

## **FCC Consumer Advisory Committee Recommendation regarding unwanted call blocking**

The Federal Communications Commission (FCC) has demonstrated that addressing unwanted calls, including illegal robocalls, remains a priority issue for the agency, industry and consumer groups. As noted by FCC Chairman Ajit Pai, “Robocalls are the number one consumer complaint to the FCC from the public,” with over four million complaints made in 2016 to the FCC and the Federal Trade Commission (FTC) about robocalls. The Consumer Advisory Committee (CAC) recognizes the FCC’s efforts, and applauds the agency for moving forward with its proposal that would facilitate voice service providers’ blocking of illegal robocalls.

The record in the Robocall Blocking NPRM and NOI underscores the FCC’s acknowledgement of the robocall problem, and comments filed by a broad range of interests demonstrate the need for this problem to be addressed on multiple fronts. Consumers are “overwhelmed with unwanted robocalls,” and bad actors are “lured by the promise of easy money.” In light of the prevalence of the problem, action is urgently needed against unwanted and illegal robocalls.

The CAC agrees with the FCC’s acknowledgement in the NPRM that it should ensure that industry has sufficient flexibility to address illegal traffic, while also protecting the reliability of the nation’s communications network and protecting consumers from provider-initiated blocking that could potentially and improperly capture legal calls to consumers. In balancing these competing policy considerations, the FCC should strive to develop an approach that provides voice service providers with sufficient flexibility to initiate call blocking while also ensuring that consumers are sufficiently informed, and that they and those making legitimate robocalls have an effective mechanism for re-establishing their numbers should their legitimate calls be blocked.

The FCC’s four proposed categories for robocall blocking differ in approach, with varying degrees of complexity and potential consumer harms resident in each. The FCC should therefore recognize that individual voice providers will need to carefully consider, for each category, whether to deploy blocking of calls in that category.

With the goal of enabling voice providers to proactively block certain specific categories of calls, while also ensuring that appropriate mechanisms are in place to protect consumers from over-blocking, the CAC recommends that the FCC:

1. Permit and encourage voice service providers to block robocalls in certain specified circumstances to protect subscribers from suspected illegal robocalls.
2. Permit and encourage voice service providers to block calls when the subscriber to the originating number has requested that calls be blocked.

3. Permit and encourage voice service providers to block calls (and to develop any industry practices and procedures needed to facilitate such blocking) in the following circumstances:
  - a. calls originating from invalid numbers;
  - b. calls originating from numbers not allocated to any provider; and
  - c. calls originating from numbers that are allocated to a provider, but not assigned to a subscriber.
4. Encourage voice service providers that have implemented any of the call blocking services described in 2., 3. a, b, and c, to inform current and potential subscribers through, at minimum, their published terms of service.
5. Encourage stakeholders from consumer and industry sectors to work collaboratively to develop processes and solutions whereby unintended blocking of legitimate callers can be remedied in a timely and efficient manner.
6. Encourage voice providers to offer consumers optional tools to block robocalls beyond the four categories mentioned in the NPRM and NOI and make information about those options easily available to current and potential subscribers. Voice service providers (and third-party providers) should be afforded sufficient flexibility to establish standards that can be utilized to meet this goal.
7. Study the implementation and effectiveness of blocking measures, within two years after the new rule is finalized in order to assess the impact of various blocking measures. The examination could include the availability to consumers of call blocking solutions; the fees charged, if any, for call blocking tools available to consumers; the proportion of subscribers whose providers offer and/or enable call blocking tools; the effectiveness of various categories of call blocking tools; and an assessment of the number of subscribers availing themselves of available call blocking tools.

Adopted: September 18, 2017

Abstentions: Americans for Tax Reform; National Association of Broadcasters

Respectfully submitted:  
Eduard Bartholme, Chairperson  
FCC Consumer Advisory Committee