PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

DA 16-1121
September 30, 2016

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU
CLARIFICATION ON BLOCKING UNWANTED ROBOCALLS

With this Public Notice, the Consumer and Governmental Affairs Bureau clarifies that if a subscriber to a telephone number requests call blocking in order to prevent its telephone number from being spoofed,[1] a voice service provider (whether providing such service through TDM, VoIP or CMRS) may block such calls so they do not reach the recipient consumer. Our clarification is intended to spur pro-consumer initiatives, such as a "Do-Not-Originate" database, that will further protect consumers from robocallers who pretend to be trusted callers in an attempt to annoy and defraud consumers.

The Commission has long sought to protect consumers from unwanted robocalls. Through its administration of the Telephone Consumer Protection Act's (TCPA) restrictions on unwanted robocalls, the Commission has clarified the types of calls that require consumer consent and consumers' right to revoke consent.[2] The Commission has acknowledged, however, that some robocallers will not be deterred by TCPA enforcement and has encouraged the development of robocall blocking and filtering tools that would allow consumers to stop unwanted robocalls before they ring their phones.[3]

In the *2015 Omnibus TCPA Order*, the Commission clarified that nothing in the Communications Act prohibits voice service providers from offering their customers such blocking tools when the customer requests it.[4] The Commission stated that it hoped this clarification would encourage the development of better blocking tools.[5] In the *Order*, the Commission acknowledged that Caller ID spoofing can undermine the effectiveness of call blocking tools,[6] a point also made repeatedly during the Commission's Robocalls Workshop in September 2015.[7]

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[1] "Spoofing" is the alteration or manipulation of Caller ID information. *Rules and Regulations Implementing the Truth in Caller ID Act*, WC Docket No. 11-39, 26 FCC Rcd 9114, 9115, para. 1 (2011).

[2] *See generally Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, 30 FCC Rcd 7961 (2015) (*2015 Omnibus TCPA Order*).

[3] *See, e.g., id.* at 8038, para. 163.

[4] *Id.* at 8033, para. 152.

[5] *Id.* at 8038, para. 163.

[6] *Id.* at 8038, para. 160.

[7] Federal Communications Commission, Workshop to Focus on Robocall Blocking and Caller ID Spoofing, https://www.fcc.gov/news-events/events/2015/09/workshop-to-focus-on-robocall-blocking-and-caller-id-spoofing (last visited Sept. 30, 2016).

Most recently, Chairman Wheeler strongly encouraged major voice service providers to offer their consumers robust robocall blocking tools free of charge.[8] Among the key steps necessary to deliver those tools are Caller ID authentication and a "Do-Not-Originate" database of numbers that consumers are likely to trust (e.g., numbers associated with the Internal Revenue Service (IRS)) but which are frequently spoofed to lure them into answering the call so that a fraud or scam can be carried out.[9]

We clarify here that voice service providers may block such calls when requested by the spoofed number's subscriber, e.g., a government agency such as the IRS. Such calls are presumptively spoofed and thus likely to violate the Commission's anti-spoofing rules.[10] Moreover, the spoofed number's subscriber has a legitimate interest in stopping the spoofed calls – in light of the significant reputational damage and other harms they cause.

Further, consistent with the *2015 Omnibus TCPA Order*,[11] consumers can be presumptively deemed to have consented to the blocking of calls when the number's subscriber has requested it; we do not believe any reasonable consumer wishes to receive calls that display a spoofed Caller ID and have no purpose other than to annoy or defraud. We base our conclusion on evidence that consumers' top complaint with the Commission is unwanted robocalls[12] and the well-known use of trusted numbers to lure consumers into fraud schemes.[13]

Our clarification is narrow and does not disturb providers' general obligation to complete calls.[14] We expect providers to take all reasonable steps to ensure that calls are not mistakenly blocked for reasons that may include reassigned numbers. We may provide additional clarification as circumstances warrant.

For additional information, contact Jerusha Burnett at 202-418-0526 or via email at Jerusha.Burnett@fcc.gov.

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[8] Tom Wheeler, FCC Chairman, Cutting Off Robocalls (July 22, 2016), https://www.fcc.gov/news-events/blog/2016/07/22/cutting-robocalls.

[9] *See, e.g.,* Internal Revenue Service, IRS Urges Public to Stay Alert for Scam Phone Calls (Oct. 21, 2015), https://www.irs.gov/uac/irs-urges-public-to-stay-alert-for-scam-phone-calls.

[10] 47 CFR § 64.1604.

[11] *2015 Omnibus TCPA Order*, 30 FCC Rcd at 8033-38, paras. 152-63.

[12] *See, e.g, id.* at 7964, para. 1.

[13] *See, e.g.,* Federal Trade Commission, Scammers Can Fake Caller ID Info (May 4, 2016), https://www.consumer.ftc.gov/blog/scammers-can-fake-caller-id-info.

[14] More specifically, our clarification does not disturb prior findings that the Commission, "except in rare circumstances . . . , does not allow carriers to engage in call blocking." *Establishing Just and Reasonable Rates for Local Exchange Carriers, Call Blocking by Carriers*, WC Docket No. 07-135, Declaratory Ruling and Order, 22 FCC Rcd 11629, para. 7 (WCB 2007) (2007 Declaratory Ruling); *see also Policies and Rules Concerning Operator Service Providers,* 28 FCC Rcd 13913, 13917, para. 9 (WCB 2013) ("The Commission has allowed call blocking 'only under rare and limited circumstances'") (citing 2007 Declaratory Ruling). In other words, through this Public Notice we make clear that blocking under the specific circumstances described herein falls within the "rare circumstances" previously identified by the Commission.