

January 23, 2015

**VIA ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Dear Ms. Dortch:

Below please find Consumers Union's response to the Commission's request for comment on the issues raised by the National Association of Attorneys General on behalf of thirty-nine Attorneys General. Consumers Union appreciates the opportunity to comment on the call-blocking technologies currently available and under development and the consumer demand for such technologies.

Attached to this letter you will find the signatures of 50,077 consumers who agreed with the following statement: *"Please authorize the phone companies to block unwanted robocalls before they come to me."* Many of these individuals added their own comments to you, and we hope you will take the time to review their ideas and experiences and then authorize the kinds of blocking technologies that can really give them relief.

Consumers Union has a long history of supporting efforts to reduce unwanted telemarketing calls and robocalls to consumers. We were pleased that the Commission recently strengthened and implemented new robocall rules and believe that the new rules properly place the burden on companies to provide consumers with more tools to limit what has become an increasingly annoying practice. As we have recounted to the Commission previously, robocalls and unwanted telemarketing practices continue to be a top concern of our organization and of American consumers.

Telemarketers are continuing to find clever ways to work around existing protections, and businesses are increasingly using sophisticated technologies to get to consumers without regard to whether the consumer has consented to receive calls or not. The scales are already tipped in favor of industries who frequently violate the TCPA and have financial and business incentives to get access to as many consumers as possible. Consumers have told us about a wide variety of frauds delivered into their homes via robocalls and telemarketers: from the well-known "Microsoft" scams and free cruise offers, to a wide range of other scams. Some have lost thousands of dollars. Most have lost peace of mind in their own homes.

We hope that the Commission will insist that industry make use of existing technologies to give consumers more control and choice over the calls they receive.

Some parties have argued that the current legal framework in place prohibits carriers from blocking calls on a wide scale and that the Commission has repeatedly interpreted Section 201(b) of the Communications Act to bar call-blocking as an unjust and unreasonable practice. However, even the carriers themselves have acknowledged that the FCC's prohibition does not extend to the right of individual end users to choose to block incoming calls from unwanted callers.

In other words, this argument fails because the existing technologies in the marketplace would empower users to decide to block certain calls or categories of calls and give them more control over the calls they receive – not allow the carrier to make choices about which calls go through.

There are many technologies currently available for traditional landline users but not employed in the U.S. today. Some of these technologies work by intercepting telemarketing calls and providing consumers with the choice to send callers to voicemail, answer or block a call, hang up, or identify certain callers or categories of callers to be blocked in the future. Other technologies use a “whitelist” to develop a trusted list of numbers that go through and ask other callers to say their names before the consumer's phone rings. It is important to note that in other countries, when carriers have adopted technologies, consumers have seen a decline in unwanted calls.

There are many ongoing efforts on the part of industry to come up with solutions that will keep pace with changing technologies. However, robocalls continue to be a problem for consumers on all platforms, and the Commission cannot afford to wait any longer to address a problem that has plagued consumers for years. As it moves forward, the Commission's ultimate goal should be to end up with systems that can give all consumers access to free blocking services, even if these options have to be rolled out over time. All consumers deserve to be protected against these practices, regardless of the type of technology they choose to employ. The desire to solve the problem for everyone shouldn't prevent industry from giving customers access to services that already exist. We hope your decision in this policy matter will encourage companies to give their customers that access immediately.

For the reasons stated above, we believe you should grant the carriers clear authority to install call blocking technologies that allow consumers to exercise their own preferences and in this way further the underlying purpose of the TCPA – which is to protect American consumers from abusive or unwarranted calls.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Delara Derakhshani', with a horizontal line extending to the right.

Delara Derakhshani  
Policy Counsel  
Consumers Union