

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Implementing Section 503 of RAY BAUM's Act)	WC Docket No. 18-335
)	
Rules and Regulations Implementing the Truth in Caller ID Act of 2009)	WC Docket No. 11-39

Comments of Consumer Reports, the National Consumer Law Center, and the Consumer Federation of America

Consumer Reports, the National Consumer Law Center on behalf of its low-income clients, and Consumer Federation of America thanks you for the opportunity to submit comments on the Federal Communication Commission's ("FCC") proposal to implement new rules on caller ID spoofing.¹ The Consolidated Appropriations Act of 2018 extended the restrictions on caller ID spoofing, in which it is unlawful for anyone in the United States "to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value[.]"² to covered communications originating outside of the United States and to text messages.³ We appreciate that this measure will facilitate anti-spoofing enforcement and interception efforts, and urge the FCC to ensure its broad application to voice and text communications. We also urge the FCC to take more aggressive steps to protect consumers from inappropriate robocalls and caller ID spoofing: by requiring phone companies to implement caller ID authentication technology; setting guidelines for, and overseeing, its implementation to ensure that is effective; and ensuring consumer representation on the SHAKEN/STIR governance board.⁴

The FCC must act now to require the phone companies to implement caller ID authentication technology. FCC complaint data confirms that unwanted calls are a top consumer concern.⁵

¹ FCC Rcd. 19-12 (Mar. 4, 2019), <https://www.federalregister.gov/documents/2019/03/04/2019-03721/truth-in-caller-id>.

² 47 U.S.C. § 227(e)(1).

³ Consolidated Appropriations Act of 2018, Sec. 503.

⁴ Caller ID spoofing is just one part of the robocall problem. For a fuller assessment of the steps needed to address the robocall problem, see Comments of Consumers Union et al., CG Docket No. 17-59 (Sept. 24, 2018), <https://ecfsapi.fcc.gov/file/10925773721639/Consumer%20Group%20Comments%20Robocall%20Blocking%20Refresh%20the%20Record%2009.24.18.pdf>.

⁵ Fed. Comm'n's Comm'n, Consumer Complaint Center, Unwanted Calls (last visited March 15, 2019), <https://consumercomplaints.fcc.gov/hc/en-us/articles/115002234203-Unwanted-Calls>.

Truecaller found in 2018 that consumers had lost nearly \$9 billion to phone scams in a 12-month period.⁶ And neighbor spoofing, in which a caller spoofs the first six digits of the caller ID, is a significant problem.⁷ This impedes call-blocking services and tricks consumers into picking up the phone. While we are not prescriptive about the specific technology that is implemented to address this problem, as long as it is effective, industry has been developing, with the FCC’s encouragement, technology referred to as “Signature-based Handling of Asserted Information Using toKENS” and “Secure Telephone Identity Revisited”—or SHAKEN/STIR. SHAKEN/STIR is designed to enable the phone company originating the call to determine if the caller is authorized to use the number which appears as the calling number. Calls that are not authenticated can then be identified, all down the call path, as suspect, and potentially stopped or diverted. Although the phone industry has been working towards SHAKEN/STIR implementation, FCC Chairman Pai has noted that not all of them are progressing adequately.⁸ The FCC should require them to do so promptly, by a date certain.

We also urge the FCC to guide implementation of SHAKEN/STIR to ensure that it effectively protects consumers from unwanted spoofed calls. First and foremost, for consumers to be protected, the spoofed calls must not just be identified—they must be blocked or diverted. Moreover, SHAKEN/STIR as currently conceptualized would capture only phone numbers that can be reliably identified as *not* belonging to the caller. Thus, it will apparently not address situations in which a robocaller purchases actual numbers, perhaps in the thousands, from a legal source, and then uses those numbers to make calls that mask the robocaller’s identity. Nor would it address robocalls originating from carriers overseas that have not implemented the technology.

As ZipDX notes in its January ex parte, caller ID spoofing is a “function of policy and configuration on the part of the originating provider[,]”⁹ so the carriers need to be enlisted to help address these remaining gaps. For example, the FCC should consider requiring phone companies to vet their subscribers, to monitor for phone numbers making an inordinate amount of calls, and to employ other methodologies to identify and stop unwanted calls. And for this authentication and blocking technology to truly work for consumers, it must be widely accessible and provided at no additional charge.

Finally, the FCC should ensure that consumers’ interests are represented in implementation of SHAKEN/STIR, or whatever technology is chosen. The phone industry has been given wide leeway in developing and rolling out SHAKEN/STIR. In addition to setting rules for compliance,

⁶ Kim Fai Kok, *Truecaller Insights Reveal: Estimated 24.9M Americans Lost \$8.9B in Phone Scams as Rate of Spam Calls Jumps 22%* (Apr. 26, 2018), <https://truecaller.blog/2018/04/26/truecaller-insights-usa-2018/>.

⁷ Fed. Comm’n Comm’n, *Caller ID Spoofing* (last updated Mar. 4, 2019), <https://www.fcc.gov/consumers/guides/spoofing-and-caller-id>.

⁸ Fed. Comm’n Comm’n, *Press Release, Chairman Pai: Caller ID Authentication is Necessary for American Consumers in 2019* (Feb. 13, 2019), <https://docs.fcc.gov/public/attachments/DOC-356187A1.pdf>.

⁹ Comments of ZipDX, WC Docket Nos. 18-335, 11-39 at 3 (Jan. 22, 2019), <https://ecfsapi.fcc.gov/file/1012260047847/ZipDX-18-335-WrittenExParte-2019Jan.pdf>.

the FCC should mandate that the SHAKEN/STIR governance authority has appropriate consumer representation. This effort to address robocalls has been largely spurred by consumer outcry, and as Henning Schulzrinne, former CTO of the FCC, has noted, their interests should be represented in implementation of measures to address it as well.¹⁰ He further noted that technical expertise is not required in order to participate meaningfully on the governance board.¹¹ The FCC should immediately ensure that consumer voices are represented on the board.

Thank you for your consideration of these comments. We look forward to working with you to ensure that consumers have the utmost protection from unwanted robocalls.

Respectfully Submitted,

Maureen Mahoney
Policy Analyst
1535 Mission Street
San Francisco, CA 94103

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¹⁰ NANC Call Authentication Trust Anchor Working Group, *Report on Selection of Governance Authority and Timely Deployment of SHAKEN/STIR* at 24 (May 18, 2018), http://nanc-chair.org/docs/mtg_docs/May_18_Call_Authentication_Trust_Anchor_NANC_Final_Report.pdf.

¹¹ *Id.* at 25.