

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
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Advanced Methods to Target and Eliminate)	CG Docket No. 17-59
Unlawful Robocalls)	
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REPLY COMMENTS OF THE AMERICAN FINANCIAL SERVICES ASSOCIATION

August 16, 2018

I. INTRODUCTION.

The American Financial Services Association (“AFSA”) respectfully submits these reply comments on the Federal Communications Commission (“FCC” or “Commission”) Consumer and Governmental Affairs Bureau’s *Public Notice*, which “seek[s] data and other information on the progress of robocalling initiatives among government, industry, and consumers” for an FCC staff report on robocalling.¹

AFSA supports the Commission’s efforts to combat illegal robocalls and help protect consumers from scammers, fraudsters, and other bad actors by adopting call-blocking and anti-spoofing measures and taking enforcement actions against those responsible for fraudulent and illegal robocalling schemes.

Our comments are in response to those commenters who urged the Commission to conduct a comprehensive report that includes data from phone companies, callers, and call-mitigation services. Some commenters ask that the FCC’s report include information not just from illegal robocallers, but from legitimate callers or institutions with whom a consumer has a relationship. AFSA disagrees. The Commission should recognize that legitimate businesses are not the primary source of illegal robocalls and should not be included in the Commission’s staff report on robocalling.

II. ABOUT AFSA.

AFSA is the primary trade association for the consumer credit industry, protecting access to credit and consumer choice. Since 1916, AFSA members have provided consumers with many kinds of credit, including traditional installment loans, mortgages, direct and indirect vehicle

¹ *Consumer and Governmental Affairs Bureau Seeks Input for Report on Robocalling*, CG Docket No. 17-59 (re. June 20, 2018) (“Public Notice”).

financing, payment cards, and retail sales finance. AFSA members aim to shape the financial industry's direction and positions on a broad range of policy issues to benefit consumers, competition, and innovation. AFSA believes in a collaborative regulatory process between agencies like the FCC and the parties directly affected by proposed regulations.

III. THE REPORT ON ROBOCALLING SHOULD FOCUS ON ILLEGAL ROBOCALLS MADE BY BAD ACTORS.

AFSA respectfully requests that the FCC focus its report on robocalling on criminal and fraudulent activity, not outreach from legitimate businesses to their customers.

Consumers are harmed when businesses (as well as schools, doctors' offices, veterans' organizations, etc.) face barriers to communicating with them using forms of communication (text, e-mail, cell phones) that consumers prefer due to Telephone Consumer Protection Act ("TCPA")² restrictions. The TCPA's restrictions force some businesses to choose between making legally required calls and risking frivolous TCPA lawsuits or violating competing statutes – having a chilling effect on communication between businesses and consumers. Businesses' fears of TCPA litigation and related damages dampens businesses' willingness to use new and evolving technology to their and their customer's advantage. To mitigate risk, businesses may decide (and some already have) to move their call centers to countries with low wages where the calls can be made at affordable rates from manually-dialed phones which will affect domestic jobs as well as effective communication with consumers.

AFSA agrees with the comments of the American Association of Healthcare Administrative Management ("AAHAM"). AAHAM wrote, "Rather than adopt a flawed approach that conflates all communications from legitimate account notifications to criminal deception, the

² See, e.g., *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 et al.*, Declaratory Ruling and Order, 30 FCC Rcd 7961 (2015) ("2015 TCPA Order").

Commission should track and release quantitative data about alleged unlawful spoofing, fraud, and scam activities.”³

AAHAM continued, “Complaint data should also identify the practices being used by such bad actors (*e.g.*, spoofing, caller ID blocker) and the stories being told by scammers, except where such data may need to remain confidential for investigative purposes. In addition, the Commission should release more information about the actions taken in response to spoofing, fraud, and scam complaints.”⁴ AFSA agrees with these points as well.

The approach suggested by AAHAM focuses clearly on the problems consumers face. This is in contrast to the approach suggested by the National Consumer Law Center (NCLC). In its letter, NCLC writes, “We rely primarily on information provided by the FTC [Federal Trade Commission]; data from the call-blocking companies, such as YouMail and Nomorobo; consumer stories; and complaint data in order to understand the outlines of the robocall problem.”⁵ The problem with relying on this data is that it is either anecdotal or groups together legitimate business communications with calls from bad actors.

³ See Comments of American Association of Healthcare Administrative Management, CG Docket Nos. 17-59 and 02-278, at 4-5 (Filed July 20, 2018).

⁴ *Ibid.*

⁵ See Comments of the National Consumer Law Center *et al.*, CG Docket No. 17-59, at 3 (Filed July 20, 2018).

IV. CONCLUSION.

AFSA supports the FCC's goal of reducing unwanted robocalls from spoofers, scammers, and other bad actors. We encourage the collection and release of additional information about illegal robocalls from such bad actors. Please feel free to contact me with any questions at 202-466-8616 or bhimpler@afsamail.org.

Respectfully submitted,

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