

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

In the Matter of)	
)	
Call Authentication Trust Anchor)	WC Docket No. 17-97

COMMENTS OF INCOMPAS

INCOMPAS, by its undersigned counsel, hereby submits these comments in response to the Federal Communications Commission’s (“Commission” or “FCC”) *Third Further Notice of Proposed Rulemaking* proposing to curtail the extension small voice service providers received pursuant to Congressional direction in the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (“TRACED”) Act to implement the STIR/SHAKEN caller ID authentication framework.¹

As a founding member of the Secure Telephone Identity Governance Authority (“STIGA”), the industry-led effort to support the timely deployment of the STIR/SHAKEN protocol and framework, INCOMPAS recognizes the value and importance of timely implementation of a call authentication trust anchor as part of the Commission’s overall strategy to mitigate illegal robocalls. While not a silver bullet to the robocall problem, end-to-end implementation of the STIR/SHAKEN framework among voice service providers will have a significant impact in curtailing illegal robocalls which is critical to restoring consumer trust in the voice network. Broad adoption of the STIR/SHAKEN framework will arm consumers with the knowledge they need to make informed choices about which calls to accept while simultaneously equipping

¹ See *Call Authentication Trust Anchor*, WC Docket No. 17-97, Third Further Notice of Proposed Rulemaking, FCC 21-62 (rel. May 21, 2021) (“*Further Notice*”).

voice service providers with the information necessary to make responsible and non-discriminatory call blocking decisions.² Additionally, as an IP-based solution, cross industry adoption of the STIR/SHAKEN ecosystem may have additional benefits, such as advancing the cause of IP interconnection.

The progress being made is apparent. Following the STIR/SHAKEN compliance deadline on June 30, 2021, the Commission indicated that “STIR/SHAKEN standards are a widely used reality in American phone networks” as it announced that major voice service providers had implemented the framework in their IP networks in accordance with the agency deadline.³ Also, at a recent meeting of the North American Numbering Council, representatives of the STI-GA reported that nearly 300 voice service providers had obtained certificates authorizing them to participate in the exchange of authenticated traffic with other providers.⁴ This clearly indicates that small voice service providers, like their larger counterparts, are taking an active interest in the process and making efforts to incorporate the framework into the IP portions of their networks.

² See *Advanced Methods to Target and Eliminate Unlawful Robocalls Calls*, CG Docket 17-59, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, FCC 20-96 (rel. July 17, 2020) (establishing a caller ID authentication requirement for terminating voice service providers that seek to avail themselves of a safe harbor for the unintended or inadvertent blocking of unwanted calls based on the use of reasonable analytics).

³ Press Release, FCC, *STIR/SHAKEN Broadly Implemented Starting Today: Caller ID Authentication Standard Is Now Used By the Largest Voice Service Providers, Helping Protect Consumers Against Spoofed Robocalls* (rel. June 30, 2021).

⁴ See Brent Struthers, ATIS, *STI-GA NANC Update*, 6 (June 23, 2021), available at http://nanc-chair.org/docs/NANCJune232021MasterPresentationSlideDeck_FINAL.pdf (indicating that the 278 service providers authorized represented “[n]early four times the number at the start of 2021 and that 120 service providers authorizations were still pending).

Despite the progress that is being made, the Commission was right to provide smaller voice service providers with an extension to the compliance deadline to implement the STIR/SHAKEN framework. The Commission’s stated justification in the Second Caller ID Authentication Report and Order—that an extension for small voice service providers was “appropriate because of their high implementation costs compared to their revenues, the limited STIR/SHAKEN vendor offerings available to them, the likelihood that costs will decline over time, and because an extension will allow small voice service providers to spread the costs over time”⁵—reflected the stated concerns of INCOMPAS members at the time,⁶ and continues to be an accurate summation of the challenges that small voice service providers face.

As the Commission indicates in the *Further Notice*, it is a “subset” of small voice service providers that are at a heightened risk of originating a significant percentage of illegal robocalls and any curtailment of the compliance extension should be narrowly tailored to target this group of providers. Indeed, the actions of a subset of small voice service providers should not disturb the two-year extension established by the Commission for providers working in good faith to implement the framework and INCOMPAS urges the Commission to preserve the general extension for providers against which there is no evidence or suggestion that they are originating illegal robocall campaigns. Small voice service providers are responding to these necessary and

⁵ See *Further Notice* at para. 5 (citing *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1862, paras. 40-48 (2020) (“*Second Caller ID Authentication Report and Order*”).

⁶ See Comments of INCOMPAS, WC Docket Nos. 17-97, 20-67 (filed May 15, 2020), at 9 (“Small voice providers are more likely to experience financial strain from the process of implementing the STIR/SHAKEN framework. Incorporating STIR/SHAKEN into America’s voice service networks will require one-time implementation costs, network upgrades, and annual operating costs that small service providers will have to absorb in light of the TRACED Act’s prohibitions on line item charges for effective call authentication technology.”)

important regulatory changes on call authentication with fewer resources and little influence over the process. The timeline established by the Commission in the *Second Caller ID Authentication Report and Order* affords these providers the time they need to adjust their business plans to make these critical changes to their networks.

However, there are certain circumstances in which INCOMPAS believes it would be warranted for the Commission to curtail the compliance extension for small voice service providers by one year, specifically in the case of small voice service providers that are proven bad actors and providers that originate a significant number of calls per day for any single line on average. Over the last three years, the Commission has a successful track record of taking enforcement action against providers that originate illegal robocall campaigns and transmit illegal robocall traffic on behalf of one or more of its clients.⁷ As the Commission takes action against bad actors, the agency should curtail a small voice service provider's extension as a condition of compliance. INCOMPAS recommends that the Commission require these voice service providers to implement STIR/SHAKEN on their networks within 90 days from the date of the enforcement action.

Additionally, should the Commission adopt its proposal to curtail the extension of a small voice service provider that originates a significant number of calls per day for any single line on average, INCOMPAS agrees with USTelecom that the call threshold must distinguish between “the number of calls that a particularly prolific subscriber could make in a given day and more

⁷ 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).

automated technology” that would otherwise be indicative of illegal robocalling.⁸ The threshold must also take into account voice services (*i.e.* VoIP, in-app calling, etc.) that assign numbers by call as opposed to a specific subscriber. These numbers may be constantly reused over the course of a day and the threshold should be set above the average number of calls on these lines per day. While INCOMPAS believes USTelcom’s 500 calls per day threshold will likely cover this concern, the Commission should be guided by the record and providers that raise a similar concern. Additionally, many of the data analytics companies in our membership indicate that it is relatively easy to manipulate this data, as bad actors are capable of spreading the impact of this approach over a collection of telephone numbers.

Finally, INCOMPAS urges the Commission not to curtail the compliance extension for voice service providers that receive more than half of their revenue from customers purchasing non-mass market services. This proceeding should not be used to disadvantage small voice service providers whose business plan is to meet the legitimate needs of enterprise customers and whose revenue comes primarily from customers purchasing non-mass market services. As opposed to taking specific action against bad actors, or looking specifically at single lines that exceed an objective threshold of calls, curtailing the extension for small voice service providers that work with enterprise customers is not objectively tailored enough to target the subset of providers about which the Commission is concerned.

For the reasons stated herein, INCOMPAS urges the Commission to consider the recommendations in its comments as it determines whether a one-year reduction in the

⁸ See Letter of Joshua M. Bercu, Vice President, Policy and Advocacy, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-97 at 1-2 (filed Apr. 15, 2021).

compliance extension for a subset of small voice service providers to implement the STIR/SHAKEN framework is justified.

Respectfully submitted,

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July 9, 2021