

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

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.*

Despite reports about robocall complaints falling significantly in recent months, now is not the time to relax on our illegal robocall tracking and enforcement efforts. This item represents another step taken to implement requirements in the TRACED Act that will enhance our ability to identify the sources of unwanted and illegal robocalls, and to stop these annoying and sometimes costly calls from reaching consumers. Call blocking is a powerful tool that can effectively stop bad actors in their tracks, but if misapplied it can also harm consumers by preventing them from receiving calls they want and, in fact, have given consent to receive. So the details of how we implement the safe harbor mandate to protect voice service providers that choose to block calls matter here.

The rules we adopt today include two safe harbors; the first allows call blocking where a call is reasonably thought to be unwanted or unlawful based on reasonable analytics. At this time, only the STIR/SHAKEN caller ID authentication framework satisfies this requirement. Unfortunately, that means providers without all-IP networks that cannot implement the STIR/SHAKEN protocol will not yet have this safe harbor protection. For this reason, I repeat that it is past time for industry to expedite its development of alternative call authentication methodologies, such as out-of-band STIR, that can be used with non-IP networks to trace and authenticate calls consistent with TRACED Act requirements. In the meantime, all providers, regardless of whether this safe harbor is available to them, should continue take reasonable measures to protect their customers from unwanted and illegal robocalls.

The second safe harbor empowers the blocking of calls from upstream providers that ignore, or fail to effectively mitigate after notification, traffic identified by the Commission as “bad.” By giving these upstream providers notice and an opportunity to explain or address such traffic before blocking occurs, our rules balance the risk of blocking some misidentified “good” traffic with the need to quickly and effectively identify and cut off the lifeline of suspected bad actors. Moreover, I believe that today’s incremental steps regarding call blocking safe harbors are appropriate, given concerns raised about the consequences of misidentifying legal and wanted calls as illegal or unwanted, and thus I support our decision not to adopt additional safe harbors at this time, leaving questions of whether and to what extent to allow more call blocking for consideration in the further notice.

I likewise fully support measures we adopt to protect against erroneous blocking of emergency-related calls from public safety answering points and other outgoing government emergency callers; to clarify that calls involving 911 operators should never be blocked unless they are known without a doubt to be unlawful; and to require call blocking providers to offer a single point of contact for resolving and reporting blocking disputes, as well as investigate and resolve disputes free of charge to callers or other providers within a reasonable time period.

The Order on Reconsideration takes a measured and reasonable approach by declining to adopt additional rules applicable only to specific industries, or to otherwise clarify measures in the absence of a compelling record to do so.

Finally, I look forward to development of a record that will allow us to further implement provisions in the TRACED Act, including directives in sections 7 and 10 to initiate a rulemaking to protect subscribers from unwanted calls and texts from an unauthenticated number, and to take final action within one year to ensure transparency and effective redress for call-blocking services provided on an opt-out or opt-in basis, respectively.

My thanks to the staff for their hard work and ongoing efforts to use all of the tools Congress provided in the TRACED Act to effectively combat robocalls.