

# THE NATIONAL LAW REVIEW

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## FCC Adopted Proposed Amendment to Truth in Caller ID Rules

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Since Chairman Ajit Pai took office, combatting illegal robocalls and malicious spoofing has become the FCC's top consumer protection priority. In anticipation of yesterday's Open Commission Meeting, Chairman Pai issued another [press release](#) on Wednesday, calling for "a robust caller authentication system to combat illegal caller ID spoofing" and criticizing carriers that lacked commitment to deploy the SHAKEN/STIR framework by the end of 2019. Between Chairman Pai's [2018 demands](#) that the FCC make real progress in call authentication and yesterday's Open Meeting to vote on its [draft Proposed Rulemaking](#) to amend existing Truth in Caller ID Rules, Chairman Pai solicited details from several large telecommunications carriers about their caller ID authentication plans. These carriers' submissions are available [here](#).

At yesterday's Open Meeting, the Commission unanimously adopted this Proposed Rulemaking. The language in the [adopted Proposed Rulemaking](#) remains largely unchanged from the draft that the FCC released in early January. Consistent with the draft Proposed Rulemaking that [we discussed a few weeks ago](#), the adopted Proposed Rulemaking would, among other things:

- extend the reach of the FCC's enforcement against illegal caller ID spoofing activities to include calls originating outside of the United States and directing at recipients within the United States;
- expand the regulations beyond telecommunications services to include text messaging and VoIP services;
- adopt statutory definitions from the RAY BAUM's Act; and
- seek comments on any other measures that the FCC could implement to further Congress' legislative intent underlying the RAY BAUM'S Act.

Notably, the adopted Proposed Rulemaking added a statement in the footnote, clarifying that the FCC is currently not considering changes to the Truth in Caller ID Rules beyond what was explicitly mandated by section 503 of the RAY BAUM's Act. This clarification rejected arguments in [comments filed by ZipDX](#), which urged the FCC to "go beyond the minor adjustments driven by the RAY BAUM's Act" because the FCC already contemplated additional measures back in 2011 but failed to implement them. In doing so, ZipDX recommended the FCC to include revisions that require a calling number to "be one that is assigned to the caller or is used with the explicit permission of the party to which the number is assigned" and that require a call-forwarding entity to implement procedures limiting improper use of calling number. Other entities also had information discussions and submitted written comments in the six weeks following the release of the draft Proposed Rulemaking, which the FCC did not incorporate or address in its adopted Proposed Rulemaking.

During the Open Meeting, Commissioner O'Rielly expressed concerns that current enforcement methods need to be improved so that the FCC would be more capable of bringing foreign criminals to justice. Commissioner Carr emphasized that this Proposed Rulemaking signals the FCC's efforts in making robocalls a top-priority enforcement issue and applauded the provisions allowing voice service providers to block unlawful calls before they reach consumers and the provisions requiring industries to implement authentication frameworks. Commissioner Starks invited the public to help the FCC continue refining existing tools to combat robocallers' predatory schemes.



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Commissioner Rosenworcel voiced her strong disapproval that the FCC had only taken a handful of enforcement actions against robocallers in the last two years when five billion spoofed calls are now made each month across the nation. (See the FCC's [first report on illegal robocalls](#) also released yesterday.) She then urged the FCC to create a division exclusively dedicated to combatting robocalls, which have become the "single largest source of consumer complaints" in the past year.

Chairman Pai specifically addressed the dire need for this rule amendment when the FCC had received more than 50,000 complaints for illegal robocalls last year, most of which arose from an international phone scam targeting Chinese citizens living in America that had defrauded \$3 million from consumers, according to a criminal investigation conducted by the New York Police Department. Chairman Pai further proposed additional steps the FCC will take in the wake of this proposed rulemaking, including working collaboratively with local town halls around the country to educate older consumers on reporting and identifying robocalls. Chairman Pai then concluded this item by reiterating that industries should work with the FCC to deploy the authentication framework by the end of this year.

This Proposed Rulemaking will be published in the Federal Register in the upcoming days, at which time the thirty-day comment period will begin. Interested parties should closely monitor this proceeding and submit comments before the deadline.

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