



# PUBLIC NOTICE

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

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

Comment Date: April 30, 2021

On June 25, 2020, the Consumer and Governmental Affairs Bureau (Bureau) released its first Call Blocking Report, detailing the state of call blocking products and services offered by voice service providers and data analytics companies in the United States.<sup>1</sup> The first Call Blocking Report relied, in part, on comments submitted by the industry in response to the *Call Blocking Public Notice*.<sup>2</sup> These comments included detailed information on a number of call blocking issues such as the availability and effectiveness of call blocking tools offered to consumers, the impact of the Commission's actions on illegal calls, and the impact of call blocking on 911 services and public safety.<sup>3</sup> The Bureau is now preparing a second Call Blocking Report and seeks updated information on call blocking.

With this Public Notice, the Bureau solicits input for a second Call Blocking Report. We ask that commenters provide updated information to the questions below from March 1, 2020 to the present.

*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 these tools available at no charge to consumers or as part of different tiers of service at different prices? 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

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<sup>1</sup> *Call Blocking Tools Now Substantially Available to Consumers: Report on Call Blocking*, CG Docket No. 17-59, A Report of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, June 2020 (Call Blocking Report). The Bureau's first Call Blocking Report was released pursuant to a directive in *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, 4904, para. 87 (2019) (*2019 Call Blocking Declaratory Ruling*). There, the Commission instructed the Bureau, in consultation with the Wireline Competition Bureau and the Public Safety and Homeland Security Bureau, to prepare two reports "on the state of deployment of advanced methods and tools to eliminate [illegal robocalls], including the impact of call blocking on 911 and public safety." *Id.* The two reports were to be submitted to the Commission 12 and 24 months after release of the *2019 Call Blocking Declaratory Ruling*, respectively.

<sup>2</sup> "Consumer And Governmental Affairs Bureau Seeks Input For Report On Call Blocking," CG Docket No. 17-59, WC Docket No. 17-97, Public Notice, 34 FCC Rcd 12470 (CGB 2019) (*Call Blocking Public Notice*).

<sup>3</sup> *Id.*

consumer or by the service provider? 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? Did the COVID-19 pandemic change or delay providers' plans regarding new call blocking tools? Did the pandemic bring about a change in robocall patterns that resulted in a change in consumers' expectations or providers' practices in blocking calls? How so?

*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?

*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.<sup>4</sup> The Commission has also mandated the implementation of caller ID authentication technology, has clarified that voice service providers may offer opt-out call-blocking programs and opt-in white-list programs, and has established safe harbors for voice service providers to promote blocking.<sup>5</sup> The Commission stated that these steps to empower voice service providers to protect their customers were essential to curtailing illegal calls.<sup>6</sup>

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 any of the blocking services now being offered incorporate STIR/SHAKEN caller ID authentication information into their analytics, consistent with the Commission's safe harbor? Do voice service providers block calls from numbers on a Do-Not-Originate list? 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

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<sup>4</sup> *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*).

<sup>5</sup> See, e.g., *2019 Call Blocking Declaratory Ruling*, 34 FCC Rcd at 4883-4891, paras. 22-46; *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, 7623-37, paras. 20-60 (2020) (*Call Blocking Safe Harbor Report and Order*) (granting voice service providers more incentive to block illegal calls by protecting them from liability resulting from the inadvertent blocking of wanted calls in certain cases); *Call Authentication Trust Anchor, Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket Nos. 17-97, 20-67, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241 (2020) (*STIR/SHAKEN Order*) (requiring voice service providers to implement caller ID authentication technology on the Internet Protocol (IP) portions of their networks by June 30, 2021); see also *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No. 20-22, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3113 (2020) (*Traceback Consortium Order*) (adopting rules for a registration process for a consortium to conduct private-led traceback initiatives); *Protecting Consumers from One-Ring Scams*, CG Docket No. 20-93, Report and Order, 35 FCC Rcd 14236 (2020) (*One-Ring Scam Report and Order*) (adopting a rule to enable voice service providers to block calls from numbers associated with a one-ring scam).

<sup>6</sup> See, e.g., *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, 35 FCC Rcd 15221, 15226-27, para. 27 (2020); *2019 Call Blocking Declaratory Ruling*, 34 FCC Rcd at 4877, para. 2; *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, WC Docket No. 17-97, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9709, para. 9 (2017).

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? How many complaints do voice service providers get from callers indicating their calls have been blocked in error?

*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?<sup>7</sup>

*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.<sup>8</sup> 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 data from March 1, 2020 to the present. Comments are due by April 30, 2021.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.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 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.
  - 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 45 L Street, NE, Washington, DC 20554.

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<sup>10</sup> See, e.g., *FCC Clarifies That 911 Call-Forwarding Rule Does Not Preclude Wireless Carriers From Blocking Fraudulent 911 Calls*, Public Notice, 17 FCC Red 21877 (2002).

<sup>8</sup> 47 CFR § 0.459.

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand- or messenger-delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

*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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

*Ex Parte Rules.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>9</sup> 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 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.

For further information, contact Mika Savir, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at (202) 418-0384 or [mika.savir@fcc.gov](mailto:mika.savir@fcc.gov).

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<sup>9</sup> *Id.* § 1.1200 *et seq.*