

August 24, 2020

Via Electronic Submission

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: Comments on Fourth Further Notice of Proposed Rulemaking, Regarding Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17–59

Dear Secretary Dortch:

The Electronic Transactions Association (“ETA”) respectfully submits these comments in response to the Federal Communications Commission’s (“FCC”) Fourth Further Notice of Proposed Rulemaking (“Fourth FNPRM”) in the above-referenced proceeding.

ETA continues to support the FCC’s efforts to combat illegal robocalls through this proceeding. In particular, ETA applauds the thoughtful and thorough approach the FCC has taken in carefully considering the public comments submitted during the proceeding and engaging with stakeholders and industry to collaborate on this important issue.

Who We Are

ETA is the leading trade association for the payments industry, representing over 500 companies that offer electronic transaction processing products and services. ETA’s members include banks, mobile payment service providers, mobile wallet providers and non-bank financial technology companies (“FinTech”) that provide access to credit, primarily to small businesses, either directly or in partnership with other lenders. ETA member companies are creating innovative offerings in financial services, revolutionizing the way commerce is conducted with safe, convenient, and rewarding payment solutions and lending alternatives.

Comments

ETA understands and agrees that robocalls from fraudulent sources are a nuisance, or even worse, predatory, for many consumers, and efforts to detect and eliminate these calls are important for consumer protection. Equally as important, consumers expect and have a right to demand that their personal financial information is protected by the businesses with which they have relationships.

This includes an open, clear, and trusted communication channel to alert consumers to information regarding the security of their account. As ETA pointed out in earlier comments, efforts to combat illegal robocalls must take into account the difference between calls from a



merchant attempting to sell a product or service to a potential customer and purely informational calls and other communications between businesses and their existing customers.

Indeed, ETA's member companies must be permitted to contact their customers efficiently and quickly in order to provide them with important and vital information about their accounts. ETA maintains that illegal robocalls made with the intent to defraud consumers, (e.g. IRS scam), damage the trusted communication channels between customers and businesses. ETA supports many of the efforts by the FCC to target and eliminate unlawful calls in order to distill these communication channels so that customers can trust and receive the calls about their personal financial information.

In the Fourth FNPRM, the FCC seeks comment on how it can build on its prior work and further implement the TRACED Act. ETA and its members support the approach of the FCC and have suggestions for the FCC to consider as a part of this rulemaking.

Comments on Specific Sections of the Fourth FNPRM

Section 4 of the TRACED Act

ETA strongly supports the adoption of a safe harbor to protect callers acting in good faith and recommends that a safe harbor permits a good faith caller the opportunity to show compliance at the pleading stage in private litigation in order to achieve early dismissal of claims that lack merit. Further, if a safe harbor is adopted, it would only make sense that callers should demonstrate their attempt to comply with the TCPA by following the guidance of whatever reporting requirement the FCC adopts.

It is important for the FCC to facilitate a favorable environment for industry to work together to combat illegal robocalls and protect consumers while simultaneously protecting legitimate business-customer communications. In instances where legitimate callers and businesses have their numbers incorrectly blocked, it is important for there to be a formal mechanism for legitimate businesses to challenge the blocked call and that such a challenge be resolved expeditiously. It would be appropriate for the FCC to establish a challenge mechanism.

Legitimate callers must have a mechanism to challenge their calls blocked in error. Swift resolution is important to minimize disruption of communication between legitimate businesses and their customers. When developing the resolution process, the FCC should consider the provider process and ability to "immediately cease" call-blocking. While swift resolution is important, so is protecting providers that are responding to feedback from both the call recipients and those who place the calls.

A strong self-regulation is an effective tool to provide a valuable service to consumers. Indeed, the PCI standards, which are used by participants in the payments ecosystem are a good example of effective industry self-regulation. However, the FCC can play a valuable role in the facilitation of communication between the parties involved in call placement, connection, and completion or blocking. Removing any roadblocks in federal regulations and developing a

streamlined process for challenged calls is a vital step in removing friction in communication between providers and businesses.

Expanding Redress Requirements

ETA cautions the FCC not to get prescriptive when it comes to call blocking disputes. Instead of imposing a specific time commitment, such as 24 hours, we support the approach that call blocking disputes should be investigated and resolved in a reasonable amount of time that is consistent with industry best practices.

A specific requirement is unnecessary and ineffective. Companies that provide labeling and blocking services have publicly published resolution goals ranging from 24 hours to next business day. Additionally, the call blocking resolution can often depend on the specific circumstances of the dispute. For example, in certain scenarios research and follow up discussions with callers may be required which simply may take more time and depend on caller responsiveness as well. ETA is appreciative of the FCC encouraging transparency and having callers work with voice service providers to accurately identify blocked calls throughout the redress process.

Again, ETA applauds the FCC's pursuit of solutions to combat illegal robocalls. Any efforts should focus on bad actors who intentionally ignore laws but still allow businesses and their customers feel confident that important, time-sensitive communication will be permissible. ETA member companies are not telemarketers; they are financial services companies who have a business relationship with their customers and the information communicated to their customers is related to customer financial accounts and oftentimes time sensitive.

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We appreciate the FCC interest in and pursuit of solutions to combat unwanted and illegal robocalls. We look forward to continuing to work with the FCC and other stakeholders to find reasonable solutions to achieve this important consumer protection goal. If you have any questions or wish to discuss any issues, please contact me or ETA's Senior Vice President of Government Affairs, Scott Talbott at stalbott@electran.org.

Sincerely,



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