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Senate Subcommittee on Communications, Technology, Innovation, and the Internet

“Illegal Robocalls: Calling All To Stop The Scourge”

April 11, 2019

Good morning Chairman Thune, Ranking Member Schatz, and esteemed members of the Subcommittee. I'm Doug Peterson, Attorney General for the State of Nebraska, and I am here to provide my office's perspective on protecting consumers from the scourge of illegal robocalls. Thank you for the opportunity to testify on this important issue.

State attorneys general are on the front lines of helping consumers who are harassed and scammed by unwanted calls. Robocalls and telemarketing calls are currently the number one source of consumer complaints at many of our offices, as well as at both the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC). In response, Attorneys General bring enforcement actions against telemarketers and robocallers under state and federal law, both in our individual capacities and collectively with the US Department of Justice and the FTC.

In 2015, ten state AGs partnered with the FTC to sue a Florida-based cruise-line company that conducted a telemarketing campaign resulting in billions of robocalls.¹ In 2017, four AGs and the US Department of Justice obtained a \$280 million judgment against Dish Network for

¹ Caribbean Cruise Line, Inc. and the other defendants agreed to injunctive terms barring them from calling consumers whose phone numbers are on the DNC Registry, spoofing caller ID information, and placing illegal robocalls.

knowingly engaging in pervasive telemarketing misconduct, such as placing repeated calls to people on the National Do Not Call Registry and using prerecorded messages.

Law enforcement alone, though, is not enough. As acknowledged in the FCC’s Staff Report on Robocalls released this year, stopping illegal calls before they reach consumers is especially important because – unlike legitimate callers – these nuisance callers will not be deterred by the “prospect of enforcement [action] and [are] especially difficult to locate.”²

For more than four years, we have been a loud – and sometimes critical – voice in the fight to make call blocking a reality for consumers. In September 2014, 39 attorneys general asked the FCC to clarify whether federal law was interfering with efforts by service providers to implement call-blocking technology.³ Ultimately, in June 2015, the FCC clarified that federal law does not prohibit voice service providers from offering, upon a customer’s request, call-blocking technology.⁴

And in July 2017, 30 attorneys general responded in support of the FCC’s proposal to allow voice service providers to block several types of obviously spoofed robocalls – such as those originating from unassigned telephone numbers or impossible telephone number combinations.⁵ 35 attorneys general submitted similar comments to the FCC in October 2018.⁶

² *Report on Robocalls*, CG Docket No. 17-59 (released Feb. 14, 2019).

³ Letter from Thirty-Nine (39) State Attorneys General to Chairman Wheeler, (dated Sept. 9, 2014).

⁴ FCC, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (June 18, 2015).

⁵ FCC, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Report and Order, FCC 17-151 (Nov. 17, 2017).

⁶ See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Reply Comments of Thirty-Five (35) State Attorneys General, CG Docket No. 17-59 at 2–3 (filed Oct. 8, 2018).

We have known for years that technological solutions are part of the answer. Since 2015, though, it has been up to consumers to find, purchase, or otherwise adopt call-blocking technology. They had to download “apps” for their smartphones or enroll in a service provided by their carrier; and yet the problem continued to grow. We must do more. And more can be done with caller ID authentication and the STIR/SHAKEN standards.

In the last three years, industry participants have made significant progress towards development and implementation of the call authentication framework known as STIR/SHAKEN. But even the best solutions won’t help consumers if industry participants and regulators fail to collaborate on implementation. This means widespread adoption of STIR/SHAKEN – so that as many consumers benefit from caller ID authentication as possible – and appropriate consumer education – so that consumers can still meaningfully interpret caller ID. It also means industry-wide cooperation on traceback efforts, so that law enforcement can more easily identify the perpetrators of these illegal, mass-calling campaigns.

For these reasons, on March 6, 2018, Attorneys General from all 50 states, the District of Columbia, and 3 U.S. territories submitted a letter to Chairman Wicker expressing their support for the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act – also known as the TRACED Act. We believe this legislation effectively addresses many of the concerns raised by federal regulators, service providers, private businesses, consumer advocacy groups, and other interested parties to combat illegal robocalls and spoofing. We are pleased to see that the TRACED Act requires implementation of STIR/SHAKEN, affirms the service provider’s

authority to block certain calls, and creates a safe harbor for the inadvertent blocking of legitimate calls.

I thank Senator Thune, Senator Markey, Senator Fischer, and the many co-sponsors of the TRACED Act for their support in this important fight, and I look forward to providing comments to the FCC if, and when, the times comes to implement its accompanying regulations. I look forward to answering your questions.