

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Advanced Methods to Target and Eliminate
Unlawful Robocalls

Call Authentication Trust Anchor

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CG Docket No. 17-59

WC Docket No. 17-97

REPLY COMMENTS OF FIFTY-ONE (51) STATE ATTORNEYS GENERAL

I. Introduction

The undersigned State Attorneys General submit these Reply Comments in response to the public notice issued by the Consumer and Governmental Affairs Bureau,¹ seeking comment on proposals that require voice service providers to implement the STIR/SHAKEN Caller ID authentication framework if they fail to voluntarily implement the framework by the end of 2019, and encourage Caller ID authentication for carriers that maintain some portion of their network on legacy technology.² We further submit these Reply Comments in support of the Federal Communication Commission’s (“the Commission”) declaratory ruling, which resolves the uncertainty about whether and when voice service providers may implement free, default, opt-out call-blocking programs.³

As has been consistently acknowledged in filings with the Commission, in hearings before the U.S. Congress, in consumer education materials, and in press reports from news organizations and industry, illegal and unwanted robocalls inundate, frustrate, and harm consumers every day.

¹ See *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, CG Docket No. 17-59, WC Docket No. 17-97 (released Jun. 7, 2019) (hereinafter “Ruling & Further Notice”).

² See Ruling & Further Notice at ¶¶ 71–73, 80.

³ See *id.* ¶¶ 26–47.

Bad actors exploit inexpensive and ubiquitous technology to scam consumers and to intrude upon consumers' lives, and the problem shows no signs of abating.

At the end of 2017, in order to work towards eliminating this unrelenting problem affecting our constituents—America's consumers—the State Attorneys General formed a bipartisan multistate coalition⁴ to investigate the technological solutions that major telecom voice service providers were designing, developing, and implementing in order to constrain the pandemic of illegal and unwanted robocalls. Over the last year-and-a-half, this multistate coalition has developed a more comprehensive understanding of what is technologically feasible to minimize illegal and unwanted robocalls by engaging with voice service providers directly to learn about the solutions they are pursuing and to encourage them to move quickly to provide meaningful results for consumers. Among our primary considerations, and in accordance with this Ruling and Further Notice, this coalition examined whether providers were offering to help consumers block calls in a way that was simple and free, and were timely implementing call authentication measures to cut down on illegal spoofing.

II. Call Blocking

With respect to call blocking, we understand that, “to make a dent in the illegal and unwanted robocalls that are plaguing consumers, voice service providers need to block more calls than just those enumerated in the *2017 Call Blocking Order*.”⁵ Thus, we agree that providers

⁴ The bipartisan multistate coalition of State Attorneys General is led by North Carolina, New Hampshire, and Indiana, and currently includes Alabama, Alaska, Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wisconsin.

⁵ See *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Comments of AT&T at 14 (filed Jul. 24, 2019); see also *Implementing Section 503 of RAY BAUM'S Act, Rules and Regulation Implementing the Truth in Caller ID Act of 2009*, WC Docket No. 18-335, WC Docket No. 11-39, Reply Comments of Forty-Two (42) State Attorneys General at 4 (filed May 3, 2019) (“[T]he State Attorneys General continue to encourage the Commission to adopt new rules authorizing voice service

should implement call blocking as the default, opt-out option for consumers because, as the Commission has recognized, offering call-blocking programs only on an *opt-in* basis “limit[s] the impact of such programs on consumers,” whereas “[s]etting a call-blocking program as the default can significantly increase consumer participation[.]”⁶ Additionally, prior to June 6, 2019, providers expressed unease and uncertainty as to whether the practice of blocking calls outright would contravene voice service providers’ call completion obligations under section 201(b) of the Communications Act of 1934.⁷ Therefore, the undersigned Attorneys General applaud the Commission’s clarification in its Declaratory Ruling that voice service providers “may offer consumers call blocking through an opt-out process,” where such blocking is offered by the providers “based on any reasonable analytics designed to identify unwanted calls” and “applied in a non-discriminatory, competitively neutral manner[.]”⁸ and where any blocking still safeguards emergency numbers⁹ and calls to rural areas.¹⁰

We further underscore the Commission’s expectation, and agree with consumer advocates,¹¹ that any default opt-out call blocking service should also be offered to consumers

providers, who can accurately identify illegally spoofed calls, to block illegally spoofed calls beyond what is authorized in the 2017 Call Blocking Order.”); *see generally Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Comments of 30 State Attorneys General (filed Jul. 6, 2017) (urging the Commission to adopt rules that would allow providers to block illegal robocalls).

⁶ *See* Ruling & Further Notice at ¶ 27.

⁷ *See id.* ¶ 22.

⁸ *See id.* ¶ 35 (providing examples of call-blocking programs that may be effective and “would be based on reasonable analytics designed to identify unwanted calls”).

⁹ *See id.* ¶ 36.

¹⁰ *See id.* ¶ 37.

¹¹ *See Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Comments of Consumer Reports, National Consumer Law Center at 3 (filed Jul. 24, 2019) (hereinafter “CR and NCLC Comments”); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, WC Docket No. 17-97, Comments of AARP at 3 (filed Jul. 24, 2019) (hereinafter “AARP Comments”).

for free with no line-item charge,¹² because “[f]ree and ubiquitously available blocking technology will ensure that there are no targets for robocallers and will more effectively undermine the business model of robocallers.”¹³ Additionally, we encourage all industry members to use their best efforts to ensure that all call blocking solutions safeguard consumers’ personal, proprietary, and location information. Finally, we appreciate the Commission’s consideration of the role of a safe harbor in call blocking,¹⁴ and encourage an appropriate safe harbor to facilitate robust blocking of illegal robocalls.

III. Call Authentication

We support the Commission’s proposal to take appropriate regulatory action if major voice service providers—as the term is defined for the purpose of STIR/SHAKEN implementation¹⁵—do not voluntarily implement the STIR/SHAKEN Caller ID authentication framework to meet the end of 2019 deadline set by Chairman Pai.¹⁶ As consumer advocacy groups and members of the telecom industry agree, in the absence of prompt voluntary implementation, appropriate regulation is required.¹⁷ “Otherwise, a handful of holdout carriers who fail to implement it will undercut its

¹² See Ruling & Further Notice at ¶ 42.

¹³ See AARP Comments at 3; see also AARP Comments at 9 (“Failure to require all service providers to deliver robocall blocking technologies needed by consumers free of charge would be unfair to consumers, who would be placed in the undesirable position of needing to pay extra to avoid network defects.”).

¹⁴ See Ruling & Further Notice at ¶¶ 49–58.

¹⁵ See *id.* ¶ 73.

¹⁶ See *id.* ¶¶ 71–72; see also News Release, FCC, *Chairman Pai: Caller Id Authentication is Necessary for American Consumers in 2019*, <https://www.fcc.gov/document/chairman-pai-demands-industry-adopt-protocolsend-illegal-spoofing> (Feb. 13, 2019).

¹⁷ See, e.g., AARP Comments at 10 (“[T]he Commission should ensure that the 2019 deadline is satisfied with compatible and interoperable deployments by the service providers so that by the end of 2019 there will be a seamless [STIR/SHAKEN] call blocking system for all major service providers.”); CR and NCLC Comments at 2–3 (“It is time to set real deadlines for call authentication. While the FCC has pressed the major voice service providers to implement call authentication technology [STIR/SHAKEN] by the end of this year, cross-carrier implementation has been relatively limited by mid-2019. And some major landline carriers have declined to provide specific estimates for when they plan to begin authenticating calls. Consumers are demanding action, now[.]” (footnotes omitted)); *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59,

usefulness for consumers and participating service providers[,]” since STIR/SHAKEN “can only validate the Caller ID of an incoming call for its customer if the provider that originated the call has also implemented STIR/SHAKEN.”¹⁸ We agree that, in order to demonstrate readiness to implement the STIR/SHAKEN authentication framework, a provider should be required to certify that: (1) it can cryptographically sign calls originating on its network in order to vouch for the accuracy of the calling party number transmitted with each call; (2) it can verify the signature of all signed calls terminating on its network; and (3) it has completed implementation protocols with one or more of the major voice service providers.¹⁹ We also support prohibiting U.S.-based service providers from accepting voice traffic from any other provider if that other provider has failed to certify to the Commission that it complies with STIR/SHAKEN.²⁰

State Attorneys General regularly see scams perpetrated against elderly consumers, many of which begin with a robocall to a landline. Therefore, we encourage the development and implementation of Caller ID authentication for carriers that “maintain some portion of their network on legacy technology,” since STIR/SHAKEN “as developed is intended for IP-based networks, and thus, is less effective for calls that originate, terminate, or transit across TDM

WC Docket No. 17-97, Verizon Comments on Further Notice at 2 (filed Jul. 24, 2019) (hereinafter “Verizon Comments”) (“Unless voluntary efforts quickly succeed, STIR/SHAKEN requires appropriate regulation.”).

¹⁸ See Verizon Comments at 2 (recognizing that, because illegal robocallers will use providers that do not cryptographically sign their calls with STIR/SHAKEN to send “unsigned traffic” to U.S. consumers, those consumers will be harmed because “that illegal unsigned traffic will comingle with legitimate unsigned traffic (e.g., from non-IP providers) and become impossible to separate”); see also *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Comments of USTelecom–The Broadband Association at 7 (filed Jul. 24, 2019) (recognizing that the STIR/SHAKEN framework “does not provide insight to the nature or content of a call (*i.e.*, whether a call is legal or illegal, legitimate or fraudulent, wanted or unwanted”).

¹⁹ See *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Comments of T-Mobile, USA, Inc. at 11 (filed Jul. 24, 2019); Verizon Comments at 2; see also *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Comments of Comcast Corporation at 2 (filed Jul. 24, 2019).

²⁰ See also CR and NCLC Comments at 8.

networks and does not work at all for calls that exclusively traverse TDM networks.”²¹ Moreover, we share the AARP’s concerns that overlooking this technological void will disproportionately affect “a fair number” of consumers who are older and/or are located in rural communities and receive their wireline service on legacy TDM or copper landlines and, so, likely cannot derive a direct benefit from the STIR/SHAKEN call authentication framework without further consideration.²²

IV. Conclusion

Illegal and unwanted robocalls continue to harm and hassle people every day. Consumer fraud often originates with an illegal call, and robocalls regularly interrupt our daily lives. State Attorneys General are on the front lines of enforcing do-not-call laws and helping people who are scammed and harassed by these calls. For this reason, we support free, robust call blocking that is simple and easy for all consumers, and the timely implementation of the STIR/SHAKEN Caller ID authentication framework.

²¹ See Ruling & Further Notice at ¶ 80; see also AARP Comments at 1 (“[T]he current patchwork quilt of blocking-compatible IP-based voice networks and blocking-incompatible TDM-based voice networks does not currently enable the blocking of all robocalls.”); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, WC Docket No. 17-97, Comments of NTCA–The Rural Broadband Association at ii, 5, 7–8 (filed Jul. 24, 2019) (discussing that this issue particularly affects customers of legacy wireline carriers that have not migrated to IP switching facilities, and customers of legacy wireline carriers that have such facilities but do not have IP interconnection agreements with upstream legacy wireline carriers with such facilities in place).

²² FCC SHAKEN/STIR ROBOCALL SUMMIT (Jun. 11, 2019), [https://www.fcc.gov/SHAKENSTIR Summit](https://www.fcc.gov/SHAKENSTIR_Summit) (hereinafter “ROBOCALL SUMMIT”) (remarks from Kathy Stokes, Director, Fraud Prevention Programs, AARP).

BY FIFTY-ONE (51) STATE ATTORNEYS GENERAL:



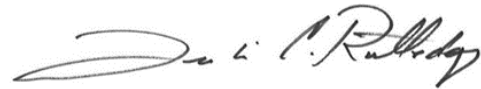
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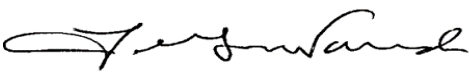
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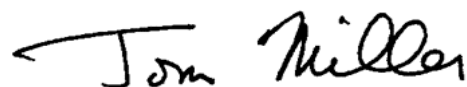
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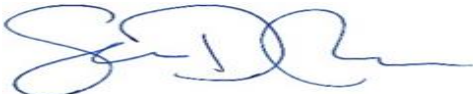
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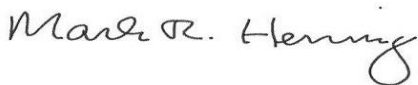
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