

# BITS

FINANCIAL SERVICES  
R O U N D T A B L E

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April 18, 2011

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

RE: WC Docket No. 11-39

To Secretary Marlene Dortch:

BITS<sup>1</sup>, the technology policy division of The Financial Services Roundtable, appreciates the opportunity to comment on the Federal Communications Commission's ("Commission") Notice of Proposed Rulemaking on Implementation of the Truth in Caller ID Act of 2009. We fully support the Commission's efforts to implement the Act and "prohibit the caller ID spoofing with the intent to defraud, cause harm or wrongfully obtain anything of value."

BITS supports the Commission's efforts to combat harmful caller ID spoofing. We understand and recognize the confusion and inconvenience to consumers of spoofed phone numbers. In addition, our members intimately understand the problems that arise from spoofed phone numbers, as they use phone numbers as a point of verification when consumers contact call centers for account queries and transactions.

BITS supports the Department of Justice's recommended rule requiring "public providers of caller ID spoofing services to make a good-faith effort to verify that a user has the authority to use the substituted number." We recognize the many legitimate reasons for use of the services and believe that public providers are in the best position to understand the legitimacy of the request.

While we are supportive of the Commission's efforts, we are also concerned with potential unintended consequences of the proposed rule. Absent clarification, legitimate servicing calls by creditors and their agents could be considered violations of the proposed rules.

Specifically, we are concerned with the unintended consequences of the following language:

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<sup>1</sup> BITS is the technology policy division of The Financial Services Roundtable, created to foster the growth and development of electronic financial services and e-commerce for the benefit of financial institutions and their customers. The Financial Services Roundtable represents 100 of the largest integrated financial services companies providing banking, insurance, and investment products and services to the American consumer. Member companies participate through the Chief Executive Officer and other senior executives nominated by the CEO. Roundtable member companies provide fuel for America's economic engine, accounting directly for \$92.7 trillion in managed assets, \$1.2 trillion in revenue, and 2.3 million jobs. For more information, go to <http://www.bits.org/>.

“ ‘information regarding the origination’ to mean any: (i) Telephone number; (ii) portion of a telephone number, such as an area code; (iii) name; (iv) location information; or (v) other information regarding the source or apparent source of a telephone call.”

For example, institutions may transmit:

- A local telephone number, in lieu of the distant number from which the call actually is placed, for consumer consistency and ease of callback,
- A variant of the call number to denote different marketing campaigns, or
- The consumer familiar name of a subsidiary or line of business, which may not coincide with the name of the parent or subsidiary to which the calling number is assigned.

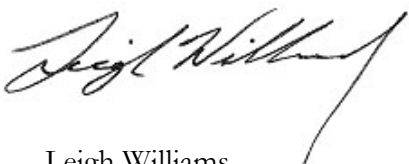
Complicating matters, specifically at large institutions, calling campaigns are complex, both in terms of technology and call flow management. The geographic location of where the calls are placed will often depend on the location of the dialing equipment, which frequently has no bearing on the geographic location of the company’s operations or call centers. Additionally, when a consumer answers the phone, that call may be routed to various domestic and international locations depending on call volumes, call times, and consumer account status. Accordingly, it is virtually impossible to transmit an area code that correlates with the three different geographic locations of the institution, the dialer equipment, and the call center. This leaves open the possibility of claims of deception whenever the area code does not match either the location of the dialing equipment or the ultimate destination of the answered call. As such, the rule should only require that the transmitted number be owned by the institution that is utilizing it and that calls to that number will reach representatives of that same company.

In addition, displaying an abbreviated or registered name for a business rather than the caller’s complete legal name, which may be impractical and confusing to the consumer, should not be considered as inaccurate or misleading. Therefore, we propose that the Commission include within section §64.1604 (Prohibition on transmission of inaccurate or misleading caller identification information) language to allow for (i) a telephone number that is owned by the caller and is staffed by agents of the caller prepared to accept inbound calls during normal business hours, and (ii) a registered name or reasonably identifiable abbreviation of the caller’s legal name.

To ensure that consumer friendly business practices, such as those listed above, can continue, we encourage the Commission to provide clarification on “misleading or inaccurate caller identification information” to say these legitimate practices are not misleading or inaccurate.

In closing, we reaffirm our support for the Commission’s efforts to implement the Truth in Caller ID Act of 2009 effectively. If you have further questions or comments, please feel free to contact me at 202-589-2440 or [Leigh@fsround.org](mailto:Leigh@fsround.org), or William Henley, BITS Senior Vice President for Regulation, at 202-589-2402 or [William@fsround.org](mailto:William@fsround.org).

Sincerely,



Leigh Williams  
President