

**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
)	
Call Authentication Trust Anchor)	WC Docket No. 17-97

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”) *Declaratory Ruling and Third Further Notice of Proposed Rulemaking* on rule changes intended to protect consumers from illegal robocalls.¹

I. THE COMMISSION SHOULD DEFER A SAFE HARBOR FOR CALL BLOCKING UNTIL INDUSTRY RESOLVES THE REMAINING CHALLENGES ASSOCIATED WITH SHAKEN/STIR.

In response to the Commission’s concerns about illegal robocalls, voice service providers have made a considerable commitment of time and resources to establishing a call authentication framework that will address instances of unlawful spoofing by allowing voice service providers to identify bad actors that falsify caller ID information. Robocalls constitute an ongoing hazard to the public and threaten consumer confidence in the reliability of voice networks. The Secure Telephone Identify Governance Authority (“STI-GA”), the industry group developing the SHAKEN/STIR framework, recognizes this and is making consistent progress towards a solution

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, FCC 18-51 (rel. June 7, 2019) (“Declaratory Ruling” or “Further Notice”).

that, when widely adopted and applied in a competitively neutral manner, will increase voice service providers ability to protect consumers from bad actors engaged in caller ID spoofing.

Despite the substantial progress that has been made in developing this industry-wide call authentication solution, including the selection of iconectiv as the Secure Telephone Identity Policy Administrator and the adoption of SHAKEN/STIR by several major carriers, the record in this proceeding indicates that there are substantial challenges that still need to be addressed before the Commission considers a safe harbor for call-blocking programs targeting unauthenticated or unsigned calls. SHAKEN/STIR is still very much a work in progress. INCOMPAS has noted several of these challenges throughout this proceeding and other parties that commented on the *Further Notice* reflect these concerns.

For instance, industry would benefit from a uniform implementation of the SHAKEN/STIR framework;² however, the type of technology that a provider is using, how network interconnections are established, and whether the standards will accommodate differences in technology will affect implementation. As an IP-based solution, there are barriers for legacy networks, such as cost and professional expertise, which may delay these providers' ability to implement SHAKEN/STIR.³ For enterprise and resale providers, the framework still lacks the ability to delegate certificate authority which would allow these providers to sign calls for customers using legitimate calling models that utilize numbers from third-parties or multiple underlying carriers. As noted by the VON Coalition, the absence of a delegated certificate or

² Uniform implementation ensures that voice service providers can build a system that will accommodate varying networks' interaction with the framework and will lessen the chances that legitimate and wanted calls will receive different levels of attestation which could lead to blocking or are outright blocked.

³ See Comments of WTA—Advocates for Rural Broadband, CG Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019), at 3.

trusted carrier registry may ensure that “providers who source their telephone numbers from a wholesale provider may find themselves unable to secure SHAKEN authentication for legitimate outbound calls.”⁴ Finally, small and competitive providers require assurances that they will be able to achieve a level of attestation through the SHAKEN/STIR framework that ensures that legitimate calls will not be blocked or disadvantaged.

Many of these concerns remain under active deliberation by the STI-GA. And while industry is fully dedicated to resolving these issues in the near term, INCOMPAS maintains that it would be premature to create a safe harbor until such time as there is widespread adoption of SHAKEN/STIR and the framework is sufficiently tested to ensure that all interconnected communications platforms can achieve, where appropriate, full attestation. However, several carriers and trade associations are calling on the Commission to not just adopt a safe harbor for blocking unauthenticated or unsigned calls, but a broader safe harbor for inadvertent blocking of legitimate calls based on any reasonable call-blocking analytics.⁵ The Commission should reject these proposals and consider the significant anticompetitive risks that a safe harbor raises for small and competitive providers, particularly if major carriers were allowed to block calls that

⁴ Comments of the Voice on the Net Coalition, CG Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019), at 2. The Coalition, which serves on the STI-GA with INCOMPAS, provides several additional items that must be addressed before widespread adoption of SHAKEN/STIR is possible, including: “system build and system acceptance; the process and pricing for issuance of service provider certificates and tokens; service provider acceptance testing; international adoption of the SHAKEN/STIR framework and the resultant complication of non-US originated calls; unavailability of authentication for TDM- originated or TDM-terminated calls, which may be more harmful to smaller carriers who serve rural and other high cost areas; and lawful calls from one-way VoIP providers who may not use standard numbering patterns.”

⁵ See Comments of CTIA, CG Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019), at 7; Comments of NCTA—The Internet & Television Association, CG Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019), at 8; Comments of AT&T, CG Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019), at 11.

lack authentication based upon their own company policies of SHAKEN/STIR. As noted previously, voice service providers are already considering additional algorithmic modeling to their implementation of SHAKEN/STIR that could degrade the level of attestation of some competitive providers' traffic, and such a broad safe harbor would deter providers from working to improve their call blocking and call authentication solutions.

If the Commission does adopt a safe harbor for call-blocking programs, INCOMPAS urges the Commission to require providers that engage in call blocking to provide remediation and transparency measures that will ultimately ameliorate the problem of false positives. As INCOMPAS previously and consistently advocated throughout this proceeding, carriers engaged in call blocking should be required to have a readily discoverable challenge mechanism on their website that will allow a consumer or provider to quickly resolve any instance of erroneous call blocking. Like others on the record, INCOMPAS believes that any safe harbor should include a requirement to address false positives in an expeditious manner.⁶

II. THE COMMISSION CAN MEASURE THE EFFECTIVENESS OF ROBOCALL SOLUTIONS BY REQUIRING PROVIDERS TO REPORT DATA ON FALSE POSITIVES.

In the *Further Notice*, the Commission seeks comment on developing a mechanism to provide consumers with information about the effectiveness of voice service providers' methods to mitigate illegal robocalls.⁷ The mechanism, which is intended to serve as a "robocall scorecard," would provide consumers and carriers with data on how effective voice service

⁶ See Comments of Numeracle, CG Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019), at 3; Comments of Twilio, CG Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019), at 6; Comments of NTCA—The Rural Broadband Association, CG Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019), at 14.

⁷ See *Further Notice* at ¶ 83.

providers are at using call blocking programs and the SHAKEN/STIR framework to target and intercept illegal calls. INCOMPAS agrees that creating such a scorecard could “create additional incentives for carriers to continue their efforts to crack down on illegal calls”⁸ and encourages the Commission to develop such a mechanism.

As the Commission takes additional action to increase the call blocking authority of voice service providers, seeking basic information from providers that engage in blocking about the effectiveness of call blocking mechanisms is critical to ensure that every opportunity is being taken to improve robocall solutions. Throughout this proceeding, INCOMPAS has detailed our members’ concerns regarding call completion and described how members have had calls blocked by major U.S. carriers.⁹ At the same time that the Commission aims to protect consumers from the scourge of robocalls, the agency is also charged with preserving the reliability and ubiquity of the networks for the benefit of those who rely on those networks. Rather than be dissuaded by claims that measuring the effectiveness of robocall solutions is difficult or that the effectiveness of mitigation efforts is best determined by the marketplace, the Commission should align itself with those who believe the public would be best served by, among other things, requiring providers that engage in call blocking to measure and report the number of erroneously blocked calls, or “false positives.”¹⁰ Providing consumers with as much transparency into the successes and challenges that providers experience with respect to blocking

⁸ *Further Notice* at 55 (Statement of Commissioner Brendan Carr).

⁹ *See, e.g.*, Reply Comments of INCOMPAS, CG Docket No. 17-59 (filed July 31, 2017), at 5.

¹⁰ *See* Comments of American Bankers Association, *et al.*, CG Docket No. 17-59, WC Docket No. 17-97 (filed July 24, 2019), at 10.

illegal robocalls will increase consumer choice and incentivize providers to continue to refine their call blocking techniques—ultimately leading to fewer false positives.

A recognition that this data will be made available to consumers as part of a “robocall scorecard” will also encourage providers to work together to ensure that there are no systemic issues that might otherwise lead to inadvertent blocking. Additionally, INCOMPAS agrees that the provision of this data will assist the Commission in its ongoing analysis of the efficacy of call blocking solutions and the SHAKEN/STIR framework.¹¹

III. CONCLUSION

For the reasons stated herein, INCOMPAS urges the Commission to consider the recommendations in its comments and reply comments as it examines the issues raised in the *Third Further Notice of Proposed Rulemaking*.

Respectfully submitted,

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¹¹ *Id.*