

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls, Alarm Industry Communications Committee Petition for Clarification or Reconsideration, American Dental Association Petition for Clarification or Reconsideration, CG Docket No. 17-59.*

A quick search on Wikipedia suggests that more than 543 zombie films have been made since 1932, with many more in the works. And familiar mainstays of zombie movies are scenes where waves of zombies eventually overwhelm humans. Sure, humans occasionally have success retaliating. But eventually, the zombies overwhelm them. These vignettes from the fantasy world can bring to mind a phenomenon that's all too real, and almost as insidious: illegal and unwanted robocalls. Too often, it seems like we are bombarded by waves of unwanted robocalls. And while we try to evade them, eventually they catch up to us. It can seem like there's no escape.

That's why since 2017, combatting illegal robocalls has been the FCC's top consumer protection priority. And that's why last December, the President and Congress gave us additional tools to help protect consumers from these unwanted calls.

Among other things, the TRACED Act directed us to adopt rules to give voice service providers a safe harbor for the blocking of calls under certain circumstances. And in today's Order, we implement this portion of the TRACED Act by assuring terminating service providers that good-faith blocking of calls will not result in liability under the Communications Act and Commission rules if they inadvertently block wanted calls.

This safe harbor is only available to entities that block calls based on reasonable analytics designed to identify unwanted calls. These reasonable analytics must be based in part on information provided by the STIR/SHAKEN call authentication framework, where such information is available for a particular call. And for non-IP based calls, this safe harbor is available for blocked calls based on any other effective call authentication framework that satisfies the TRACED Act.

We also establish a second safe harbor for voice service providers that block all calls from bad actors that continue to allow unwanted calls to traverse their networks. This second safe harbor builds upon joint letters issued earlier this year by the FCC's Enforcement Bureau and the Federal Trade Commission making clear that, in some instances, provider-based blocking is appropriate. Specifically, let's say an upstream provider has been notified by the Commission it's carrying unlawful traffic. And let's say further that it fails either to effectively mitigate such traffic or to implement effective measures to prevent customers from using its network to originate illegal calls. In that case, a voice service provider may block calls from that upstream provider.

In addition to these safe harbors, we require that call-blocking providers make available a single point of contact to resolve inadvertent blocking. We also emphasize that providers should make all reasonable efforts to ensure that they don't block critical calls, such as those from Public Safety Answering Points, and that they should never block calls to 911.

Next, in the Further Notice, we ask how we can build on our work in today's Order and further implement the TRACED Act. For example, we seek comment on whether originating and intermediate providers should better police their networks against illegal calls, and whether to require terminating providers to offer consumers information about blocked calls at no charge. We also propose to extend our safe harbor for blocking of calls based on reasonable analytics to include network-based blocking. Finally, we seek comment on expanding our redress requirements for when calls are blocked. For example, we ask whether callers should be notified within a set timeframe when their calls are blocked, and similarly, whether providers should respond to disputes within a certain timeframe.

Today's action is just the latest in our ongoing campaign to protect all Americans against unwanted robocalls. From authorizing call blocking by default to mandating the implementation of a call authentication framework to taking strong enforcement actions, such as last month's proposed record

\$225 million fine against a telemarketer who made approximately one billion spoofed robocalls, we are pulling out all the stops to combat unlawful robocalls. And there is evidence that, with the collective efforts of government and industry, we are making progress. For example, the FTC recently reported that the number of robocall complaints it received in April and May were down over 60% compared to those same months last year.¹ And the YouMail Robocall Index shows that the number of robocalls in the United States declined by about one-third from the first quarter of 2020 to the second.²

But we aren't going to rest on our laurels. To borrow from Alpha in *The Walking Dead*, we're going to remain vigilant with "[e]yes open," because when it comes to unwanted robocalls, as with zombies, "[w]here there's one, there's more."³

My thanks to the hard-working staff who crafted this item. Your tireless commitment and dedication to protect the American consumer from unwanted robocalls is inspiring. In particular: Jerusha Burnett, Aaron Garza, Kurt Schroeder, Mark Stone, Kristi Thornton, and Patrick Webre from the Consumer and Governmental Affairs Bureau; Tom Johnson, Richard Mallen, Bill Richardson, and Derek Yeo from the Office of General Counsel; Pamela Arluk, Matthew Collins, Connor Ferraro, Heather Hendrickson, Melissa Kirkel, and Kris Monteith from the Wireline Competition Bureau; Rosemary Harold and Kristi Thompson from the Enforcement Bureau; Wayne Leighton, Giulia McHenry, Virginia Metallo, Chuck Needy, and Emily Talaga from the Office of Economics and Analytics; Kenneth Carlberg and Lisa Fowlkes from the Public Safety and Homeland Security Bureau; and Belford Lawson and Sanford Williams from the Office of Communications Business Opportunities.

¹ <https://www.consumer.ftc.gov/blog/2020/06/robocall-reports-still-down-ftc-still-fighting>.

² <https://robocallindex.com>.

³ <https://www.tvfanatic.com/quotes/shows/the-walking-dead/season-9/page-3.html>.