

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59

I support this Notice, which is focused on protecting consumers from *illegal* robocalls, a distinction the item before us makes clearer than the previously circulated version did. Unlike the prior Commission, whose misguided interpretations of the Telephone Consumer Protection Act of 1991 (TCPA) have exposed legitimate businesses to liability for trying to provide useful information that their customers expect to receive, this item seeks comment on ways to stop actual bad actors from making calls to scam and defraud consumers. We should pursue these illegal robocallers, many of which are overseas, to the fullest extent of our authority, including curtailing their ability to engage in abusive calling practices.

While we wait for the D.C. Circuit to render a decision on the 2015 *TCPA Omnibus* Order and beg they do the right thing, we can at least agree that there are certain types of calls that seem to be such clear violations of the statute that they could be blocked under the appropriate circumstances. In particular, it is hard to even imagine a lawful reason for a caller to appear to place calls from invalid numbers, numbers not allocated to any provider, and numbers not assigned to any subscribers. If a legitimate business has consent to contact a consumer, it is difficult to see why the business would resort to spoofing an unassigned number.

The harder questions, put forth in the NOI portion, seek comment on other categories of illegal robocalls that could be identified using objective standards. The challenge here is finding the right criteria to capture illegal robocalls without also blocking lawful calls, if at all possible. I hope that we receive a robust record, which needs to include ways to define and protect legitimate callers. One idea that I would not support, however, would be to require providers to submit their proposed practices to Commission staff for review. This suggestion was excised from the item at my request and I would not agree to it in the future either.

Finally, I was heartened to see discussion of a safe harbor to protect providers that block calls in accordance with rules adopted by the Commission. Notwithstanding the D.C. Circuit's decision, the Commission may need to create a safe harbor for legitimate callers who follow industry best practices to keep customer information up to date but occasionally reach numbers that have been reassigned. Reassigned numbers remains a huge problem and it needs to be resolved without just sticking the burden on any legitimate company, especially the wireless carriers.

In terms of the larger picture, I can only hope that we are presented with the opportunity to revisit the erroneous decisions of the prior Commission that have harmed upstanding businesses and innovation without actually protecting consumers from abusive calls. Until that happens, a significant portion of U.S. commerce remains at the mercy of bounty hunting law firms seeking to extract payments from a statutory interpretation gone awry.

I thank the Chairman for accommodating my proposed changes and the staff for their diligent work.