

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

In the Matter of	)	
	)	
Advanced Methods to Target and Eliminated Unlawful Robocalls	)	CG Docket No. 17-59
	)	
Call Authentication Trust Anchor	)	WC Docket No. 17-97

**COMMENTS OF INCOMPAS**

INCOMPAS, by its undersigned counsel, hereby submits these comments in response to the Consumer and Governmental Affairs Bureau (“CGB) of the Federal Communications Commission’s (“Commission” or “FCC”) *Public Notice* seeking comment on the state of call blocking products and services offered by voice service providers for its Second Staff Report on Call Blocking.<sup>1</sup>

As part of the report, the Commission seeks information about voice service providers’ response to the agency’s regulatory actions that have enabled them to incorporate call blocking into their robocall mitigation practices. Over the last two years, the Commission has taken a number of significant actions to mitigate illegal robocalls, including the adoption of rules permitting voice service providers to offer opt-out call blocking programs<sup>2</sup> and established safe harbors for blocking based on reasonable analytics that incorporate caller ID authentication

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<sup>1</sup> See *Consumer and Governmental Affairs Bureau Seeks Input For Second Staff Report on Call Blocking*, CG Docket No. 17-59, WT Docket No. 17-97, Public Notice, DA 21-420 (rel. Apr. 13, 2021) (“*Notice*”).

<sup>2</sup> *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, 34 FCC Rcd 4876, 4898-02, paras. 71-82 (2019) (“*Call Blocking Declaratory Ruling and Further Notice*”).

information<sup>3</sup> and network-based blocking.<sup>4</sup> These actions have enabled voice service providers to take unprecedented control over their networks for the purpose of eliminating illegal robocalls. And although recent reports indicate that illegal robocalling is back to pre-pandemic levels,<sup>5</sup> INCOMPAS commends the Commission for taking measured and incremental actions to give voice service providers the tools they need to address this ongoing issue.

While the majority of voice service providers are taking appropriate and responsible action to mitigate illegal robocalls, INCOMPAS has received reports that call blocking is being used on a more regular basis to block or divert legitimate traffic. This is a discouraging development, because as an advocate for competitive service providers, INCOMPAS has repeatedly raised concerns that call blocking could be used to erect barriers to competition and discriminate against competitive providers and their legitimate use cases. Specifically, our members report that some carriers or third-party robocall mitigation products are diverting traffic, including notification services, to dead air or fake voicemail. These originating voice service providers have subsequently seen a significant rise in customer complaints, with the volume of complaints increasing noticeably after the Commission adopted safe harbors for call

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<sup>3</sup> See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, 35 FCC Rcd 7614, 7623, paras. 20-60 (2020) (“*Call Blocking Safe Harbor Report and Order*”).

<sup>4</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, 35 FCC Rcd 15221, 15226-27 (2020) (“*Fourth Report and Order*”).

<sup>5</sup> Avery Hartmans, *If you’re getting hounded by calls about a car warranty, you’re not alone: Robocalls are spiking for the first time since before the pandemic*, BUSINESS INSIDER (Mar. 5, 2021, 10:12 AM), <https://www.businessinsider.com/robocalls-increasing-to-pre-pandemic-levels-youmail-data-2021-3> (citing data from YouMail that Americans received about 4.6 billion robocalls in February 2021 which is “a 15% increase from the month prior and the highest monthly volume since February 2020”).

blocking. In addition, there are growing concerns that call blocking, call diversion, and call rating could impair online security efforts given the potential for multi-factor authentication calls to be blocked or diverted under the misperception that they are illegal robocalls, or erroneously characterized as “spam likely” and thus not answered by the recipient. Because INCOMPAS is unable to quantify the increase in false positives, the association recommends that the Commission remain vigilant about how call blocking and the extension of safe harbors are being used by voice providers and make every effort to remind carriers engaged in call blocking that this practice and the associated analytics should be “applied in a non-discriminatory, competitively neutral manner.”<sup>6</sup>

Additionally, our members report that SIP notification codes, which are now required to be sent by terminating voice service providers immediately upon blocking a call,<sup>7</sup> are being handled on an inconsistent basis. According to members, the protocol around SIP codes is still a work in progress as the codes are not being translated correctly and the response to some SIP codes has been inconsistent between carriers. INCOMPAS has advocated for the standardization of the use of cause codes as they remain the best way to notify providers that a call has been intercepted as part of a blocking program,<sup>8</sup> and the Commission should make every effort to ensure that carriers engaged in call blocking are abiding by this important requirement.

INCOMPAS urges the Bureau to consider this information as it completes its Second Staff Report on Call Blocking.

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<sup>6</sup> 47 C.F.R. § 64.1200(k)(11)(v).

<sup>7</sup> *Fourth Report and Order* at para. 52.

<sup>8</sup> *See* Letter of Christopher L. Shipley, INCOMPAS, to Marlene H. Dortch, FCC, CG Docket No. 17-59, WC Docket No. 17-97 (filed Mar. 6, 2020), at 2.

Respectfully submitted,

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