



PUBLIC NOTICE

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CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS INPUT FOR REPORT ON CALL BLOCKING

CG Docket No. 17-59, WC Docket No. 17-97

Comments Due: 30 days from publication in the Federal Register
Reply Comments Due: 60 days from publication in the Federal Register

In February 2019, the Commission's Consumer and Governmental Affairs Bureau (Bureau) issued a staff Report on Robocalls in consultation with the Federal Trade Commission's Bureau of Consumer Protection.¹ The report examined the state of robocalling in the United States, including robocall volume, type, and trends in volume and consumer complaints.² The report also described regulatory and industry initiatives to protect consumers from illegal and unwanted robocalls and the challenges that remain.³

In June 2019, the Commission took action to further protect consumers from illegal and unwanted robocalls.⁴ To resolve any uncertainty about the call-blocking tools that voice service providers may offer consumers, the Commission clarified that voice service providers may offer consumers call blocking based on reasonable analytics on an opt-out basis, giving consumers the benefit of call blocking without having to take action.⁵ The Commission additionally clarified that voice service providers may offer, on an opt-in basis, "white-list" programs that block calls from numbers not in a consumer's contact list.⁶ The Commission proposed a safe harbor for voice service providers that offer call blocking that takes into account whether a call has been properly authenticated under the SHAKEN/STIR framework and may

¹ See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Report on Robocalls (CGB 2019), <https://docs.fcc.gov/public/attachments/DOC-356196A1.pdf> (*Robocall Report*).

² *Id.* at 2-6.

³ *Id.* at 6-15.

⁴ See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd 4876 (2019) (*Call Blocking Declaratory Ruling and Third Further Notice*).

⁵ *Id.* at 4884-90, paras. 26-42.

⁶ *Id.* at 4890-91, paras. 43-46.

potentially be spoofed.⁷ In addition, the Commission sought comment on protecting critical calls by requiring voice service providers that offer call blocking to maintain a “Critical Calls List” of numbers they may not block.⁸

The Commission also directed the Consumer and Governmental Affairs Bureau, in consultation with the Wireline Competition Bureau (WCB) and Public Safety and Homeland Security Bureau (PSHSB), to report on the implementation and effectiveness of blocking measures.⁹ The Commission specified that the Bureau address, among other things, the availability to consumers of call-blocking solutions, the effectiveness of various categories of call-blocking tools, and the impact of previous Commission rule changes to allow voice service providers to block calls from phone numbers on a Do-Not-Originate list and those that purport to be from invalid, unallocated, or unused numbers.¹⁰ The Commission also asked that the Bureau study information on the impact of call blocking on 911 and public safety.¹¹

With this Public Notice, the Bureau solicits input for the first staff report on call blocking.

Availability of Call-Blocking Tools. We seek data and other information on the availability of call-blocking tools offered to consumers. What tools are available to consumers? Do voice service providers or others offer multiple versions of their tool from which consumers may choose? Are such tools offered on an opt-in basis or opt-out basis? Do the tools block calls at the network level, the device level, or elsewhere in the call path? Are such tools offered by a third party directly to the consumer or by the service provider? What fees, if any, do providers or third parties charge for these tools? What proportion of consumers subscribe to a provider that offers and/or enables call-blocking tools? How many subscribers avail themselves of the tools? Are new tools under development?

Effectiveness of Call-Blocking Tools. We seek data and other information on the effectiveness of call-blocking tools offered to consumers. What are the most appropriate metrics to measure the effectiveness of call-blocking tools, e.g., by fraction of illegal calls blocked? How effective are available tools at blocking illegal and unwanted calls? What tools, if any, send an intercept message for blocked calls? How do blocking tools define false positives? What is the rate of false positives? How do the tools remedy false positives? What is the rate of false negatives (illegal or unwanted calls that reach consumers)? What is the number of illegal robocalls transiting our phone system? How is that number determined?¹²

Impact of FCC Actions. The Commission enabled voice service providers to block calls from phone numbers on a Do-Not-Originate list and those that purport to be from invalid, unallocated, or unused numbers.¹³ The Commission has also clarified that voice service providers may offer opt-out call-

⁷ *Id.* at 4892-96, paras. 49-62.

⁸ *Id.* at 4896-98, paras. 63-70.

⁹ The first report is due to the Commission in June 2020, the second report 12 months later. *Id.* at 4904, para. 87.

¹⁰ *Id.* at 4904, paras. 88-89 (quoting FCC Consumer Advisory Committee, Recommendation Regarding Unwanted Call Blocking (Sept. 27, 2017), available at <https://www.fcc.gov/ecfs/filing/1092759171055>).

¹¹ *Id.* at 4904, paras. 87-89.

¹² *Robocall Report* at 4-6, paras. 7-14.

¹³ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9731 (2018) (*Call Blocking Order*).

blocking programs and opt-in white-list programs.¹⁴ The Commission stated that these steps to empower voice service providers to protect their customers were essential to curtailing illegal calls.¹⁵

How have voice service providers responded to the Commission's actions to empower them to protect their customers from illegal calls? What initiatives have voice service providers implemented as a result of these and other actions by the Commission? Do voice service providers block Do-Not-Originate calls? Have consumers seen a corresponding reduction in scam calls from numbers on the Do-Not-Originate list, such as Internal Revenue Service and Social Security Administration numbers that unauthorized callers have fraudulently spoofed? Have voice service providers implemented the blocking of calls that purport to be from invalid, unallocated, or unused numbers? Do voice service providers offer opt-out call-blocking programs? If so, how many consumers have opted out? Do voice service providers offer opt-in white-list blocking? If so, how many consumers have requested such blocking?

Impact on 911 Services and Public Safety. We seek data and other information on the impact of call blocking on 911 services and public safety. Are legitimate calls to or from emergency numbers, either 911 or public safety "administrative numbers," ever blocked? Emergency call centers generally employ protocols by which they will call back a number when a 911 call is dropped or otherwise terminated without a resolution. Do voice service providers or others employ call-blocking tools that may purposefully or inadvertently block a call back from a public safety answering point? Is there a means to ensure call backs from public safety numbers are completed? How are blocked calls reported and resolved? Do public safety entities experience unwanted or illegal calls that interfere with their mission? Have voice service providers or others blocked unwanted calls at the request of state or local law enforcement? What processes, manual or automatic, do voice service providers or others use to facilitate blocking harassing calls to 911 or public safety administrative numbers? Do voice service providers or others perceive any legal impediments in the Commission's rules or otherwise to blocking such calls?¹⁶

Other Relevant Information. Finally, we seek comment on any other information that may inform the Commission's analysis of the state of deployment of advanced methods and tools to eliminate illegal and unwanted calls.

Confidential Treatment. Commenters seeking confidential treatment for all or part of their submissions should request such treatment.¹⁷ Where information could be competitively sensitive or could interfere with efforts to enforce compliance with the requirements of the Act or the Commission's rules (e.g., by allowing unlawful callers to circumvent filtering mechanisms), providers and industry groups may aggregate information without attributing practices or data to individual entities. Commenters may provide links to publicly available data or include Excel spreadsheets when they file their comments. We request both data for 2019 and projected data through June 2020, if available.

PROCEDURAL MATTERS

Pursuant to section 1.415 and 1.419 of the Commission's rules,¹⁸ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.

¹⁴ *Call Blocking Declaratory Ruling and Third Further Notice*, 34 FCC Rcd at 4904, paras. 22-47.

¹⁵ *Id.* at 4877, para. 2.

¹⁰ See, e.g., *FCC Clarifies That 911 Call-Forwarding Rule Does Not Preclude Wireless Carriers From Blocking Fraudulent 911 Calls*, Public Notice, FCC 02-296 (2002).

¹⁷ 47 CFR § 0.459.

¹⁸ *Id.* §§ 1.415, 1.419.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment

¹⁹ *Id.* § 1.1200 *et seq.*

filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Additional Information. For further information, contact Karen Schroeder of the Consumer and Governmental Affairs Bureau at (202) 418-0654 or Karen.Schroeder@fcc.gov.