

**Testimony of
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before the
The U.S. Senate Committee on Commerce, Science, and Transportation**

**“Abusive Robocalls and How We Can Stop Them”
April 18, 2018**

Chairman Thune, Ranking Member Nelson, Members of the Committee, thank you for giving me the opportunity to appear before you today.

My name is Kevin Rupy, and I serve as Vice President of Law and Policy at USTelecom. Over the last several years, USTelecom and our member companies have been tremendously focused on the robocall issue, and we share the Committee’s concern about the problems associated with phone-based impostor scams targeting consumers. Scammers can use Caller ID spoofing to mask their identity and location, giving their target a false sense of confidence about who is calling.

In this ongoing battle against criminal robocallers, there have been four important developments over the last year that are particularly significant.

First, the industry-led, ecosystem-wide Robocall Strike Force issued its report to the Federal Communications Commission on October 26, 2016. Comprehensive follow-up reports by the industry groups continuing the work started by the Strike Force were delivered to the FCC last year on April 28, 2017. These reports, taken together, catalogue industry’s substantial efforts to advance the battle against illegal robocalls. These reports hold a significant amount of good

news for consumers. For example, the reports note that the SHAKEN/STIR standards development for the next generation of robocall mitigation tools that the industry had initiated prior to the Robocall Strike Force, were accelerated by six months. These standards, which incorporate caller-ID authentication capabilities into the network and consumer devices, have entered the industry testing phase. In addition, the North American Numbering Council (NANC) – a Federal Advisory Committee that counsels the FCC on numbering issues – is nearing completion of its recommendation to the FCC on the SHAKEN governance framework. Some of the initial testing of the SHAKEN standard is expected to complete later this year, with potential deployments anticipated later this year and in 2019.

The reports also highlight the increasing number of tools that are being developed and actively deployed to consumers, by a growing number of national voice and device providers. Finally, the reports detail the efforts of USTelecom’s Industry Traceback Group, which is comprised of a broad range of network providers from the cable, wireline, wireless and wholesale industries, who are working collaboratively in order to identify the origin of these calls at their source. Industry’s strong commitment to this effort can be seen its significant growth over the last year, from just 3 carriers in July, 2016, to 22 providers as of today.

Second, the reports shows that USTelecom member companies, independent application developers and a growing number of diverse companies offer services today that can help older Americans reduce unknown and potentially fraudulent calls. For example, AT&T has launched its ‘Call Protect’ service that allows customers with iPhones and HD Voice enabled Android handsets to automatically block suspected fraudulent calls. AT&T also offers AT&T Digital Call Protect for IP wireline phones. Verizon’s new Spam Alerts service provides its wireline

customers who have Caller ID – whether they are on copper or fiber – with enhanced warnings about calls that meet Verizon’s spam criteria by showing the term “SPAM?” before a caller’s name on the Caller ID display. And on the wireless side, Verizon has deployed and continues to expand robocall mitigation features as part of its Caller Name ID service, including a spam filter that automatically forwards to voicemail any calls corresponding to the spam risk level selected by the customer.

And various carriers have worked with Nomorobo to facilitate their customers’ ability to use that third-party blocking service, such as Verizon’s “one click” solution that simplifies customers’ ability to sign up for the service. In fact, at a recent joint FCC and FTC robocall workshop, it was noted that since 2016, there has been a 495% increase in smartphone applications alone for addressing robocalls.

Third, the FCC recently adopted rules allowing voice providers to block certain types of calls. USTelecom supported adoption of the rules and participated fully in the proceeding. One issue the FCC raised is what protections legitimate callers should have if their calls are blocked due to the inappropriate scoring of their call. That is an important topic both for situations where voice providers block numbers directly, and for blocking services that consumers may opt into in order to block or filter potentially unwanted calls. It is an issue USTelecom and its members, and other parts of the robocall labeling/scoring ecosystem, have been wrestling with for years, and this fall we hosted a workshop aimed at helping develop “best practices” for the scoring and labelling of calls. A follow-up workshop is scheduled next month.

Finally, we applaud our federal government partners in the robocall fight, who have engaged in a series of enforcement actions against bad actors that have reinvigorated efforts to curb this illegal activity. For example, the FCC last year initiated enforcement actions against three entities that have resulted in more than \$200 million in proposed fines targeting perpetrators of illegal robocalling. The FTC also continues to engage in a series of complementary enforcement actions that target the worst of the worst bad actors in this space. These civil enforcement actions brought by both agencies send a strong and powerful message to illegal robocallers that they will be located and brought to justice. USTelecom and its industry partners stand ready to further assist in these efforts to bring this bad actors to justice. Indeed, the ultimate goal of USTelecom's Industry Traceback Group is to identify the source of the worst of these illegal calls, and further enable further enforcement actions by federal agencies.

While current federal enforcement efforts are laudatory, they are mostly limited to civil enforcement. We believe there is an acute need for coordinated, targeted and aggressive criminal enforcement of illegal robocallers at the federal level. As a result, bad actors currently engaged in criminal robocall activities are – at most – subject only to civil forfeitures. Given the felonious nature of their activities, criminal syndicates engaged in illegal robocalling activity should be identified, targeted and brought to justice through criminal enforcement efforts. We believe, in particular, that U.S. Attorneys' offices across the country should prioritize enforcement where federal statutes, such as the Truth in Caller ID Act, are implicated, and should work closely with the FCC and FTC and international partners in enforcement cases, particularly when the calls originate outside of the United States. While a holistic approach is essential to broadly address the issue of robocalls, robust enforcement efforts targeting illegal robocallers are most effective since they address the activity at the source. For example,

consumer-centric tools may stop a series of calls from reaching tens of thousands consumers, whereas root-cause removal stops millions of calls from ever being sent.

All these recent developments further demonstrate the essential commitment from a broad range of stakeholders that will be necessary to effectively mitigate and defeat these scammers.

Indispensable industry stakeholders from a wide range of companies – including cable, wireline, wireless, and wholesale providers, as well as standards organizations, equipment manufacturers and apps developers – have advanced a concerted, broad-based, effort focused on developing practices, technologies and methods for mitigating phone-based attacks and scams. This coalition has also expanded its cooperation with equally important stakeholders within the federal government and with consumer groups. While our partners in government play a crucial enforcement role, our partners in consumer organizations are vital to raising awareness about the tools available to consumer to help mitigate illegal robocalls.

Industry efforts to address the illegal robocall issue remain ongoing and extremely energized. Importantly, these efforts are being undertaken by the necessary broad range of industry stakeholders, including representatives from the wireline, wireless, wholesale, cable and app developer community, as well as critically important standards organizations. The results of these comprehensive industry efforts are detailed in the industry-led Strike Force report submitted to the Federal Communications Commission in April of last year. The collaborative efforts outlined in the report are highly detailed, extremely comprehensive and warrant more than a brief summary. In order for the Committee to gain a better and complete understanding of these efforts, USTelecom is submitting the April Strike Force Report as an addendum to this written testimony.

In closing, let me again thank the Committee for holding this timely hearing. We share the Committee's concerns, and we look forward to our continued work together to address this constantly evolving challenge.