

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Advanced Methods to Target and Eliminate Unlawful Robocalls	)	CG Docket No. 17-59
	)	
Consumer and Governmental Affairs Bureau Seeks to Refresh the Record on Advanced Methods to Target and Eliminate Unlawful Robocalls	)	DA 18-842
	)	

**REPLY COMMENTS OF INCOMPAS**

INCOMPAS, by its undersigned counsel, hereby submits these reply comments in response to the Federal Communications Commission’s (“Commission” or “FCC”) *Public Notice*<sup>1</sup> seeking to refresh the record on how the agency may assist the industry in eliminating unlawful robocalls.

As the Commission considers expanding the ability of voice providers to block unlawful robocalls, INCOMPAS commends the agency for prioritizing the issue of false positives and seeking comment on how to address situations in which legal calls are incorrectly blocked. Any efforts the Commission takes in this ongoing proceeding must be carefully considered to protect legitimate traffic and to ensure that the reliability of the nation’s communications network is not compromised. As previously reported, INCOMPAS members have had to resolve occurrences

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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*, CG Docket No. 17-59, Public Notice, DA 18-842 (rel. Aug. 10, 2018) (“Public Notice”).

of improper call blocking in the past.<sup>2</sup> Each of these occurrences required the member to expend time and resources to identify and resolve the situation. Furthermore, its negative impact on legitimate traffic and the call completion expectations of consumers cannot be overstated. For these reasons, INCOMPAS proposes that the Commission complement any new call blocking rules with a formal process to challenge incorrectly blocked calls. Although industry has made significant strides to address false positives, taking certain, small steps (as described further below) could expedite the resolution of complaints and ensure that providers have an established mechanism to challenge erroneous call blocking. INCOMPAS maintains that this process does not need to be overly prescriptive or burdensome, and it would encourage providers to take the necessary measures to reduce the instances of false positives.

First, the Commission should consider requiring providers to offer a readily discoverable challenge mechanism on a provider's website that gives consumers or other providers the ability to submit a request seeking to unblock erroneously blocked calls. Through this web portal, callers and their service providers should be able to quickly submit requests to the blocking provider to address false positives. Providers should only need to seek basic information to identify the blocked number and the circumstances under which the customer was blocked, including: (1) time and date of the blocked call; (2) telephone number; and (3) carrier of origin. A web-based tool would be easy to maintain and monitor and will ensure that providers that wish to participate in provider-initiated blocking have a publicly accessible means to address complaints and resolve disputes. INCOMPAS recommends that providers cease blocking as

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<sup>2</sup> See Comments of INCOMPAS, CG Docket No. 17-59 (filed Jan. 23, 2018), at 3 (indicating that, for example, Microsoft had 1.2 million SkypeOut calls inadvertently blocked by a major U.S. carrier between November 2016 and February 2017).

soon as is practicable, and certainly once it has been determined through an internal investigation that the blocked traffic is legitimate.

Additionally, with respect to false positives, INCOMPAS maintains that the Commission must be willing to serve as a backstop in case callers or providers are unable to resolve a situation in which a provider has blocked legitimate call traffic. With the Commission setting aside its long precedents on call blocking to address the serious problem of illegal robocalls, it is more important than ever for the Commission to be the referee in the field if callers or providers are unable to resolve a blocked call situation. The Commission should make an expedited complaint process available to the industry, which would give carriers an additional option for relief in the event they are unable to come to a satisfactory resolution with a blocking provider. INCOMPAS proposes that a Wireline Competition Bureau staff person be identified as the ombudsperson to help resolve disputes between carriers in an expeditious timeframe. The Commission has employed such a process in other contexts, and we believe it is warranted in this instance to ensure that disputes are resolved quickly.

As the Commission continues its work on how to reduce false positives, INCOMPAS maintains that in these early days of call blocking it is premature to adopt a safe harbor for provider-initiated call blocking.<sup>3</sup> INCOMPAS has ongoing concerns about the potential for carriers to use network-level blocking to discriminate against competitive providers' traffic, and encourages the Commission to take every precaution to ensure that providers are not blocking calls in a manner that results in anticompetitive behavior. With the advent of network-level

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<sup>3</sup> See Comments of CTIA, CG Docket No. 17-59, DA 18-842 (filed Sep. 24, 2018), at 4 (seeking the provision of a safe harbor for carriers that choose to engage in call blocking); *see also* Comments of the USTelecom Association, CG Docket No. 17-59 (filed Sep. 24, 2018), at 4; Comments of ITTA—The Voice of America's Broadband Providers, CG Docket No. 17-59 (filed September 29, 2014), at 4.

blocking, additional time is needed for the Commission to be assured that providers are effective in meeting the dual purpose of eliminating robocalls and protecting legitimate traffic, and INCOMPAS concurs with commenters that encourage the Commission to defer judgment on a safe harbor until the Signature-based Handling of Asserted information using toKENS (“SHAKEN”) framework and Secure Telephony Identity Revisited (“STIR”) protocols are implemented.<sup>4</sup>

Over the past several months, INCOMPAS has participated in the development of the Secure Telephone Identity – Governance Authority that will be responsible for the industry-wide implementation of this call authentication framework.<sup>5</sup> The SHAKEN/STIR framework offers hope that fewer legitimate calls will be blocked. INCOMPAS, which represents members offering wholesale, VoIP services, and other new voice technologies, will insist that the framework accommodate these services and that any certifications being offered by competitors and new entrants will be accepted on a non-discriminatory basis. Until such time as the Commission has an opportunity to examine the results of SHAKEN/STIR and the success that providers have in limiting false positives, INCOMPAS would encourage the Commission to exercise caution when considering a safe harbor for provider-initiated call blocking.

For the reasons stated herein, INCOMPAS urges the Commission to consider the recommendations in its reply comment, as it considers the issues raised in the Public Notice.

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<sup>4</sup> See Comments of the Voice on the Net Coalition, CG Docket No. 17-59 (filed Sep. 24, 2018), at 2 (describing how the absence of a safe harbor has required voice service providers to implement “advanced call screening techniques and more agile algorithms” that block unlawful calls “while still defaulting to allow legitimate calls to reach their intended recipients”).

<sup>5</sup> See Marcella Wolfe, *Secure Telephone Identity Governance Authority Launched In Major Industry Effort to Combat Unwanted Robocalling*, ATIS (Sep. 18, 2018), <https://sites.atis.org/insights/secure-telephone-identity-governance-authority-launched-in-major-industry-effort-to-combat-unwanted-robocalling/>.

Respectfully submitted,

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