

# Deadlines Set for Robocall NPRM

May 17, 2017

On Wednesday, May 17, 2017, the Federal Communications Commission (FCC or the Commission) published in the Federal Register a [Notice of Proposed Rulemaking](#) (NPRM) which aims to develop rules and solutions to reduce the number of illegal robocalls placed to consumers. The NPRM was adopted at the Commission's March open meeting.

This NPRM is the first TCPA item adopted under Chairman Pai's leadership. It follows the Chairman's plea for "aggressive action" on [TCPA enforcement](#) and focuses on blocking or preventing calls that are or are likely to be unwanted. Specifically, the NPRM seeks input from the public on several issues and questions related to "robocalls," including the adoption of rules that would allow providers to block one category of calls – spoofed calls. [Note: the NPRM does not define "robocall" in the NPRM, and the proposed rules simply refer to the blocking of calls (of any type). In the NPRM, the Commission appears to be using the term "robocall" as a broad synonym for "unwanted call," not to refer to a call placed using autodialing technology or employing a prerecorded voice.]

The NPRM proposes to allow telecom carriers to block the following types of calls:

- Calls from certain originating numbers, upon request from the subscriber whose telephone number is being spoofed;
- Calls that present an invalid number in the callerID field (e.g., 000-000-0000);
- Calls that present a valid number format but which have not been allocated from the number pool; and
- Calls from numbers that have been allocated to a service provider but not assigned to a subscriber.

The NPRM seeks comment on ways to identify calls in the above categories and the feasibility of such a rule. In addition, the NPRM seeks comment on special considerations for internationally-originated calls, including whether it should offer consumers an opt-in to receive robocalls; and on a proposal to exclude blocked illegal calls from providers' call completion rate calculations.

In an accompanying Notice of Inquiry (NOI), the Commission proposes to allow carriers to block calls where there is a high degree of certainty that the call is a robocall. The Commission asks for comment on methods and criteria providers can use to determine with the requisite high degree of certainty that a call is illegal; on how to formulate a safe harbor to provide certainty to providers, without providing a roadmap to the makers of illegal robocalls how to circumvent call blocking; and on mechanisms to protect legitimate high-volume callers, such as a "white list."

Comments on each of these items are due July 3, 2017, and reply comments are due July 31, 2017. If you are interested in becoming involved in this proceeding, or have questions about how the proposed rules could impact your business, please contact the author of this post or your regular

Kelley Drye contact person.