

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59

In this Order, the Commission further seeks to stem the flow of *illegal* robocalls by allowing providers to block calls from invalid, unallocated, or unused numbers, as well as numbers on a Do-Not-Originate list. Typically, calls from such numbers are from bad actors attempting to scam consumers, and I agree that these types of calls should be blocked under appropriate circumstances.

At the same time, I have heard concerns that blocking is increasingly capturing what I call “false positives.” That is, certain calls from legitimate businesses offering legal products and services to willing and authorized consumers are also being blocked. Moreover, companies have reported that it can be difficult and time consuming to dispute and remove inappropriate blocks. I’m sure someone will say snidely that’s just too bad that awful robocallers will be blocked. But real people will be hurt, be inconvenienced, or lose opportunities from overaggressive call blocking mechanisms. Consider the cases of legal robocalls the Commission has already exempted from our rules, such as pharmacies providing prescription notifications, schools contacting parents or guardians when children are missing, or energy companies alerting the community that a catastrophe has subsided. And these don’t include legitimate and legal retail commerce that can benefit consumers.

Additionally, unlike the Do-Not-Call list, where consumers take affirmative steps to avoid certain calls, the Order assumes that all consumers want calls to be blocked and allows providers to proceed without consent. I am troubled by such paternalism, whether here or in other cases. The role of the government is *not* to protect citizens from themselves. I imagine this decision will need to be revisited at some point. Here, the sanctioning of widespread blocking without consumer approval and without adequate means to challenge “false positives” insults our vision of liberty and serves as a potential recipe for future problems.

Therefore, I appreciate the Chairman’s willingness to work with me to add a Notice seeking comment on a process for legitimate companies to resolve call blocking disputes. The item as circulated encouraged providers to work with companies to resolve disputes, and I am sure that most providers are working in good faith to address any problems that arise. After all, as the order makes clear, it is a violation of federal law to block legitimate calls. Nonetheless, the record and experiences to date have shown that it is already happening so having a clear process in place would strike a better balance of providing certainty and avoiding the need for businesses to file complaints with the FCC.

I vote to approve.