US phone carriers make empty, unenforceable promises to fight robocalls

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Phone companies and attorneys general from all 50 US states are touting a new agreement to fight robocalls, but it won't actually do much to help consumers.

The top wireless carriers and home phone providers promised attorneys general from every state and the District of Columbia that they would offer free robocall blocking and take other steps to fight robocalls. But the agreement imposes no legally binding requirements on phone providers. "Failure to adhere to these principles is not in itself a basis for liability," a disclaimer on the agreement notes.

Even if breaking the agreement *was* a basis for liability, there would be no deadline to comply. "Adherence to these principles may take time for the voice service providers to plan for and implement," the disclaimer also said, while providing no specific timeline for the carriers to fulfill their promises.

Given that disclaimer, you'd think carriers actually agreed to make some major changes. But the agreement's top promises are things the phone companies are already doing or in the process of rolling out.

Carriers can still charge extra

The promise of “free” robocall blocking can be met by offering a basic level of call blocking for free, even if carriers also charge a monthly fee for more robust call-blocking services. We contacted the top four wireless carriers yesterday—AT&T, Verizon, T-Mobile, and Sprint—and none of them promised any additional free services beyond what they already offer. The agreement between carriers and states doesn’t say what level of call blocking must be offered for free, so it’s up to the carriers to decide.

The agreement also includes a promise to deploy the new SHAKEN/STIR technology that uses digital certificates to verify that Caller ID numbers aren’t being spoofed. But carriers already promised the Federal Communications Commission that they would do this and started the process of deploying SHAKEN/STIR months ago.

The agreement separately includes a promise to offer “network-level call blocking at no charge,” which some carriers have been doing for years. The carriers also promised to “analyze and monitor network traffic” and “investigate suspicious calls and calling patterns,” which sound like things the carriers would do in order to fulfill the other promises in the agreement.

In short, it’s a legally unenforceable agreement consisting largely of promises the companies have already met. It’s more of an exercise in public relations than a consumer-protection initiative.

“No substitute for enforceable rights”

Despite its shortcomings, the agreement drew loads of positive media coverage from major news organizations yesterday.

Everyone hates robocalls, so carriers and regulators have faced pressure from consumers and politicians from both major parties to do something—anything—to put a stop to them. In this environment, even a legally unenforceable agreement to do things the carriers were already doing was good enough to achieve the carriers' and regulators' unstated goal of getting a public relations victory.

"Voluntary agreements are no substitute for enforceable rights," Harold Feld, senior VP of consumer advocacy group Public Knowledge, told Ars. "This is the sort of smokescreen designed to stop Congress from passing more effective legislation, like the Stopping Bad Robocalls Act passed by the House [and pending in the Senate]. With nothing to force carriers to meet deadlines, nothing to force carriers to upgrade once robocallers figure out how to outwit the new technological measures, and nothing to stop carriers from walking away if it gets too hard or too expensive, I wouldn't declare 'Mission Accomplished.'"

Feld does think one aspect of the agreement could lead to real progress, though. Carriers promised to communicate with state attorneys general about robocall trends and cooperate in investigations by making prompt and thorough responses to traceback requests from law enforcement. Each carrier would do this "by identifying the upstream provider from which the suspected illegal robocall entered its network or by identifying its own customer if the call originated in its network," the agreement says.

"The real value is the engagement of all state AGs, particularly on enforcement against robocallers," Feld said. "The emphasis on cooperating with law enforcement on tracebacks is a clear sign that state AGs are eager to go after robocallers, and this agreement makes it more likely that will happen."

Limits to free blocking

The coalition of state attorneys general was led by North Carolina AG Josh Stein, who issued a press release touting his "leadership in bringing together a bipartisan, public/private coalition of 51 attorneys general and 12 phone companies."

We asked Stein's office if there would be any penalties or legal recourse if carriers don't follow the anti-robocall principles. Stein's spokesperson replied to us but didn't answer that question.

Stein's office partially answered our question about whether the carriers can meet the "free" robocall blocking requirement even if they continue charging for premium blocking services.

"As part of the agreement, each of the companies have agreed to provide base-level blocking for free," Stein's spokesperson told us. But Stein's spokesperson hasn't answered a follow-up question in which we asked for a definition of "base-level blocking." The actual agreement between carriers and states never defines or even mentions "base-level blocking."

The top wireless carriers seem to think they've already met the requirement.

"T-Mobile has been the industry leader in fighting against robocalls and fully supports and already meets the State Attorneys General Anti-Robocall Principles for voice service providers," a T-Mobile spokesperson told us.

T-Mobile offers free robocall blocking but charges $4 a month for "Name ID." The paid service lets you block calls from specific callers or from entire categories, "including telemarketers, numbers that have been tagged as nuisance calls, political calls, survey calls and more."

T-Mobile told Ars that it is still charging extra for Name ID.

AT&T's robocall blocking service lets some robocalls through unless you pay extra. The free version of AT&T's Call Protect service automatically blocks calls that AT&T categorizes as "fraud." AT&T Call Protect also provides warnings for suspected "spam" calls but lets them ring your phone unless you buy the premium version for $4 a month.

We asked AT&T if it will stop charging for spam call-blocking, but the company didn't provide an answer. AT&T did say that the agreement with states "align[s] with much of what AT&T is already doing to protect our customers against illegal and unwanted calls."

When contacted by Ars, Verizon noted that it offers "both a free and premium product." Verizon said it will have "additional, related news to announce next week," but didn't say if that will include any more free services.

Sprint doesn't seem to offer any free call blocking, and it charges $3 a month for its "Premium Caller ID" service. Despite that, Sprint made no promises to offer free call blocking when we contacted the company yesterday.

"I'm not in a position to share specifics on this today, but we are committed to continuing to provide our customers with tools that will help them to combat robocalls," a Sprint spokesperson told Ars. If Sprint's pending merger with T-Mobile goes through, the company's policies would likely change to meet T-Mobile's.

Better than "thoughts and prayers"

Besides the top four wireless carriers, the agreement with states also includes Bandwidth Inc., CenturyLink, Charter, Comcast, Consolidated, Frontier, US Cellular, Verizon, and Windstream.

Comcast, Charter, and Frontier have all partnered with

Nomorobo to offer robocall blocking on home phones at no extra charge. Verizon and AT&T have done the same for their home phone services. Nomorobo is free for VoIP landlines anyway, so it’d be easy for other carriers to do this as well.

The new promise of free robocall blocking tools is only “for smartphone mobile and VoIP residential customers,” according to the agreement with states. Customers with older landlines aren’t being promised free blocking tools.

Overall, Feld thinks that the states’ agreement with carriers is “a step up” from the FCC’s recent order that gave carriers additional authority to block robocalls but didn’t require carriers to offer anything for free. Feld called the FCC vote a “thoughts and prayers” order.

As for the promises to states, “all of these are things that the carriers have already largely committed to do, and these principles don’t change the practical problem of forcing carriers to keep their promises,” Feld said. “At best, it creates more political pressure. That’s not nothing, but it’s not much.”

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