

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Implementing Section 13(d) of the Pallone-Thune) EB Docket No. 20-22
Telephone Robocall Abuse Criminal Enforcement)
and Deterrence Act (TRACED Act))

COMMENTS OF INCOMPAS

INCOMPAS, by its undersigned counsel, hereby submits these comments in response to the Enforcement Bureau of the Federal Communications Commission’s (“Commission” or “FCC”) *Public Notice* on the selection of the registered traceback consortium in accordance with section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (“TRACED”) Act.¹

While INCOMPAS is encouraged that another applicant has expressed an interest in serving as the single registered traceback consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls,² the association and its members urge the Commission to retain USTelecom’s Industry Traceback Group (“ITG”) as the single registered consortium for 2021-2022. The Commission’s 2020 *Report and Order* on the registration process established that an applicant must demonstrate in its Letter of Intent that it can satisfy the

¹ See *Enforcement Bureau Requests Comments on Selection of the Registered Traceback Consortium*, EB Docket No. 20-22, Public Notice, DA 21-715 (rel. Jun. 17, 2021) (“*Public Notice*”).

² See Comments of INCOMPAS, EB Docket No. 20-22 (filed Feb. 24, 2020), at 7 (stating that the annual registration requirement in the TRACED Act is a reflection of Congress’ expectation that the Commission should be continually open to changing the relevant consortium if another registrant makes a compelling case to the agency).

TRACED Act’s four statutory requirements for a single consortium, including the requirement that an applicant is a “neutral third-party competent to manage the private-led effort to trace back the origin of suspected unlawful robocalls.”³ Since being designated last July as the registered consortium, the ITG has met these requirements and made significant contributions to the Commission’s enforcement efforts through the identification of voice service providers that are engaged in illegal robocall campaigns. The consortium has worked hand-in-hand with the Enforcement Bureau to provide the information necessary to ensure that providers that are suspected of originating unlawful robocalls campaigns either cease these activities or are fined.⁴ Furthermore, the governance and operations of the ITG over the past year have been conducted in a manner consistent with the statutory requirement of third-party neutrality, with ITG members from across the industry having the opportunity to guide and direct the consortium’s policies and practices.

As the Commission and industry continue to enhance and develop the regulatory and enforcement framework for mitigating the threat of illegal robocalls, removing the ITG as the single registered consortium at this time could be disruptive and costly for providers actively engaged in trace back, despite ZipDX’s assurances that it will simply adopt the ITG’s policies

³ *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No. 20-22, Report and Order and Further Notice of Proposed Rulemaking, FCC 20-34, ¶ 11 (rel. Mar. 27, 2020) (“Report and Order”) (citing TRACED Act § 13(d)(1)(A)-(D)).

⁴ *See, e.g.*, Letter from Kristi Thompson, Division Chief, Telecommunications Consumers Division, Enforcement Bureau, FCC, to Kurt Butler, CEO, VaultTel Solutions (May 18, 2021) (requiring VaultTel to investigate allegations that it was transmitting illegal robocall traffic and to cease transmitting such traffic within 48 hours).

and practices if selected as the single registered consortium.⁵ Additionally, ZipDX does not identify any specific reasons why a change to the trace back process should be made at this time, other than that “a next-level push will finally deliver a precipitous drop in this traffic.”⁶ ZipDX, which details its contributions to the development of the trace back process, would theoretically have every opportunity to continue to share any enhancements it believes are necessary to make to the trace back system by working with USTelecom and the governance body of the ITG.

For the reasons stated herein, INCOMPAS urges the Commission to consider the recommendations in its comments as it selects an organization to become the single registered consortium to conduct private-led traceback efforts.

Respectfully submitted,

INCOMPAS

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⁵ See Letter of Intent of ZipDX to serve as the Registered Industry Consortium, EB Docket No. 20-22, DA 21-474 (filed May 27, 2021), at 8 (“ZipDX Letter of Intent”).

⁶ *Id.* at 10.