Recommendation regarding block notification and critical call list:
Presented to the FCC Consumer Advisory Committee by its Robocall Blocking Working Group

1. WHEREAS Americans are fed up with robocalls; and

2. WHEREAS these unwanted calls are a top complaint to the Federal Communications Commission (FCC);[1] and

3. WHEREAS data collected by the call-blocking company YouMail shows a dramatic increase in the volume of robocalls over the past few years,[2] many of them scam calls, resulting in consumers losing an estimated $10.5 billion to phone scams in a single year;[3] and

4. WHEREAS scammers often hide their identities with caller ID spoofing, challenging enforcement efforts and making it nearly impossible to effectively block calls one-by-one; and

5. WHEREAS the FCC has begun to explore ways to better enable service providers to stop unwanted robocalls before they reach the consumer; and

6. WHEREAS recently, following a series of decisions that gave service providers greater leeway to block robocalls, the FCC clarified that service providers can automatically block unwanted robocalls using any reasonable analytics, if the call recipient is given the opportunity to opt out;[4] and

7. WHEREAS the Commission expects service providers to offer these opt-out robocall screening technologies to consumers, at no additional line-item charge; and

8. WHEREAS consumers should be given the opportunity to exercise their preferences with respect to call-blocking, and while it is anticipated that opt-out rates for use of call-blocking analytics will be relatively low, consumers must be aware of the call-blocking so that they can choose to opt-out if they would like; and

9. WHEREAS the Commission should explore alternatives for assessing the effectiveness of call-blocking technologies and methods; and

10. WHEREAS it is important that stakeholders take care to ensure that call-blocking does not lead to the inadvertent interception of emergency calls, and, to help avoid this, the FCC has proposed creating a critical calls list that only includes calls which should not be blocked under any circumstances; and

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[1] Stop Unwanted Robocalls and Texts, Fed. Commc'ns Comm'n (Jul. 8, 2019), https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts.

[2] YouMail Robocall Index, https://robocallindex.com/history/time.

[3] Kim Fai Kok, TrueCaller Insights: Phone Scams Cause Americans to Lose $10.5 Billion in Last 12 Months Alone (Apr. 17, 2019), https://truecaller.blog/2019/04/17/truecaller-insights-2019-us-spam-phone-scam-report/.

[4] Fed. Commc'ns Comm'n, Declaratory Ruling and Third Notice of Proposed Rulemaking, CG Docket No. 17-59, WC Docket No. 17-97 (Jun. 7, 2019), https://ecfsapi.fcc.gov/file/0607046191409/FCC-19-51A1.pdf.

11. WHEREAS without effective caller ID authentication, scammers and others could be incentivized to spoof numbers on the critical calls list, reducing its effectiveness and ultimately making it less likely that these calls will be answered, and, effective caller ID authentication will be essential for the proper functioning of the critical calls list; and

12. WHEREAS the critical calls list will necessarily contain a large amount of sensitive information that scammers could easily exploit.

NOW, THEREFORE, IT IS

1. RECOMMENDED that consumers should be appropriately notified if calls intended for them are blocked.[5] Service providers should offer a blocked call log, or similar tools, that consumers can access at will. Service providers should provide blocked call information where consumers customarily view information about the call-blocking and labeling service. For example, service providers could provide the blocked call list to wireless and wireline customers with their online account information. Service providers could give wireless customers access to the blocked call list through an app. Consumers should also have the option to easily report numbers erroneously blocked through these call-blocking and labeling services. Each service provider should weigh the pros and cons of each option when developing the tools for their customers.

2. RECOMMENDED further that service providers supply consumers with clear disclosures with respect to the types of calls (spam, scam, etc.) that they can expect will be blocked, in addition to warning them that wanted calls may be inadvertently blocked as well. Consumers should also be provided with clear instructions about how to opt out, should they so choose. Consumers should have options to manage robocall blocking preferences, such as through a customer portal, in-store, by phone, or other choices that may be offered by providers.

3. RECOMMENDED further that once the opt-out blocking program is introduced, consumers should be notified by methods such as those provided at point-of-sale and in customers' bills, both online and by mail, or by other means as deemed appropriate.

4. RECOMMENDED further that service providers should maintain a webpage that includes information about opt-out blocking and labeling tools, clearly explaining to consumers the robocall-related services provided, which calls are blocked, and how to opt in and out. The service should be provided at no additional line-item charge.

5. RECOMMENDED further that customer service personnel should be trained to explain to consumers their anti-robocall options, from opting out of consumer call-blocking and labeling tools, to opting in to any other robocall-blocking services. They should also be prepared to

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[5] Notices and disclosures to consumers regarding robocall blocking must comply with the FCC's accessibility requirements for telecommunication services and advanced communication services to be accessible, usable, and compatible as specified in section 255, 716, or 718 of the Communications Act.

discuss the potential risks involved with call-blocking, such as the potential to inadvertently intercept and block wanted calls.

6. RECOMMENDED further that these efforts to educate consumers on anti-robocall options and how to exercise their preferences should be ongoing. Service providers should notify consumers periodically with respect to these offerings. Service providers should consider different ways of notifying consumers, such as conducting social media campaigns, to alert consumers to these issues. Given the intense public interest in better managing robocalls, we expect that regular communications concerning these issues would be welcome.

7. RECOMMENDED further that service providers should continue to explore potential means to protect legacy copper line customers from illegal robocalls.

8. RECOMMENDED further that the Commission should keep the interests of consumers at the forefront of its consideration of these issues and should continually collaborate with the CAC towards those ends.

9. RECOMMENDED further that the FCC should continue to directly collaborate with consumer advocacy groups and industry to educate consumers on the options for and risks of various methods of combatting robocalls.

10. RECOMMENDED further that the FCC also has a role to play with respect to notification of call-blocking options. The Commission should use its educational resources and collaborate with the Federal Trade Commission, consumer advocacy groups, industry, and state Attorneys General to ensure maximum reach. This initiative should also include a series of workshops to identify effective educational outreach methods.

11. RECOMMENDED further that stakeholders collaboratively explore public service ad campaigns, possibly including a celebrity spokesperson, to educate and alert consumers to the efforts of government and industry to tackle the robocall epidemic, and to educate and alert consumers to the robocall-blocking options given to consumers. Messages should appeal to diverse audiences, including consumers across socio-economic categories, and of all different ages.

12. RECOMMENDED further that stakeholders and the Commission should work with libraries and schools to increase awareness. This effort should include outreach to older and younger Americans, those in rural areas and on tribal lands, from diverse racial and ethnic groups, and consumers with disabilities.

13. RECOMMENDED further that stakeholders and the FCC could consider coordination with broadcaster organizations in conveying important information to consumers about combatting robocalls.

14. RECOMMENDED further that stakeholders and the FCC should use social media channels to educate consumers about the types of blocking options and their ability to opt in and out.

15. RECOMMENDED further that an appropriate process be developed by which the FCC, or another central authority, would update the critical calls list. This will help ensure that important numbers that were not originally included in the critical calls list are not blocked, while at the same time ensuring that non-emergency calls are not added to the critical calls list, which would only increase the number of unwanted calls that consumers have no ability to stop.

16. RECOMMENDED further that database operators be required to maintain reasonable security of the system, including, but not limited to, following widely accepted security standards. They should also be required to employ appropriate identity verification and authentication processes to avoid unauthorized access.

17. RECOMMENDED further that the critical calls list inclusion criteria should remain as narrow as possible so as to include only critical emergency calls. The content and use of the list should be governed by rules established by the FCC.

18. RECOMMENDED further that each voice service provider should consider whether to offer to consumers the option to maintain their own critical calls list and, if offered, the extent to which consumers would be able to customize those lists. This list could, for example, include each consumer's schools, campus police, or other personal priority numbers.

19. RECOMMENDED further that the central critical calls list should include government numbers only, with a few carefully considered exceptions, for genuine emergency calls. The list should be reviewed periodically, to add new critical numbers and to remove redundant or disconnected numbers. The FCC should remain cognizant that with increased size, the list may become more vulnerable to abuse. The critical calls list should include outbound numbers employed by Public Safety Answering Points (PSAPs), backup PSAP numbers, the Federal Emergency Management Agency, and the Department of Homeland Security. It should include all government numbers used to make emergency calls, weather alerts, fire hazards, and other physical threats to health and safety, as well as other local, state, and federal government calls for emergencies, benefits, or services. Law enforcement numbers should be included, from federal, state, municipal and local entities, as well as tribal law enforcement. Other emergency phone numbers like suicide prevention lines, poison control numbers, and domestic violence numbers should also be considered for inclusion.

20. RECOMMENDED further that in defining outbound numbers of 911 call centers and government emergency numbers, all 911 centers and backup centers should be considered critical, as well as government emergency numbers as defined above. The operators of the critical calls list should rely on the emergency entities themselves to report their relevant outbound numbers, and the database operator must employ a vetting process to ensure that the numbers fall into one of the categories listed above. Registrants must also be required to regularly update the critical calls list to help ensure that it stays current.

21. RECOMMENDED further that the Commission investigate whether existing tools such as analytics and SHAKEN/STIR implementation may obviate the need for a critical calls list.