</sup> CTIA Comments at 6.

<sup>12</sup> *Id.* at 12. See also Comments of Transaction Network Services, Inc., CG Docket No. 23-362, 8-9 (filed Dec. 18, 2023) (urging the Commission to take a targeted approach to regulating AI technologies in the context of the Telephone Consumer Protection Act, specifically tailoring rules to address bad actors use of AI-generated voice calls and voice cloning).

federal government.”<sup>13</sup> Such an approach would ensure that industry can appropriately leverage this emerging technology while counterbalancing any risks to consumers.

Respectfully submitted,

**INCOMPAS**

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<sup>13</sup> Twilio Comments at 8-9.