



September 29, 2020

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20054

**Re: Reply Comments of Professional Association for Customer Engagement, In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59**

Dear Ms. Dortch:

The Professional Association for Customer Engagement (“PACE”)<sup>1</sup> submits these reply comments to bring attention to an alarming event that appears to have been connected to call blocking solutions and reiterates its position voice service providers must (1) provide per call blocking notification to callers, (2) quickly redress erroneous blocking, and (3) refrain from blocking fully authenticated calls as more fully articulated in its Comments filed August 31, 2020 (the “PACE Comments”).<sup>2</sup>

The Associated Press reports that during recent California wildfires, some consumers did not receive emergency alerts via phone call nearly resulting in loss of life.<sup>3</sup> Per the AP’s report, emergency managers in Yolo County, California believe that their calls may have been rejected as robocalls. One individual interviewed said that 43 of 59 neighbors she spoke to did not receive an alert. This is despite the fact that the consumers signed-up to receive emergency alert calls. If these reports are accurate and these emergency calls were blocked by voice service providers, it goes without saying that the voice service providers’ actions could have resulted in loss of life due to a blocked alert. This is an unacceptable consequence requiring immediate action to prevent the possibility of any similar future occurrence.

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<sup>1</sup> PACE is the only non-profit organization dedicated exclusively to the advancement of companies that use a multichannel contract center approach to engage their customers, both business-to-business and business-to-consumer. These channels include telephone, email, chat, social media, web and text. Our membership is made up of Fortune 500 companies, contact centers, BPOs, economic development organizations and technology suppliers that enable companies to contact or enhance contact with their customers.

<sup>2</sup> Comments of Professional Association for Customer Engagement, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (August 31, 2020).

<sup>3</sup> “Some Californians didn’t get evacuation alerts in wildfires”, Janie Har, The Associated Press (Aug. 28, 2020).

PACE and others have warned many times that current call blocking solutions are flawed and that erroneous blocking could result in consumers failing to receive important and sometimes urgent communications.<sup>4</sup> Despite these warnings, the Commission continues to allow voice service providers to provide algorithmic blocking to consumers on an opt-out basis wherein consumers do not affirmatively accept the risk that they may not receive wanted or important calls.<sup>5</sup> The Commission now proposes a safe harbor for erroneously blocked calls that lacks important safeguards to help prevent another potential catastrophe, like what occurred in Yolo County, from happening again. PACE applauds the Commission’s efforts to combat illegal calls, but one cannot lose sight of the dangers of blocking legal calls in the quest to eradicate illegal calls.

Voice service providers must be held to a high standard when they intervene in the transmission of communications to determine what communications a consumer should receive. Accordingly, PACE urges the Commission to require as a condition of the proposed safe harbor that:

1. Voice service providers deploy a real-time per call blocking notification in the form of a SIP error code and intercept message to inform the caller that their call was blocked.
2. Voice service providers make available contact information for redress in the event of erroneous blocking and act with haste when alerted to erroneously blocked calls – preferably within 24 hours.
3. Fully authenticated calls (*i.e.*, calls receiving an “A” rating) terminate to the call recipient without being blocked.<sup>6</sup>

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<sup>4</sup> See, e.g., “Legitimate phone calls are getting blocked in crackdown on robocalls”, Elaine S. Povich, USA Today (Aug. 29, 2019) (available at: <https://www.usatoday.com/story/tech/2019/08/29/blocking-robocall-scams-real-phone-calls-get-blocked-too/2149516001/>); Comments of Numeracle, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (August 31, 2020) at 7; Comments of The National Opinion Research Center, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (August 31, 2020) at 2; Comments of Noble Systems Corporation, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (August 31, 2020) at 13-14; *Ex Parte* Notice of American Bankers Association, et al., *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (March 4, 2020); Comments of Credit Union National Association, *In the Matters of Advanced Methods to Target and Eliminate Unlawful Robocalls and Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97 (January 29, 2020) at 3; Comment of National Council of Higher Education Resources, *In the Matters of Advanced Methods to Target and Eliminate Unlawful Robocalls and Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97 (June 3, 2019) at 1; *Ex Parte* Notice of Professional Association for Customer Engagement, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (May 29, 2019).

<sup>5</sup> Declaratory Ruling and Third Further Notice of Proposed Rulemaking, *In the Matters of Advanced Methods to Target and Eliminate Unlawful Robocalls and Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97 (adopted June 6, 2019, released June 7, 2019) at ¶ 31.

<sup>6</sup> Some have raised the specter that allowing fully authenticated calls to bypass algorithmic blocking would facilitate illegal calls. This concern is misplaced. Because a fully authenticated call can be easily traced back to its source, illegal callers could be located and prosecuted and therefore have every incentive to avoid making fully authenticated illegal calls.

These basic safeguards are both responsible and necessary to mitigate the real harm that could result from algorithmic blocking and should be integrated as a requirement for the safe harbor. Thank you for your time and attention in this matter. Please do not hesitate to reach out to me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michele A. Shuster". The signature is fluid and cursive, with the first name "Michele" written in a larger, more prominent script than the last name "Shuster".

Michele A. Shuster, Esq.  
Joshua O. Stevens, Esq.  
Mac Murray & Shuster LLP  
6525 West Campus Oval, Suite 210  
New Albany, OH 43054  
Telephone: (614) 939-9955  
Facsimile: (614) 939-9954

General Counsel for PACE