

## **The No Equipment Solution**

**No Additional Equipment Required**

**Uses Existing Local and Inter-Exchange Carriers Procedures**

**Minor Changes (By Congress?)**

**Do Not Call Law**

**FTC Rules**

**FCC Rules**

**Federal Government Revenue Opportunity**

**Bounty / Reward System for Consumers**

**Compatible with Reverse 9-1-1 Systems**

April 1, 2013

All of the equipment to stop Robo Calls is in place today and operational in the LEC, CLEC and IXC. (These are the Local Exchange Carrier, Competitive Local Exchange Carrier and Inter Exchange Carrier, collectively and known as the Public Switched Telephone Network or PSTN.) There is no need for additional equipment. What are needed are minor changes to the Do Not Call law, FCC / FTC rules and procedural changes in the PSTN carriers' networks.

#### Supporting Background Considerations

When the any of above carriers implement the Caller I/D feature, it is possible for anyone receiving a telephone call to identify the caller before answering the incoming call. The use of this feature requires special equipment or a telephone capable or reading the caller I/D feature and a subscriber fee paid to the telephone network service provider.

When telephone service is installed, the subscriber's name and number are entered into a data base that provides information to the telephone network switching equipment and is included in the origination switch for the call set up process. The destination switch receives the call set up information and transmits the caller I/D information to the destination phone's caller I/D display. This information is also used for subscriber billing for services.

Any subscriber has the option to suppress the caller I/D information on a permanent basis at no charge. Any subscriber may suppress or enable the caller information on a per call basis by dialing a special code before dialing the called number. In the future, business subscribers are excluded from using either of these features.

The entry of the subscriber name and number is an EXISTING process at almost all carriers. (There may be some smaller and rural (i.e. REA) carriers that have not implemented caller I/D.) When the carrier completes the caller identification process, the information is true and accurate. The "True and Accurate" qualification is a very important distinction.

A commercial or business telephone goes through the same process of caller I/D information entry for telephones that are not connected to a Private Automated Branch Exchange (PABX). A company with a PABX is usually connected to the carrier's network using a T-1 circuit. The access method for a T-1 access customer is shown in Figure 1. An unfortunate technical feature of T-1 network access is that the PABX can be programmed to insert ANYTHING into the caller I/D field of an outgoing call. Most businesses insert accurate information into the outgoing caller I/D field. Some businesses that are not adhering to the Do Not Call law may insert false or no information into the outgoing caller I/D field.

#### Changes to the Carrier Procedural Requirements

The procedural changes are not changes to the procedure itself but a requirement for specific and accurate information. (FCC rule change) During the installation of telephone service, a name and number must be entered into various Telco systems. This procedure is one of the things that are done during the installation of any access to the PSTN. The first change is the requirement that this information is accurate and reflects the actual telephone number and accurate business name must be entered into the system. The second procedural change is that a business telephone cannot enable the 'Caller I/D' blocking feature. The residential telephone subscriber and select public safety subscribers are permitted to block the caller I/D feature. An important part of this requirement is that any company T-1 network access is prevented from inserting the originating (i.e. Outbound) Caller I/D information using their PABX equipment. The carrier blocks this feature at the attachment point in their network within the carrier's

switch. This blocking can be accomplished by configuring the Telco switch to assume that the customer PABX is not capable of outgoing caller I/D. (Anything in the outgoing caller I/D field is ignored.)

### Local Exchange Carrier Access Methods

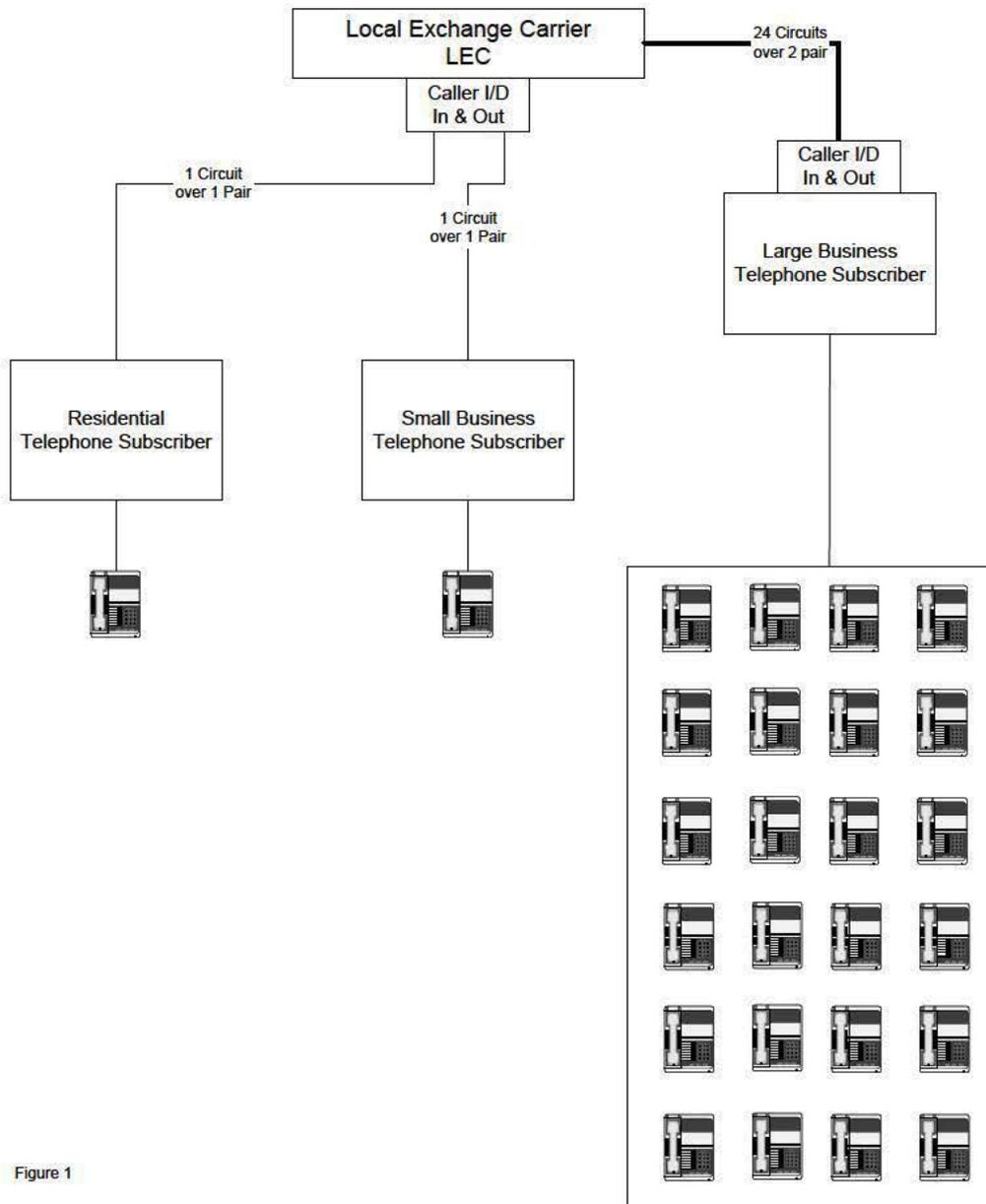


Figure 1

The above diagram shows the various connection methods permitted to the public switched telephone network. (PSTN)

**LEC CLEC IXC Carrier Access Methods**

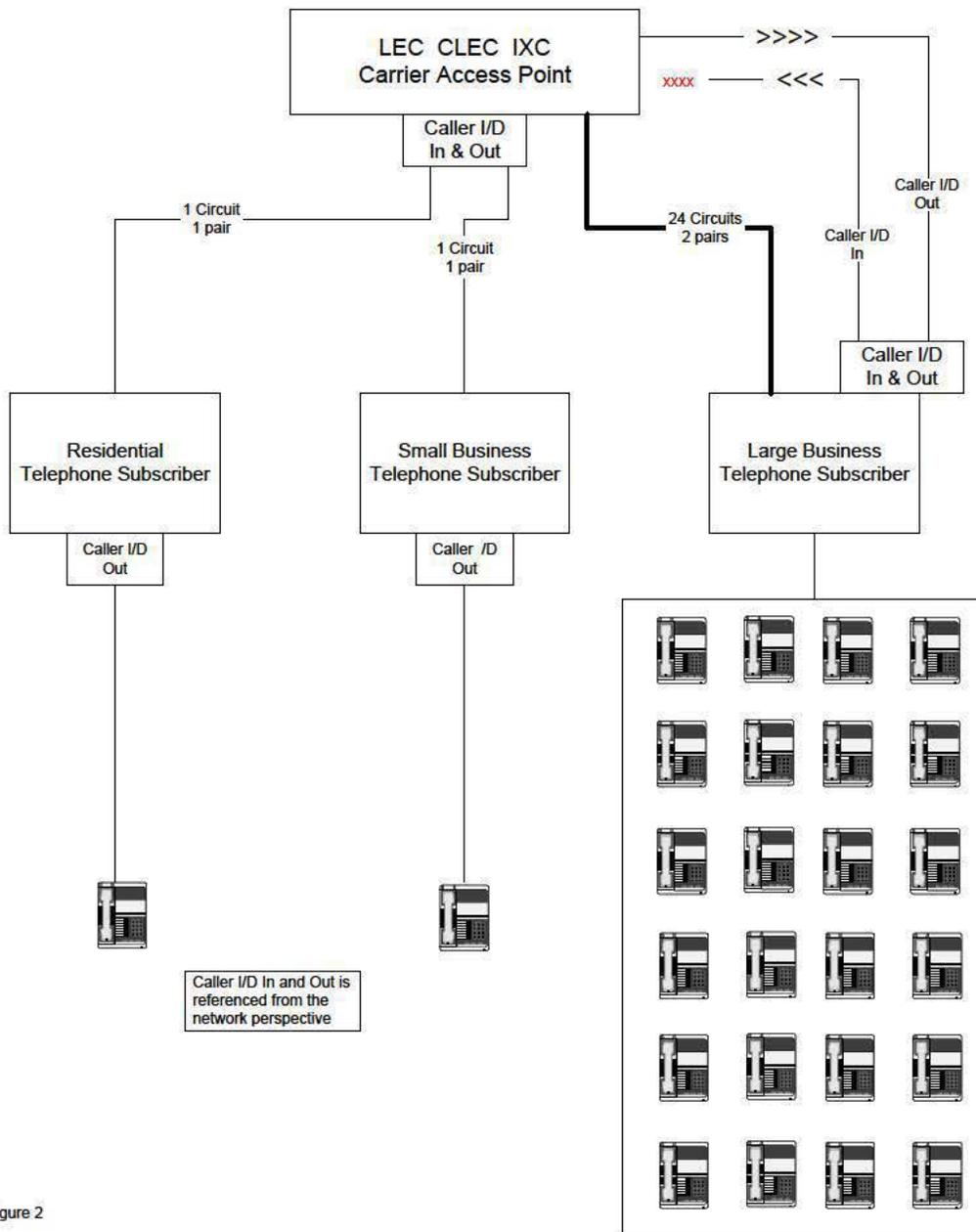


Figure 2

The diagram in Figure 2 shows the **logical** disabling of the outgoing caller I/D information from the customer PABX. No physical wiring or access method is changed; the diagram shows only the logical change.

The result of the procedural changes described above is that the Caller I/D information (phone number and the business name) is guaranteed to be accurate on every call made from all business customers. Residential customers would continue to have the ability block their Caller I/D as they do now.

April 1, 2013

With these changes, the residential customer is guaranteed accurate information to make the decision to refuse to pick up the call and/or file a complaint with the FTC. Filing a complaint with the FTC becomes a very potent weapon in the fight against Robo calls. It is very important to note that the caller I/D and therefore the complaint information will be accurate.

The US Congress would need to make some minor changes to the Do Not Call law. This is the second step in the fight against Robo calls and, quite simply, allow for a reporting a bounty and require the procedural changes. This bounty would be considered a tax free stipend to the residential customer.

The changes to the law are:

1 ~ For every complaint, the customer gets part of fine that the FTC collects from the Robo call operator. This would be limited to people on the Do Not Call list that filed a complaint and limited to a maximum specific dollar amount per year. The bounty would be based upon the dollar amount actually collected from the Robo Call operator. The bounty fund would be distributed to all plaintiffs that are on the Do Not Call List with a specific complaint on the fined Robo caller. The total bounty would be a percentage of the actual amount collected. This is similar to the whistle blower rewards that exist today. The residential customer may report the Robo caller on each occurrence of a call however only a single bounty for the first call reported would be paid. At the discretion of the FTC, multiple bounties to the residential customer may be awarded for multiple calls from the same Robo caller.

2 ~ Because the operators (i.e. Owners of the Robo Call company) of the Robo Call system are willfully breaking the law, they cannot shield personal assets from seizure by the FTC to satisfy any assessed fines. Legal fees and court costs may be added by the court to any fines assessed. The fines and costs will be made exempt from relief during a bankruptcy filing.

3 ~ When the FTC receives an excessive number of complaints against a particular Robo Caller, the law must allow for immediate disconnect of the Robo Caller's telephone network access and place a financial freeze of personal and company's assets. Obviously the shutdown action must be approved by the federal courts and pursuant to the wording of the law. Note that nothing is seized at this stage of enforcement but rather just assets frozen. The criteria for the shutdown and freeze injunction would be an excessive number of complaints submitted by consumers under penalty of perjury. (No anonymous complaints accepted.)

4 ~ The Do Not Call law needs to be changed so that both the company actually connecting the call and the beneficiary of the call are both fined an amount equal to the per call fines. This prevents a shell company from being set up to place the calls for the benefit of the telemarketing company. The intent is to fine both companies at the same rate per call.

5 ~ Robo calls that originate beyond the jurisdiction of the United States will incur treble fines for the beneficiary of the calls. The FTC/FCC may require that the Robo calls originating from beyond US jurisdiction be blocked by the international carrier. If the Robo caller disguises their originating phone number and makes blocking the originating calls impossible by phone number, the FTC/FCC may invoke the authority to block all calls originating from the offending area code and or foreign communications administration. (This may require State Department involvement.)

An advantage of this "No Equipment" solution is that legitimate (Reverse 9-1-1) Robo calling systems can function normally. Reverse 9-1-1 Robo calling systems are commonly being operated by local public safety agencies.

## How Does This Solution Work?

Step 1 ~ Accurate Caller I/D information entered by the PSTN access provider.

Step 2 ~ Accurate reporting of abuse of the "Do Not Call" list by the consumer. All reports are made under penalty of perjury. The reporting consumer MUST have their phone number listed on the Do Not Call List.

Step 3 ~ Vigorous prosecution of violators and imposition of fines. Fines are on BOTH the business placing the call and the business that is the beneficiary of the call.

Step 4 ~ The individuals owning and operating the company placing the calls cannot shield their personal assets from seizure to satisfy the fine. These individuals cannot use bankruptcy to shield personal assets.

Step 5 ~ The reporting consumer is given an incentive to report violations. Any fines collected are partially distributed to the reporting parties. The part of the fine that is distributed would be a similar percentage to that of any whistle blower reward.

In summary.

Accurate information from the PTSN access provider

Yields

Accurate consumer reporting of violations

Yields

Accurate evidence for FTC prosecution of offenders

Yields

Business operators fined

Yields

Financial reward for consumers and Federal Government revenue.

The problem today is that businesses can spoof their caller I/D when access is PABX based. By making the Caller I/D information true and accurate, the consumer can report accurately any violation. With accurate Caller I/D information, the FTC can go to court and put these companies out of the Robo Call business.

## Initial Description

The Public Telephone Switched Network (PTSN) access provider takes control of the content of calling Caller I/D field on all business telephone access.

Business telephones are prevented from blocking or over riding the caller I/D information as entered by the PSTN access provider.

Consumers report abuse, under penalty of perjury and the caller I/D information is known to be accurate because it was entered by the PTSN access provider.

The FTC (With possible FBI assistance) prosecutes offending call originators and the company that is the beneficiary of the call.

Upon collecting fines, the FTC shares the proceeds with the reporting consumers in an arrangement similar to current whistle blower rewards.