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Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, NW
Room H-113 (Annex Q)
Washington, DC 20580

Re: Advance Notice of Proposed Rulemaking Concerning Caller Identification,
Matter P104405

The Alliance for Telecommunications Industry Solutions, on behalf of its Next Generation Interconnection Interoperability Forum (NGIIF), hereby submits these comments in response to the Federal Trade Commission's (Commission) December 15, 2010, *Advance Notice of Proposed Rulemaking (ANPRM)*. The *ANPRM* seeks input on the Commission's Telemarketing Sales Rule concerning caller identification services and disclosure of the identity of the seller or telemarketing company responsible for telemarketing calls. In these comments, ATIS NGIIF responds to specific questions in the *ANPRM*.

By way of background, ATIS is a global standards development and technical planning organization that leads, develops and promotes worldwide technical and operations standards for information, entertainment and communications technologies. ATIS's diverse membership includes key stakeholders from the information and communications technologies industry, including wireless and wireline service providers, equipment manufacturers, providers of commercial mobile radio services, broadband providers, consumer electronics companies, public safety agencies, and internet service providers.

In the *ANPRM*, the Commission seeks comment on issues pertaining to Caller ID services and possible changes to the Telemarketing Sales Rule (TSR).¹ ATIS NGIIF appreciates the opportunity to provide input from its perspective as the industry forum that addresses next-generation network interconnection and interoperability issues associated with emerging technologies and that develops operational procedures that involve architecture, disaster preparedness, installation, maintenance, management, reliability, routing, security, and testing between network operators.

¹ 16 CFR 310.4(a)(7).

One issue on which the Commission is seeking comment is whether services exist to assist consumers in identifying the source of deceptive or abusive calls and whether such services are dependent on reliable transmission of calling party number (CPN) or equivalent information.² ATIS NGIIF notes that, while many service providers offer terminating services that provide a calling number and/or calling name services that a consumer might use to identify the source of an incoming call, these services cannot identify the purpose of the calls. These services therefore cannot specifically identify calls that are made for deceptive or abusive reasons.

The terminating services are also limited in that they can only relay to the consumer information the service providers themselves receive from the originating caller. The terminating providers cannot independently verify such information. In this regard, the terminating services do rely on CPN and assume that the CPN is delivered reliably (i.e. transmitted without introduced errors). It is important to understand that different entities may populate CPN with different information (such as “call back number,” “calling party identity,” and “billed number”). Since CPN is not always populated with the same information, the use of CPN for caller identity is not uniformly reliable.

The Commission in the *ANPRM* also asks about consumer use of Caller ID services to screen unwanted calls.³ While ATIS NGIIF does not have specific data regarding the use of Caller ID to screen calls, it does note that Caller ID services are widely available and therefore believes that it is reasonable to assume that callers do not answer some fraction of calls based on the Caller ID information. ATIS NGIIF also notes that there are services offered by some providers that allow the automated screening of calls based on CPN.

Another question in the *ANPRM* asks for input regarding changes to the TSR to 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.⁴ ATIS NGIIF does not believe that there is a need to change the TSR to improve the ability of service providers to provide Caller ID, Caller Name or screening services.

Other questions in the *ANPRM* focus on the availability and use of Caller ID services by telemarketers.⁵ While many of these questions are outside the scope of the ATIS NGIIF, it is important to note that the caller name information provided by a terminating service provider to their customers is subject to technical and business decisions. Moreover, because current Caller ID services are based on CPN, the name information that is available to the consumer may be independent of a telemarketer’s choices. For instance, the terminating service provider may: (1) choose not to obtain name information based on CPN from all service providers; (2) obtain name

² *ANPRM*, Section IV, Question 1.

³ *ANPRM* Section IV, Question 2.

⁴ *ANPRM* Section IV, Question 3.

⁵ *ANPRM* Section IV, Questions 6, 7.

information from a party other than the telemarketer's service provider; (3) be unable to obtain name information because of the nature of the CPN (e.g. non-geographic numbers). ATIS NGIIF urges the Commission exercise caution to avoid rules that may inadvertently impose obligations on service providers other than those that provide service to the call originating telemarketers.

The *ANPRM* also asks for input as to the benefit to consumers of 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.⁶ ATIS NGIIF notes that there may be legitimate reasons for non-telemarketers to modify the calling number or calling name associated with a call that are beyond the intent of the TSR.

Finally, ATIS NGIIF notes that the *ANPRM* seeks input on whether the Commission should amend the Caller ID provisions of the TSR to further harmonize the TSR with the regulations promulgated by the FCC pursuant to the TCPA.⁷ ATIS NGIIF supports the efforts of Federal agencies to ensure consistency in regulation and regulatory frameworks. However, any effort to amend the Commission's rules should ensure that the harmonized rules do not have unintended and/or indirect impact on the ability of communications providers to manage their networks and to ensure that communications systems can operate effectively and interoperate seamlessly.

ATIS NGIIF appreciates the opportunity to respond to the *ANPRM* and would welcome the opportunity to provide further input on appropriate issues, including those related to CPN.

If you have any questions pertaining to this matter, please do not hesitate to contact me.

Sincerely,

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Thomas Goode
General Counsel

⁶ *ANPRM*, Section IV, Question 11.

⁷ *ANPRM*, Section IV, Question 8.