

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act of)	
1991)	
)	
Establishing Just and Reasonable Rates for)	WC Docket No. 07-135
Local Exchange Carriers)	
)	

COMMENTS OF AT&T

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January 23, 2015

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AT&T Services Inc., on behalf of AT&T, Inc. and its affiliates, submits these comments in response to the November 24, 2014 Public Notice in the matter captioned above.¹

In a letter to the Federal Communications Commission (“FCC” or the “Commission”) dated September 9, 2014, the National Association of Attorneys General (“NAAG”) seeks an opinion from the Commission on three issues regarding telephone providers’ legal ability to implement call-blocking technology as a way of addressing unwanted telemarketing calls.² The NAAG suggests that carriers ought to take a more aggressive role in blocking illegal robocalling and asks the Commission to clarify whether its anti-call blocking policy prevents carriers from

¹ DA 14-1700 (Released November 24, 2014), hereafter “the PN.”

² The questions arose as the result of a congressional hearing investigating, among other things, the means by which telephone carriers might block illegal robocalling. Industry representatives pointed out that call blocking, in general, is disfavored by FCC policy. The NAAG letter sought clarification of this point. NAAG’s three questions were:

- 1) What legal and/or regulatory prohibitions, if any, prevent telephone carriers from implementing call-blocking technology? Does the answer change if the telephone companies’ customers affirmatively “opt in-to” the call-blocking technology (either for a fee or as a free service)?
- 2) US Telecom claims that telephone carriers “can and do block harassing and annoying telephone traffic at their end-user customer’s request,” but only for a “discrete set of specific phone numbers.” At a customer’s request, can telephone carriers legally block certain types of calls (e.g., telemarketing calls) if technology is able to identify incoming calls as originating or probably originating from a telemarketer?
- 3) US Telecom describes the FCC’s position as “strict oversight in ensuring the unimpeded delivery of telecommunications traffic.” Is US Telecom’s characterization of the FCC’s position accurate? If so, upon what basis does the FCC claim that telephone carriers may not “block, choke, reduce or restrict telecommunications traffic in any way”?

doing so. In the Public Notice, the FCC seeks comment on the issues raised by the NAAG letter, noting that, except in “rare circumstances,”³ it does not allow carriers to block calls.⁴ In addition, it seeks information about call blocking technologies now in existence or under development domestically and internationally, their effectiveness, and whether the use of such technologies could lead to impairment of common carrier services to a community or part of a community under section 214(a) of the Act. AT&T welcomes the opportunity to participate in this proceeding.

I. INTRODUCTION AND SUMMARY

In recent years, telephone consumers have been increasingly subjected to intrusive and deceptive robocalling practices. These calls not only are extremely irritating to consumers but can be fraudulent traps for the unwary and, potentially, even vehicles for denial of service attacks.

A key reason for the increase in robocalling is the technological advances that allow illegal dialers to increase the number of calls they can make and to “spoof” numbers — that is, to use fake caller IDs.⁵

Technological changes in communication services have brought enormous benefits to consumers by way of lower costs and improved services. At the same time, however, fraudsters have also taken advantage of these lower costs, which brought faster and cheaper automated-dialing platforms. Fraudsters have also further exploited caller ID spoofing, which induces the consumer to pick up the phone, while at the same time enabling the scammer to hide his identity and location. And of course, with phone calls bouncing from country to country all over the world, it is now easier than ever for the robocaller to hide.⁶

³ *Connect America Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 18028-29, para.7 and n.21. (2011)

⁴ PN at 3.

⁵ Resilience of Robocalls Leaves a Lot of Ears Ringing, <http://www.nytimes.com/2012/06/02/your-money/telemarketing-calls-keep-mounting-up-along-with-consumer-irritation.html?pagewanted=all>

⁶ S. HRG. at 5 (statement of Lois Greisman, Bureau of Consumer Protection, FTC). In her written statement, Ms. Greisman contrasted the *status quo ante*, “[t]he Robocall Summit made clear that the convergence between the legacy telephone system and the Internet has given rise to massive, unlawful robocall campaigns. The telephone network has its origins in a manual switchboard that allowed a human operator to make connections between two

Spoofing not only induces consumers to answer calls they might not otherwise answer, but it greatly complicates efforts to identify and thwart robocallers.

Addressing robocalls is a business priority for AT&T. Illegal robocalling is a problem that not only annoys⁷ and, potentially, defrauds⁸ AT&T's customers but also devalues the services offered by AT&T and other communications providers. Put simply, consumers are less inclined to purchase a service that causes them to be subjected to annoying robocalls and, potentially, fraudulent scams perpetrated through them. Furthermore, robocalls can be used to perpetrate denial of service attacks by causing mass calling events that overwhelm communications networks, including public safety networks.

AT&T is committed to working with government and industry partners to combat the robocalling problem. Through industry forums like the Communications Fraud Control Association (CFCA), Messaging, Malware and Mobile Anti-Abuse Working Group (M3AAWG), Alliance for Telecommunications Industry Solutions (ATIS), The Internet Engineering Task Force (IETF) and others, AT&T works with organizations from around the world seeking solutions to illegal robocalling and other communications frauds. Nonetheless, as the records developed by the FTC, the U.S. Senate, and industry associations show,⁹ no easy or comprehensive solution to the problem of illegal robocalling now exists.

known entities. A small group of well-known carriers were in control and were highly regulated. Placing calls took significant time and money, and callers could not easily conceal their identities. Greisman, *id.* at 11 (footnotes omitted).

⁷ Stop the Robocall Epidemic and Help the FTC, <http://www.scambook.com/blog/2013/01/stop-the-robocall-epidemic-ftc-challenge-how-robocalls-wor/>

⁸ FTC Acts Against Spam Text and Robocalling Operators, <http://scamfraudalert.org/2013/07/29/ftc-acts-against-spam-text-and-robocalling-operations/> See also, <http://www.att.com/att/fraud/en/index.html>; select "Customer Awareness" tab.

⁹ See, e.g., Stopping Fraudulent Robocall Scams: Can More be Done? Hearing Before the Subcomm. on Consumer Protection, Product Safety and Insurance of the Senate Comm. On Commerce, Science, and Transportation, 113th Cong., S. HRG. 113-117 (2013) ("S. HRG.,"; Federal Trade Commission, Robocalls: All the Rage – An FTC Summit, Transcript, October 18, 2012.

To be sure, there are various call blocking options available today that enable consumers to attempt to block objectionable robocalls. Such options are made available by independent application developers, communications carriers and equipment vendors. The carrier-provided options permit customers to direct a carrier to block particular calling numbers. Equipment vendors and application developers offer products that permit customers themselves to block certain incoming numbers by connecting a device to the telephone or by using a software application (“app”). But these solutions are of limited utility because spoofing has become so easy and pervasive that blocking robocalls is a bit like a game of whac-a-mole: just as numbers are identified for blocking, the robocaller spoofs another number. Moreover, all of the available blocking solutions can result in the blocking of legitimate calls as a result of spoofing. Thus, there are serious limitations and drawbacks to all of the solutions that are currently available.

In the face of these challenges, the industry is attempting to develop more effective solutions. As discussed below, it appears that IP networks must replace the PSTN for blocking to become a more effective tool.

In Section II below, we describe the products and services that are currently available to combat robocalling and note their limitations and drawbacks. In Section III, we explain that the transition from TDM to Internet Protocol (IP) networks will allow the development of more effective tools to address robocalling. In Section IV, we address the legal issues raised by call blocking solutions and argue that neither the Commission’s blocking rules nor section 214 of the Communications Act should pose a barrier to customer-directed blocking tools. At the same time, we note, because of the limited utility and other drawbacks of currently available tools for combatting robocalling, carriers should be under no obligation to implement any particular solution.

II. A NUMBER OF PRODUCTS AND SERVICES ARE NOW AVAILABLE TO CONSUMERS THAT CAN REDUCE ROBOCALLING, BUT THERE ARE DRAWBACKS TO ALL OF THEM.

Although existing solutions to the robocalling problem are not fully effective, various consumer-directed call blocking tools are currently available to consumers. These products and services are generally of three kinds.¹⁰ Some of them are electronic devices that connect to a consumer's telephone; others are software apps¹¹ that are loaded into a smartphone or a VoIP telephone. The third kind consists of call management features offered by carriers.¹² Overall, these products and services work by creating either a "black" list or a "white" list.¹³ A black list is simply a user-generated database of telephone numbers that the device or app blocks. The user of the service or device enters the numbers to be blocked. By contrast, a white list is a database of telephone numbers that a consumer has chosen to answer while letting the device or app block all other numbers.

Black lists and white lists are subject to serious problems. Black lists are particularly vulnerable to spoofing campaigns, which, despite federal prohibitions, have become increasingly pervasive. When robocalls are placed with spoofed telephone numbers, black lists offer little, if any, protection. Moreover, not only do calls from robocallers escape identification, but spoofed numbers used for a robocalling campaign may end up on a list of numbers to be blocked notwithstanding that the number is, in fact, assigned to someone who is not a robocaller. This can

¹⁰ See Attachment 1 for a sampling of some of the products and services available.

¹¹ For example, Google's Android operating system has available to it a number of apps that take advantage of various call control features to compile black lists or white lists, block (or receive) calls from specified geographic areas, block calls at certain times of day, and more. Apple's operating system has access to similar apps as well. A number of VoIP service providers offer call blocking services, too. Some use public databases like the National Do Not Call Registry's complaint list to compile a black list of blocked numbers.

¹² Attachment 2 lists AT&T's offerings.

¹³ Some products will allow consumers to block incoming calls that have suppressed caller ID. Others work with Caller ID to identify all incoming calls that have no telephone numbers provided and which are identified as Anonymous, Unavailable, Out-of-Area, or Private, and requires callers to identify themselves in order to complete the call.

be particularly dangerous if the spoofed number belongs to a public safety answering point (PSAP), such as a fire department or police department, and then finds its way onto a consumer's or third party's black list. White lists, as well, can be circumvented through spoofing. Although the universe of numbers that can "get through" is much smaller with a white list, to the extent robocallers spoof numbers not restricted by a white list, such as those assigned to PSAPs, they can escape blocking. Moreover, white lists can drastically reduce the utility of telephone service by severely limiting the number of telephone numbers that can be used to place a call to a consumer. It can be difficult, if not impossible, for a consumer to specify in advance every such telephone number, and the chances are high that desired calls will be blocked along with undesired ones.

The use of third-party "blacklists" can exacerbate the harm caused by spoofing because these lists can be especially vulnerable to false results¹⁴ given the uncontrolled and unscreened manner in which telephone numbers may be added to them. For example, an ordinary telephone consumer's number could be spoofed and used in an illegal mass robocalling campaign. That number might then find its way to third-party lists of suspicious callers and then to black lists everywhere.¹⁵ Meanwhile, to the extent the black list is widely utilized, the person to whom that number is assigned may find it difficult to complete calls.

While the tools that are currently available are thus certainly suboptimal, AT&T has long sought to give its customers the option of utilizing these tools, and to that end, it has offered a variety of call blocking services.¹⁶ For example, AT&T offers a black list based call blocking option that permits consumers to load up to 20 numbers for blocking. After loading the numbers,

¹⁴ "False positives" are blocked numbers that should not have been blocked; "false negatives" are unblocked numbers that should have been blocked. PN at 3.

¹⁵ The number might also be maliciously reported to a complaint database.

¹⁶ These options are listed in Attachment 2, attached hereto.

customers can turn call blocking on and off through an online portal or from the phone. Call Screening, a white list option, allows customers to specify up to 20 phone numbers from which they will accept telephone calls. If someone calls from a number not on the list, the caller will hear, "The number you dialed will not accept your call." The call will end, and the caller will not be able to leave a message. The call screening list can be set up online and edited as often as one wishes. Like call blocking, screening can be turned on and off from the online portal and the phone.

These options, and the others listed in Attachment 2, require explicit instruction from the customer telling AT&T which calls to block. AT&T also takes steps to help the customer make an informed decision about call blocking. In offering these services to its customers, AT&T discloses that these services will not block all unwanted calls and may even permit some blocked numbers to ring through the system.

III. THE IP TRANSITION WILL MAKE MORE EFFECTIVE ANTI-ROBOCALLING PRODUCTS AND SERVICES POSSIBLE.

As explained above, the biggest obstacle to the efficacy of robocalling solutions is the practice of spoofing caller identification, and spoofing caller ID has only become easier over time. Initially, it was the exclusive province of operations that could afford bulk-rate phone connections and expensive equipment.¹⁷ Then, hackers found a way to spoof Caller ID by taking advantage of VoIP services that allowed customers to identify the telephone number to be displayed via caller ID when they placed a call;¹⁸ as well as websites offering caller ID spoofing services (which still exist),¹⁹ and some widely available telecommunications software applica-

¹⁷ <http://archive.wired.com/science/discoveries/news/2006/03/70320>

¹⁸ <http://www.securityfocus.com/news/9061>

¹⁹ <http://www.calleridspoofing.info/>

tions.²⁰ Unfortunately, it is exceedingly difficult to prevent spoofing using the limited capabilities of TDM networks. But anti-spoofing efforts should become significantly more effective and viable as IP networks replace legacy TDM networks because of authentication and encryption capabilities of IP networks.

The development of standards in this area for use in IP-based communications networks is the priority of the Secure Telephone Identity Revisited (STIR) Working Group recently activated within the Internet Engineering Task Force (IETF).²¹ Despite the technological challenges, the IETF and its members are confident that by encrypting VoIP a much stronger and less “spoof-able” assurance of identity can be achieved than is possible on the legacy TDM telephone network.

The IETF STIR Working Group has identified ways for attaching a secure identity to VoIP phone calls, and it has developed requirements putting this security feature into place. The working group has also released a document outlining a mechanism for securely identifying originators of VoIP telephone calls. Putting these and other security safeguards into place will greatly increase the ability of communications networks to prevent illegal robocalling.

Solutions such as these will become most effective upon a full transition to IP-based communications networks. Public policies that foster investment in broadband and encourage the complete transition to IP-based voice services will thus, among their other benefits, hasten the implementation of the kinds of tools needed to attack illegitimate robocalling and caller ID spoofing.

²⁰ See, e.g. <http://allanfeid.com/content/caller-id-spoofing-w-asterisk>

²¹ Attachment 3 contains a list of industry initiatives that seek to combat the problem of abusive and illegal robocalling.

IV. NEITHER THE COMMISSION’S BLOCKING RULES NOR SECTION 214 OF THE COMMUNICATIONS ACT SHOULD POSE A BARRIER TO CUSTOMER-DIRECTED BLOCKING TOOLS, BUT COMMISSION GUIDANCE TO THAT EFFECT WOULD BE USEFUL.

The PN raises a host of questions about the lawfulness of various call-blocking options currently being offered or under consideration for future development. In particular, the PN asks whether blocking technologies violates the FCC’s no-blocking policies and whether such solutions could effect an impairment of service, requiring section 214 approval. The answer to both questions should be no, and the by providing guidance on these points, the Commission can help encourage the implementation and development of appropriate call blocking measures.

A. The Commission should clarify that neither consumer-directed nor consumer-managed call blocking violates the FCC’s anti-blocking rules.

The Commission’s anti-call blocking rules forbid a carrier from blocking calls in intercarrier compensation²² or other carrier disputes.²³ The rules were developed, in large part, because of the Commission’s belief that blocking in this context can harm consumers.²⁴ Neither consumer injury nor the behaviors barred by Commission order are present when consumers direct carriers to block certain telephone numbers or when consumers make use of a device or app to that end. In these latter instances, consumers are deciding for themselves which calls they want to receive and which they do not, a result analogous to consumers choosing to screen, and not answer, certain calls. Thus, the concerns about consumer harm that animated the FCC’s call

²² Establishing Just and Reasonable Rates for Local Exchange Carriers; Call Blocking by Carriers, WC Docket No. 07-135, Declaratory Ruling and Order, 22 FCC Rcd 11629, 11629-31, paras. 1, 6 (WCB 2007) (reiterating that call blocking is impermissible as a self-help measure to address intercarrier compensation dispute);

RM-11358; WC Docket No. 05-25; RM-10593; Notice of Proposed Rulemaking, (November 21, 2014) at n. 193.

²³ See *2011 Report and Order*, 26 FCC Rcd at 17903, para. 734 (reiterating that call blocking is impermissible in intercarrier compensation disputes); *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, Declaratory Ruling, 27 FCC Rcd 1351, 1354, para. 9 (WCB 2012) (*2012 Declaratory Ruling*) (discussing call blocking in rural call completion context); see also *Blocking Interstate Traffic in Iowa*, Memorandum Opinion and Order, 2 FCC Rcd 2692 (1987) (denying application for review of Bureau order, which required petitioners to interconnect their facilities with those of an interexchange carrier in order to permit the completion of interstate calls over certain facilities).

²⁴ *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Report and Order (October 28, 2013) at ¶ 5.

blocking prohibitions simply are not present. In fact, the FCC has repeatedly recognized the right of consumers to block unwanted calls.²⁵

The PN itself recognizes that consumer directed blocking is not prohibited by the FCC's no-blocking rules. Indeed, in referring to existing call-blocking tools, the Commission expressly states that "call-blocking services, including those provided by common carriers, are lawful."²⁶ Notably, the examples cited to support this conclusion all share a common theme: they are consumer-directed. For example, in a case considering, among other things, the applicability of certain LEC services to TRS, the FCC found that TSR providers were capable of providing anonymous call rejection, call screening, and preferred call-forwarding "as long as the TRS consumer seeking to use these features, whether the calling party or called party, subscribes to the service."²⁷ In other words, the decision to block a call must be at the customer's direction. This point was made again when the FCC found that, although unusually high terminating charges did not justify carriers blocking calls to avoid those charges, customers nevertheless remain free to choose to block calls they do not wish to receive.

This Declaratory Ruling has no effect on the right of individual end users to choose to block incoming calls from unwanted callers.²⁸

And in cases involving toll fraud directed at business phones, the Commission required the affected carrier to make international blocking services available to the customer so the customer could block acceptance of such calls.²⁹ Thus the Commission has explicitly recognized that con-

²⁵ See *Establishing Just and Reasonable Rates for Local Exchange Carriers; Call Blocking by Carriers*, 22 FCC Rcd 11629, 11632 ¶ 7 n.21 (2007) .("[T]he Commission has recognized 'the right of individual end users to choose to block incoming calls from unwanted callers.'")

²⁶ PN at 3.

²⁷ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 90-571, 98-67, 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, 12508, para. 74 (2004).

²⁸ 2007 Declaratory Ruling at n.21

²⁹ See e.g. *Application by Verizon New Jersey Inc., Bell Atlantic Communications, Inc. (D/B/A Verizon Long Distance), NYNEX Long Distance Company (D/B/A Verizon Enterprise Solutions), Verizon Global Networks Inc., and*

sumer-directed call blocking does not violate Commission policy. To resolve any doubt about the matter, the Commission should so rule.

B. Currently available call-blocking technologies do not impair common carrier service to a “community, or part of a community.” in violation of section 214(a) of the Communications Act.

The Commission additionally seeks comment on whether certain call blocking solutions implicate section 214 by discontinuing, reducing, or impairing service to a community or a part thereof.³⁰ Again, the answer should be that they do not. Section 214, by its terms, applies to carriers, as the Commission’s own regulations make clear.

§63.71 Procedures for discontinuance, reduction or impairment of service by domestic carriers. Any domestic carrier that seeks to discontinue, reduce or impair service shall be subject to the following procedures:

(a) The carrier shall notify all affected customers of the planned discontinuance, reduction, or impairment of service and shall notify and submit a copy of its application to the public utility commission and to the Governor of the State in which the discontinuance, reduction, or impairment of service is proposed, and also to the Secretary of Defense, Attn. Special Assistant for Telecommunications, Pentagon, Washington, DC 20301.

Clearly, decisions by telephone *customers* not to receive calls from particular telephone numbers do not fall within the prohibitions on *carriers* in section 214 or in the Commission regulations that implement that section of the Act.

Moreover, the discontinuance requirement incorporated into Section 214 is directed "at preventing a loss or impairment of a service offered to a community or part of a community

Verizon Select Services Inc., for Authorization to Provide In-Region, Interlata Services in New Jersey, WC Docket No. 02-67, Memorandum Opinion and Order, 17 FCC Rcd 12275, 12355-56, paras. 161-163 (2002); Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation, CG Docket No. 91-35, Report and Order and Further Notice of Proposed Rule Making, 6 FCC Rcd 4736, 4741, para. 15 (1991).

³⁰ Section 214(a) provides, in part: No carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby[.]

without adequate public interest safeguards."³¹ The purpose of section 214(a) was to ensure that adequate facilities and service remain available to a community should a carrier want to discontinue its service.³² Plainly, the decision of a consumer not to receive calls from certain telephone numbers does not affect the purpose of section 214(a) since it does not involve the withdrawal of a service or facilities from a community. Nor does it impair the service of the caller, who has no statutory or regulatory guarantee that a called party will answer when called. In all events, preventing one or more callers from completing calls to a particular number whose subscriber chooses not to receive those calls does not affect service to a "community" or "part of a community" for purposes of section 214.³³

The Commission also asks if the legal issues raised by call blocking services are different from the legal issues raised by vertical service codes, such as *60 and *64 which can be used to block calls through creation of black lists and white lists.³⁴ AT&T sees no legal distinction between these services and other call blocking services or applications. Certainly, the operating principle³⁵ behind all of these services is the same; the only distinction between the carrier-based *60 and *64 services and the black or white lists capable of supporting up to 10,000 telephone numbers is the number of entries supported by the calling party list. But that is a dis-

³¹ *In the Matter of Western Union Telegraph Company; Petition of Order to Require the Bell System to Continue to Provide Group/Super group Facilities*, 74 F.C.C. 2d 293, Memorandum Opinion and Order (November 15, 1979) at § 6.

³² *Id.* Footnote 4 of the order explains that

At the time Section 214 was amended, Congress also enacted Section 222, which allowed mergers of domestic telegraph companies. The legislative history of this amendment to Section 214 reveals that at the time, one of Congress' main concerns was that such mergers might result in a loss or impairment of service during this war period. (Citations omitted).

³³ In *Total Telecommunications Services, Inc. and Atlas Telephone Company, Inc. v. AT&T Corp.*, File No. E-97-003, Memorandum Opinion and Order, 16 FCC Rcd 5726 (2001), the Commission permitted AT&T to block customer calls to a chat line that was engaged in a fraud. The complainant argued unsuccessfully that AT&T's blocking of its customers calls to the chat line and associated CLEC were a denial of service to the community under section 214(a). "We accept AT&T's uncontroverted assertions that it continues to complete calls to all residents and businesses in Big Cabin, Oklahoma other than Audiobridge. In other words, AT&T completes all calls that are placed pursuant to lawful access charge arrangements." *Id.* at § 29.

³⁴ PN at 4.

³⁵ That is, the creation of a white or black list.

inction without a difference because the operative legal principle here is that blocking that is *elected* by the consumer does not violate Commission rules or trigger section 214. So long as the consumer is made aware of the limitations inherent in such services—that desired calls might be blocked due to “false positives,” for example—the size of the list the consumer can create should not be material.

Finally, the Commission points to a technology that “allows at least one ring to the consumer’s telephone before a call is blocked”³⁶ and asks if that single ring means that the call is completed for purposes of a common carrier’s obligation to complete calls under section 201(b) of the Act. AT&T believes that such a distinction exalts form over substance because the purpose of the cited technology is to block unwanted calls. Adoption of this view would likely lead to unforeseen and unhelpful consequences in the attempts to find effective ways to combat unwanted robocalls. Furthermore, the technology to which the Commission refers is one that is selected by the customer; carriers continue to transport the call as always and they attempt to terminate it as dialed. If the call is not completed, it is because the customer has chosen not to receive it and not because the carrier failed to meet its responsibilities under section 201(b).

C. Although consumers should be informed of the potential shortcomings in any call-blocking service, it is not possible to predict the number of false positives or negatives and carriers should be under no obligation to inform consumers of such.

The PN also asks if potential users of call-blocking services should be informed of a particular product’s rate of false positives or negatives before purchase. AT&T believes that consumers should be made aware of the potential shortcomings in any such call-blocking service, including the potential for false positives, for example. However, the provider of such a service should not be required to specify the rate of false results because that rate is not knowable. Rather, the rate of false positives or negatives will depend, among other things, upon the extent to

³⁶ PN at 4.

which robocallers engage in spoofing or other fraud, and the frequency with which such spoofed numbers are added to the service’s blacklist, information that would be entirely speculative.

For this reason, a requirement that carriers disclose in advance a predicted level of false positives or negatives would likely preclude deployment of virtually every call blocking tool currently available.

D. Given the limits and drawbacks of existing solutions, the FCC should not mandate their implementation by carriers.

While individual consumers may seek to avail themselves of current call-blocking tools, currently available tools are decidedly suboptimal for general network call blocking purposes. All of the tools are limited in their ability to prevent robocalling, and each of them generates its own set of problems. As noted, one such problem is spoofing, which can result in the inclusion on black lists of numbers that are assigned to ordinary consumers and businesses or, worse, PSAPs and other entities who rely on their ability complete phone calls to provide important public functions. To the extent call blocking services become ubiquitous and are more widely utilized, the impact of including such numbers on black lists is magnified.

In its letter to the FCC, NAAG notes three examples of call blocking technology it suggests carriers should consider:

Examples of blocking technologies currently available include “NoMoRobo” for VOIP phones, developed by Aaron Foss, winner of the FTC’s \$50,000 Robocall Challenge; “Call Control” for smart phones, developed by the Kedlin Company; and “Telemarketing Guard,” developed by Primus Telecommunications Canada, Inc. for Canadian consumers. American consumers should not have to seek out piecemeal solutions—instead, carriers should make solutions more easily accessible to consumers.³⁷

³⁷ “NAAG Letter at 1.

These three technologies are essentially “crowd sourced”³⁸ black lists of numbers that a carrier presumably would be obliged to block. Such crowd sourced black lists are particularly likely to include large numbers of false positives. While some of the numbers on such a blacklist may actually merit being blocked, other innocent phone numbers can and will appear on the list as the result of spoofing or from malicious labeling of a number as suspicious. A fraudster who employs a spoofed number for every call will succeed in getting calls through the black list; however, any user of the service could, in turn, add such spoofed numbers to the crowd sourced blacklist, and that number would then be blocked if its legitimate account holder attempted to call any user of the service. With these systems deployed nationally, it is inevitable that some telephone subscribers will find their calls are not being completed even as illegal robocallers continue their campaigns through spoofing and other technical means. In short, these products are not suitable for mass deployment by carriers because they likely will result in too many instances of service denial without any expectation that they would substantially reduce or eliminate robocalling.

³⁸ For example, “Marquee feature is the Community Blacklist, which monitors active spam reports crowd sourced from millions of Call Control users and automatically blocks calls from the worst reported offenders. Spam callers who make it on the Community Blacklist are blocked from calling 5 million Call Control users automatically.” <http://www.everycaller.com/press/> (Kedlin’s Call Control). Other sources of black listed numbers include “honeypots” – traps to attract robocallers – and public complaint lists.

IV. CONCLUSION

AT&T shares many of the concerns that NAAG and others have expressed regarding the abusive practices of illegal robocalling. The company therefore urges the Commission to clarify that consumer-directed or consumer-managed call blocking do not violate the Commission's anti-call blocking policy and do not impair common carrier service to a "community, or part of a community." in violation of section 214(a) of the Communications Act. However, given current limitations of these systems, AT&T's view is that the Commission should not require carriers to implement them. Finally, AT&T believes that the all-IP network will make more effective anti-robocalling products and services possible, and urges the Commission to support measures that will speed the IP transition.

Respectfully submitted,



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January 23, 2015