

FTC Notice of Proposed Rule Making (CLID)

Supplier Name: Teleperformance (USA Group)

Person Completing: Julie Loppe-Peyrin, EVP Corporate Process Auditor

Phone Number: +1 (801) 257-6168

	Question	Answer
<p>1a.</p>	<p>If the proposed rule is enacted as written would it impact your ability to continue to transmit Caller Identification? Describe the impact.</p>	<p>We would summarize the key areas of impact as:</p> <p>TRANSMISSION OF NAME – Possible impact. Our equipment transmits name. Currently, telephone service providers control whether or not they ‘pick up’ on the name information that our dialer transmits. If the rule requires, without qualification, using a service provider that ensures name transmission, it could be very problematic as we do not know of any telephone service provider that provide this to date. Further, it is likely that there would be a premium cost associated with this service if made available.</p> <p>AREA CODES – No Impact. Currently the Caller ID number transmitted is associated with the “principal place of business of the telemarketer”.</p> <p>REGISTERING CALLER ID NUMBERS—No Impact. If the rule requires registering Caller ID information with a publish directory, we do not see this as problematic. Currently our principal Caller ID number is a published number.</p> <p>ABBREVIATIONS – No Impact. A requirement to restrict abbreviations of Caller ID name in manner that becomes too cryptic for consumers would not have any impact.</p>
<p>1b.</p>	<p>If enacted as written would the provisions/restriction result in addition costs ?</p>	<p>There could be possible additional costs that would impact carrier service. It is not possible to determine the cost impact at this time as telephone service providers currently do not offer any options to guarantee transmission of name.</p>

FTC NPRM Questions

	Question	Answer
1c.	<p>What services exist to assist consumers in identifying the source of deceptive or abusive calls in which the telemarketer does not truthfully disclose the name of the telemarketer, seller, or charitable organization at the outset of the call or abandons a call without identifying the source of the call?</p> <p>Are these services dependent on reliable transmission of CPN or equivalent information?</p> <p>How much does it cost consumers to use these services?</p>	<p>We are unaware of any services of this type. Internet search engines have proven helpful during our investigations of numbers that do not belong to Teleperformance, but that are directed to us.</p>
2.	<p>How widespread is consumer use of Caller ID services to screen unwanted calls?</p> <p>Do consumers use other services that rely on transmission of CPN, such as call-blocking equipment, to avoid or block unwelcome telemarketing calls?</p>	<p>Teleperformance is not in a position to assess how widespread the user of Caller ID services is amongst consumers. Those who contact our Caller ID line are clearly using such technologies, but this is only a small fragment of all households called. It is not possible to infer Caller ID service usage against the broader population with any level of accuracy. Further, most callers into the Caller ID line simply want to confirm who is calling and why. (Not to be placed on a DNC list.)</p> <p>Teleperformance is not versed in call-blocking technologies.</p>
3.	<p>Would changes to the TSR improve the ability of Caller ID services to accurately disclose to consumers the source of telemarketing calls, or improve the ability of service providers to block calls in which information on the source of the call is not available or has been spoofed?</p> <p>If so, what specific amendments should be made to the TSR?</p>	<ul style="list-style-type: none"> • Current TSR/TCPA transmission requirements and now the Truth in Caller ID Act are very clear and when followed do provide consumers and law enforcement traceability to the source of calls. <p>Companies intend on circumventing the laws could be thwarted more by:</p> <ul style="list-style-type: none"> • Requiring CPN or ANI transmitted that must correspond to a company registered on the service provider's CNAM database/directory.
4.	<p>Should the Commission amend the Caller ID provisions of the TSR to recognize or anticipate specific developments in telecommunications technologies relating to the transmission and use of Caller ID information?</p> <p>If so, what specific amendments should the Commission make?</p>	<p>-- We are not aware of any specific or anticipated developments in telecommunication caller ID technologies.</p>

<p>5.</p>	<p>What role do telephone service providers (including those that are not common carriers) play in providing services, equipment or software that allows telemarketers, sellers and charitable organizations to manipulate the caller number and name information in telemarketing calls?</p> <p>The TSR provides that it is a violation of the Rule for a person to provide substantial assistance or support to any seller or telemarketer when that person knows or consciously avoids knowing that the seller or telemarketer is engaged in any act or practice that violates enumerated provisions of the Rule.</p> <p>Is this provision adequate to regulate service providers that assist telemarketers and sellers in manipulating caller number and name information?</p>	<p>Telephone service providers current manage how the Caller ID information transmitted from our equipment will be processed and delivered across their network. This has a direct impact on what, if any, information reaches the consumer.</p> <p>This provision has been significant in ensuring that legally-operating sellers and telemarketers hold each other accountable to for full compliance. It has had a strong, positive effect in this regard.</p> <p>Yes. It has helped legally-operating companies confirm exact Caller ID information to be transmitted and that the TSR/TCPA requirements for handling those calls are well in place for each campaign.</p>
<p>6.</p>	<p>When the Commission adopted the Caller ID provisions of the TSR in 2003, it acknowledged the possibility that a small number of telemarketers may not have access to telecommunications systems capable of transmitting calling number information. Do all telemarketers now have access to technology that allows them to transmit or arrange for the transmission of such information?</p> <p>Should the Commission amend the Caller ID provisions of the TSR to specify that telemarketers, sellers, and charitable organizations must use technology that causes the CPN to be transmitted with all telemarketing calls?</p> <p>Commenters should address whether there are currently areas that are served only by telephone companies that are not capable of transmitting Caller ID information or, more specifically, not capable of transmitting CPN.</p> <p>If services that transmit CPN are available to a telemarketer, is there any justification for giving such a telemarketer the option of using technology that does not transmit CPN, but transmits ANI or some other identifier?</p> <p>Specifically, is it more expensive to use a service that transmits CPN than one that does not? If so, how much more expensive?</p>	<p>It is difficult to respond on behalf of all telemarketers. Our organization is large and makes access to this technology a priority.</p> <p>This amendment would not impact us since our technology already transmits CPN.</p> <p>Not that we are aware of.</p> <p>For CPN only, no.</p>

<p>7.</p>	<p>Should the Commission amend the Caller ID provisions of the TSR to require, without qualification, that telemarketers use technologies or subscribe to services that provide caller name identification to recipients who use enhanced Caller ID services?</p> <p>Are there any telemarketers that do not have access to services that cause caller name information to be transmitted to Caller ID services?</p> <p>What portion of consumers receive caller name information through Caller ID services?</p> <p>Would requiring telemarketers to use technologies or services that provide caller name information increase telemarketers' costs?</p> <p>If so, how much does it cost to use these technologies or services?</p>	<p>No. Currently these telephone provider services are not sufficiently available to telemarketers and sellers. The potential costs are unknown. Finally, this provision would ultimately not prevent illegal companies from continuing to by-pass them.</p> <p>Teleperformance is not in position to answer this question.</p> <p>Teleperformance is not in position to answer this question.</p> <p>Teleperformance is not in position to answer this question.</p> <p>Teleperformance is not in position to answer this question.</p>
<p>8.</p>	<p>Should the Commission amend the Caller ID provisions of the TSR to further harmonize the TSR with the regulations promulgated by the FCC pursuant to the TCPA? Have differences in the language in 16 CFR 310.4(a)(7) and 47 CFR 64.1601(e) caused problems in industry compliance?⁴²</p>	<p>In our view, the differences in the FTC and FCC language on this regulation has not caused problems.</p>
<p>9.</p>	<p>Should the Commission amend the Caller ID provisions of the TSR to further specify the characteristics of the telephone number transmitted to any Caller ID service? For example, should the TSR require that the telephone number transmitted be:</p> <p>(a) a number that is listed in publicly available directories as the telephone number of the telemarketer, seller, or charitable organization?</p> <p>(b) a number with an area code and prefix that are associated with the physical location or principal place of business of the telemarketer or the seller?</p>	<p>(a) We could support this modification. Carriers might be able to obtain minimum, basic identification of the companies for law enforcement traceability. It might be interesting to explore if carriers could screen transmitted numbers for non-legitimate numbers.</p> <p>(b) We could support this modification. The numbers we use are traceable to ours and/or our clients' organizations.</p> <p>However, we do not believe that this would actually prevent companies that are using an automated dialer and not transmitting a number or inserting wrong information from continuing those practices.</p>

	<p>(c) a number that is answered by live representatives or automated services that identify the telemarketer, seller, or charitable organization by name?</p> <p>(d) a number that provides for prompt and easy communication with the live representatives of the telemarketer, seller, or charitable organization?44 or</p> <p>(e) a number that is the same as the telephone number that is listed in direct mail solicitations or other advertising (such as Internet or broadcast media) as the telephone number for the telemarketer, seller, or charitable organization?</p>	<p>(c) We support this modification. Legitimate companies already adhere to providing full disclosure to callers in response to their inquiries when they call into the Caller ID lines.</p> <p>(d) We support this modification. Same comments as above. No significant costs or technology is needed to accommodate this requirement.</p> <p>(e) This modification would not impact our operations as a call center service provider (telemarketer). However, we could imagine that sellers dependent upon telephone numbers as a source of marketing response data could be significantly impacted.</p>
<p>10.</p>	<p>Should the Commission amend the Caller ID provisions of the TSR to permit a seller or telemarketer to use trade names or product names, rather than the actual name of the seller or telemarketer, in the caller name provided to Caller ID services?</p> <p>Should the Commission allow the use of acronyms or abbreviations? If so, are there circumstances in which the use of an acronym, abbreviation, trade name or product name should be prohibited?</p>	<p>Our view is that the current regulations requiring the seller and/or telemarketer to be identified best suits the objective of identifying the source of calls. Expanding to allow the use of trade names or product names should only be allowed if it helps clarify source.</p> <p>Our view is that acronyms or abbreviations should not be permitted as that would lead to increased cases of obscurity, not less.</p>
<p>11.</p>	<p>Do consumers benefit from provisions in the TSR that give calling parties the option of substituting the number and name of the seller or charitable organization for the number and name of the telemarketer?</p> <p>Should the Commission amend the Caller ID provisions of the TSR to require that the name provided to Caller ID services be the name of the seller or charitable organization on behalf of which a telemarketing call is placed?</p>	<p>Yes. It is difficult to make the generalization that the telemarketer name or the seller's name will be easier for the consumer to understand who is calling them and why.</p> <p>No. We believe that the more effective approach would be to ensure that the name and number transmitted (whether seller or telemarketer) are registered and traceable back to that entity.</p> <p>The biggest problem with this requirement would be that the carriers will not send the name, ours or our client's. Even if the commission requires this, we would have no way of meeting that requirement in today's world.</p> <p>There is a possibility that when some of our calls reach the called party that they may see our name. This is not a function of us or our carrier sending the name but it is a function of the terminating Telco central office. When an outbound call (which is sending the number only) reaches the terminating Telco central office some of these offices do a database dip to match the CPN they have received with a directory listing.</p>

	<p>Should the Commission amend the TSR to allow telemarketers to cause Caller ID services to display the number of the telemarketer, but display the name of the seller?</p>	<p>Occasionally they will find a match and add the listed name to the number and pass it along with the call. This is very random across the US as all terminating phone companies don't necessarily share the same directory listing databases. Because this is a function of the terminating Telco it is not something that would be provided by our carrier partners.</p> <p>No. As a telemarketer we are able to best manage inquiries and DNC requests by being completely transparent with consumers. When they call into our Caller ID line, we explain which seller was attempting to reach them and provide them with the option to be called back, removed from calling or placed on the seller's DNC list. Consumers quickly understand the telemarketer – seller relationship. Some of our clients (sellers) also prefer to centralize all their Caller ID calls into their principal place of business—this is a very effective approach for handling Caller ID calls.</p> <p>By requiring the seller's name only, consumers will have a greater apprehension about understanding the seller-telemarketer relationship. Further, illegal companies will always find a way to hide behind the names of either telemarketers or sellers.</p>
<p>12.</p>	<p>In general, what benefits has the Rule provided to consumers, telemarketers, sellers, and charitable organizations?</p> <p>What evidence supports the asserted benefits?</p>	<p>Legitimate companies, our clients, have become very attentive to ensuring that all the required mechanisms are in place to provide consumers with information on who is calling them, why and providing a quick option to be placed on the company's DNC list.</p> <p>Our client's audits on their work in our centers and our own internal audits on the entire inventory of outbound clients clearly demonstrate that Caller ID deployment has become "standard industry" practice. These practices align with the ATA's SRO standard.</p>
<p>13.</p>	<p>Could the benefits that the Rule has provided to consumers, telemarketers, sellers, and charitable organizations be achieved through less burdensome or less restrictive means?</p>	<p>We believe the current TSR regulations and the Truth in Caller ID Act provide the most effective requirements within the context of the current technological environment.</p>
<p>14.</p>	<p>In considering amendments to 16 CFR 310.4(a)(7), should the Commission also consider amendments to 16 CFR 310.4(d) and (e), which describe the oral disclosures that must be made to identify the seller or charitable organization at the outset of an outbound telephone call or up-sell?</p>	<p>Our view is that the arguments made prior to the 2003 rule are still valid and that modifications would not be effective in stopping the companies deploying illegal practices.</p>