



January 23, 2018

VIA ELECTRONIC SUBMISSION

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

**Re: Comments on Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59.**

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

## **Introduction**

ETA is the leading trade association for the payments industry, representing over 500 companies worldwide involved in electronic transaction processing products and services. ETA’s membership spans the breadth of the payments industry to include independent sales organizations, payments networks, financial institutions, transaction processors, mobile payments products and services, voice-service providers, payments technologies, software providers, and hardware suppliers. ETA member companies touch, enrich and improve the lives of every consumer by making the global flow of commerce possible. ETA’s membership is uniquely situated with respect to this proceeding, as it includes what the FCC refers to as voice-service providers and calling parties.

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

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 its June 30 and July 6, 2017 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

contends that illegal robocalls made with the intent to defraud consumers, as in the case with the IRS scams, 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 *Report and Order*, the FCC codifies rules that allow voice service providers “the option of blocking illegal robocalls in certain, well-defined circumstances.”<sup>1</sup> ETA supports the measure by the FCC and agrees that cooperation among the industry is crucial to effectively combatting illegal robocalls while allowing legitimate communication to occur.

In the *Further NPRM*, the FCC seeks comment on potential mechanisms to ensure that erroneously blocked calls can be unblocked as quickly as possible and without undue harm to callers and consumers<sup>2</sup>. ETA and its members support the approach of the FCC and have suggestions for the Commission to consider as a part of this rulemaking.

### **Promote a Centralized Feedback Mechanism to Encourage Transparency**

In its *Further NPRM*, the Commission specifically asks if it should require call blocking providers to establish a challenge mechanism by which callers can inform them of, and quickly remedy, erroneous blocking.<sup>3</sup>

ETA would support a requirement of a challenge mechanism for calling-parties to contest calls they believe have been blocked in error, but suggests to the Commission that rather than prescribe the specific criteria of a challenge mechanism, that it instead promote a centralized feedback mechanism as part of an industry standard.

Currently, call-blocking technology exists and is deployed through a variety of processes including voice service provider-initiated blocking and third-party, consumer opt-in call-blocking. The phone numbers of calling parties can be blocked through a variety of techniques, depending upon the entity who is blocking the number. In instances where a calling party believes its number is being blocked in error, it is important to have a clear, transparent challenge process so that any errors may be resolved expeditiously. Voice service providers are actively working toward a centralized feedback mechanism within the industry.

ETA believes that harmonizing the process among the call-blocking providers to achieve a central feedback mechanism will help satisfy the Commission’s shared goal of ensuring calling-parties making legitimate calls can resume doing so speedily<sup>4</sup>, especially where the information that needs to be conveyed to the consumer is time-sensitive, such as, for example, information regarding a fraud alert on a consumer’s financial account. ETA respectfully requests that the FCC promote

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<sup>1</sup> *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Report and Order and Further Notice of Proposed Rulemaking (Nov. 17, 2017), at 4 ¶ 9.

<sup>2</sup> *Id.* at 21 ¶ 57.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 20-21 ¶ 54.



this concept and serve as a resource to industry to help facilitate a robust and fair environment for calling-parties.

### **Promote Industry Best Practices in Call-Blocking**

ETA believes that strong self-regulation is an effective tool to provide a valuable service to consumers. In addition, ETA supports the important contribution that the Industry Robocall Strike Force and the Commission's Consumer Advisory Committee have made to the industry through its meaningful analysis and reporting.

Recognizing the contribution that the FCC has made, it is important to emphasize that technology changes rapidly and any prescriptive guidance from the FCC may prove to be ineffective and quickly outdated as technology adapts. That said, the FCC should continue to facilitate a favorable, collaborative environment for industry to work together to develop industry best practices to combat illegal robocalls and protect consumers while simultaneously protecting legitimate business-customer communications.

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Again, ETA applauds and supports the Commission's interest in and pursuit of solutions to combat illegal robocalls. We look forward to working together with the Commission and other stakeholders to find reasonable solutions to achieve this important consumer protection goal.

Respectfully submitted,

A handwritten signature in black ink that reads 'RA Cantrell'.

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