

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
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 )  
Implementing the Pallone-Thune Telephone Robocall ) EB Docket No. 20-22  
Abuse Criminal Enforcement and Deterrence Act )  
 )

Comments  
of

Consumer Reports  
Consumer Action  
Consumer Federation of America  
National Association of Consumer Advocates  
National Consumer Law Center, on behalf of its low-income clients

July 3, 2020

Consumer Reports, Consumer Action, Consumer Federation of America, National Association of Consumer Advocates, and the National Consumer Law Center on behalf of its low-income clients are pleased to submit comments in response to the Federal Communications Commission's ("FCC" or "Commission") pursuant to the Protecting Consumers from One-Ring Scams proceeding, on how to best protect consumers from so called "one-ring" scam calls,<sup>1</sup> and the related Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act proceeding, regarding how to approach voice service providers granted an extension to comply with the TRACED Act but are originating scam calls.<sup>2</sup>

Both proceedings further the implementation of the TRACED Act, passed to help consumers avoid receiving unwanted spoofed calls (call spoofing is when a caller inputs an incorrect number into the caller ID, to trick the recipient into picking up the phone, returning the call, or to hide the caller's identity.) And as both proceedings deal with the larger issue of scam calls, including spoofed scam calls, we propose a single set of recommendations, and filing them in both proceedings. They are also consistent with the comments we filed last month.<sup>3</sup>

Swift action is important, especially in light of the COVID-19 crisis, which has opened new opportunities for scammers.<sup>4</sup> To help stop scam and other unwanted calls, the FCC should:

- Require all voice service providers to provide three levels of call blocking options: opt-out screening of scam calls, including those identified as likely one-ring scam calls, opt-in to more comprehensive technologies to block spam calls, and personal blacklists, all at no additional cost to subscribers, consistent with the TRACED Act;
- Require all voice service and gateway providers to adopt traceback and know-your-customer procedures, including, but not limited to:
  - Registering with the FCC;
  - Providing information as requested to all traceback efforts;
  - Declining traffic from identified bad actors; and
  - Keeping records of all calls for the full four years of the TCPA's statute of limitations.

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<sup>1</sup> Fed. Commc'ns Comm'n, Protecting Consumers from One Ring Scams, CG Docket No. 20-93 (May 20, 2020), <https://www.regulations.gov/document?D=FCC-2020-0208-0001>.

<sup>2</sup> Fed. Commc'ns Comm'n, Implementing the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, EB Docket No. 20-22 (June 10, 2020), <https://www.federalregister.gov/documents/2020/06/10/2020-10896/implementing-the-pallone-thune-telephone-robocall-abuse-criminal-enforcement-and-deterrence-act>.

<sup>3</sup> Reply Comments of Consumer Reports et al., WC Docket Nos. 17-97, 20-67 (May 29, 2020), <https://ecfsapi.fcc.gov/file/1053094779704/Consumer%20Group%20Comments%20WC%20Docket%2017-97%2C%2020-67%2005.29.20.pdf>

<sup>4</sup> Brian X. Chen, *A Guide to Pandemic Scams, and What Not to Fall For*, N.Y. TIMES (May 13, 2020), <https://www.nytimes.com/2020/05/13/technology/personaltech/pandemic-scams.html>.

- Regularly evaluate providers granted a delay under the TRACED Act, no less than once a year, but more often if the need becomes apparent.

Below, we address each of these points in more detail.

**The FCC should, consistent with TRACED, require all voice service providers to provide three levels of call blocking options: opt-out screening of scam calls, including those identified as likely one-ring scam calls, opt-in to more comprehensive technologies to block spam calls, and personal blacklists, all at no additional cost to subscribers.**

Consumers need protections from all unwanted calls, including scam calls. One-Ring calls are a subset of scam calls which gained increasing attention in 2019.<sup>5</sup> The one-ring scam occurs when scammers robocall consumers, often with a spoofed number, and then disconnect after one ring. The consumer, worried that they have missed an important call, dials the number on the caller ID, and is then charged hefty international calling fees.<sup>6</sup> According to ZipDX, the scammers typically split the charges with the voice service provider carrying the call.<sup>7</sup>

Requiring companies to block unwanted calls will significantly protect consumers from this scam, as the best way to keep consumers from falling victim to scams is preventing them from receiving the calls in the first place. Scammers are skilled at separating consumers from their money, and even consumers who are generally well-educated on scams could be tricked in a vulnerable moment.<sup>8</sup> One-ring scammers reach their victims by sending out mass, autodialed calls, and voice service providers can intercept them by using reasonable analytics to identify these calls, and stop the calls before they reach the consumer. As Transaction Network Services points out, voice service providers already have the authority to block scam calls on an opt-out basis.<sup>9</sup> And the TRACED Act authorizes the FCC to require voice service providers to engage in call-blocking. While many voice service providers are presumably already blocking scam calls,<sup>10</sup>

<sup>5</sup> Hamza Shaban, 'Do Not Call Them Back!': FCC Warns of Late-Night Scam Calls, WASH. POST (May 7, 2019), <https://www.washingtonpost.com/technology/2019/05/07/do-not-call-them-back-fcc-warns-late-night-scam-calls/>.

<sup>6</sup> Fed. Comm'n's Comm'n, 'One Ring' Phone Scam (last updated May 15, 2019), <https://www.fcc.gov/consumers/guides/one-ring-phone-scam>.

<sup>7</sup> Comments of ZipDX, CG Docket No. 20-93 (June 19, 2020), <https://ecfsapi.fcc.gov/file/10518029726872/ZipDX-20-93-WangiriNPRMComments.pdf>.

<sup>8</sup> Rachel Levy-McLaughlin and John McGill, *Tech Law Expert Nearly Duped by 'Very, Very Clever' Phone Scam*, CBC.COM (Oct. 10, 2019), <https://www.cbc.ca/radio/asithappens/as-it-happens-thursday-edition-1.5316244/tech-law-expert-nearly-duped-by-very-very-clever-phone-scam-1.5316614>.

<sup>9</sup> Comments of Transaction Network Services, CG Docket No. 20-93 (June 19, 2020), <https://ecfsapi.fcc.gov/file/106191899730114/TNS%20June%202020%20Comments%20One%20Ring%20Scams.pdf>; see also Fed. Comm'n's Comm'n, Declaratory Ruling, CG Docket No. 17-59, WC Docket No. 17-97; FCC 19-51 at ¶ 9 (Jun. 24, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-06-24/pdf/2019-13270.pdf>.

<sup>10</sup> Comments of US Telecom, CG Docket No. 20-93 (June 19, 2020), [https://ecfsapi.fcc.gov/file/1061970770118/One%20Ring%20Scam%20NPRM%20-%20Comments%206.19.20%20\(FINAL\).pdf](https://ecfsapi.fcc.gov/file/1061970770118/One%20Ring%20Scam%20NPRM%20-%20Comments%206.19.20%20(FINAL).pdf).

especially pursuant to the agreement reached last year with state attorneys general,<sup>11</sup> the FCC should clarify the requirement and ensure that all voice service providers comply.

As consumers receive many different types of calls, not just scam calls, voice service providers should also be required to give consumers the option to screen out suspected spam calls—including calls from debt collectors, political calls, and informational calls. While caller ID authentication should help companies block calls more precisely, some unwanted calls are likely to still slip through, and voice service providers should also be required to give consumers the option to elect to block individual numbers. As required by the TRACED Act, voice service providers should provide these tools at no additional line item charge.

The call-blocking requirement should also apply to companies granted a delay of compliance with implementing STIR/SHAKEN pursuant to the TRACED Act, regardless of whether they are the source of mass scam calls. Their customers deserve the protections provided by these measures just as everyone else in the United States does.

One way that one-ring scams are different from other robocalls is that they involve consumers not only receiving robocalls, but then being tricked into taking a second action—to place an outbound call, through which they incur the fees. We agree with ZipDx’s suggestion to consider requiring originating voice service providers to provide a warning or notification to customers before honoring the customer’s request to place an international call.<sup>12</sup>

**Voice service and gateway providers should be required to adopt traceback and know-your-customer procedures.**

Because not all voice service providers currently have the technical capability to fully implement STIR/SHAKEN so that all caller ID spoofing will be prevented, all voice service and gateway providers need to be pressed to find and implement other procedures—including traceback and know your customer requirements—to prevent scam calls from reaching consumers. Without these requirements, scammers will likely route scam calls through those providers that are not required to comply with the TRACED Act and have not implemented caller ID authentication, seriously compromising all of the hard work undertaken to address caller ID spoofing.

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<sup>11</sup> Anti-Robocall Principles (accessed May 27, 2020), <https://www.ustelecom.org/wp-content/uploads/2019/08/State-AGs-Providers-AntiRobocall-Principles-With-Signatories.pdf>; Braktkon Brooker, *Phone Companies Ink Deal With All 50 States and DC to Combat Robocalls*, NPR.ORG (Aug. 22, 2019), <https://www.npr.org/2019/08/22/753524482/phone-companies-ink-deal-with-all-50-states-and-d-c-to-combat-robocalls>.

<sup>12</sup> Comments of ZipDX, CG Docket No. 20-93 (June 19, 2020), <https://ecfsapi.fcc.gov/file/10518029726872/ZipDX-20-93-WangiriNPRMComments.pdf>.

And even if all voice service providers shifted to IP overnight, and were able to swiftly implement caller ID authentication, STIR/SHAKEN is far from perfect. Unauthenticated calls originated overseas could also be a source of spoofed scam calls. And even after full implementation, scammers can still buy up many different numbers, verify them through STIR/SHAKEN, and then use those numbers to send robocalls to consumers.<sup>13</sup> We are concerned that consumers would be even more likely to pick up the phone when receiving calls that appear to be verified, potentially worsening the robocall scam problem.

The solution is to press the voice service and gateway providers not to originate scam traffic in the first place, and hold bad actor companies accountable. For example, all voice service and gateway providers should be required to register with the FCC, in order to better enable appropriate oversight, and they should be required to participate in US Telecom's traceback group, in which providers share information in order to quickly trace scam calls to their source and then stop originating those calls.

Since calls are typically routed through multiple phone companies before they reach the recipient, it has often taken months in order to trace a complaint about a call back to the originating carrier, as the enforcement agency has had to seek multiple subpoenas to obtain the necessary information.<sup>14</sup> The traceback program has routinized this process and has sped it up, in many cases, to a matter of days or even hours.<sup>15</sup> If all providers were participating in the program, the process would be even more successful. Enforcement authorities could more quickly identify perpetrators, or at least more quickly identify the point at which the calls enter the United States, and shut down the traffic.

To better promote compliance and facilitate enforcement, voice service and gateway providers should be required to keep records for the full four years covered by the statute of limitations under the TCPA. The FCC needs to be fully engaged in enforcing the TCPA. Ensuring that the Commission has access to compliance records covering the full period subject to enforcement will provide it with information critical to evaluating the full scope of a provider's compliance, or lack thereof.

The FCC and FTC have had some success in recent months in shutting down COVID-related scam calls, by threatening to authorize other providers to not carry the traffic introduced into the

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<sup>13</sup> David Lazarus, *Column: We're Swamped With 182 Million Robocalls a Day. Is a Solution Finally Here?* L.A. TIMES (Nov. 22, 2019), <https://www.latimes.com/business/story/2019-11-22/how-to-stop-robocalls>.

<sup>14</sup> Report on Robocalls, CG Docket No. 17-59 at ¶ 29-31 (Feb. 2019), <https://docs.fcc.gov/public/attachments/DOC-356196A1.pdf>.

<sup>15</sup> Comments of US Telecom, WC Docket No. 17-97, WC Docket No. 20-67 at 12 (May 15, 2020), <https://ecfsapi.fcc.gov/file/10515071300596/USTelecom%20STIR-SHAKEN%20Mandate%20FNPRM%20Comment%20-%205.15.20%20%5BFINAL%5D.pdf>.

system by specific bad-actor voice service and gateway providers.<sup>16</sup> These efforts likely would be even more successful if voice service providers were *required* to put in place processes to identify the source of scam calls and decline to accept traffic from those customers,<sup>17</sup> and to not to accept calls from other providers identified by the FCC and FTC as facilitating scam call traffic, as bad actor companies would be further incentivized to stop carrying scam calls. These techniques will be helpful in further preventing scam calls. And for maximum effect, they should also be required for companies granted a delay of compliance with the TRACED Act.

**Regularly evaluate companies granted a delay under the TRACED Act, no less than once a year.**

Another important way to help plug up gaps is to ensure strict oversight over companies that have been granted a delay in compliance, and to regularly evaluate these companies, at least once a year, to better ensure that no voice service provider is allowed to skirt the law indefinitely. The reviews should include updates on the company's progress, whether the reasons it was granted a delay are still pertinent, and whether the company is reportedly originating scam traffic. These reviews should be public and subject to public comment. Encouraging these companies to come into compliance with the TRACED Act as quickly as possible will be critical to helping improve overall robocall mitigation efforts.

Thank you for the opportunity to submit comments.

Respectfully submitted,

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<sup>16</sup> Fed. Commc'ns Comm'n, FCC, FTC Demand Robocall-Enabling Service Providers Cut Off COVID-19-Related International Scammers (May 20, 2020), <https://docs.fcc.gov/public/attachments/DOC-364482A1.pdf>.

<sup>17</sup> Letter from Fed. Commc'ns Comm'n to US Telecom Re: US Telecom Industry Traceback Group (Nov. 6, 2018), <https://docs.fcc.gov/public/attachments/DOC-354942A2.pdf>.