



Federal Communications Commission  
Washington, D.C. 20554

January 22, 2020

DA 20-98

**Small Entity Compliance Guide**  
**Implementing Section 503 of RAY BAUM'S ACT**  
**FCC 19-73**  
**WC Docket Nos. 18-335 and 11-39**  
**Released August 5, 2019**

This Guide is prepared in accordance with the requirements of section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

**1-888-CALL-FCC (1-888-225-5322)**  
**TTY: 1-888-TELL-FCC (1-888-835-5322)**  
**Videophone: 1-844-4-FCC-ASL (1-844-432-2275)**  
**Fax: 1-866-418-0232**

TABLE OF CONTENTS

I.	OBJECTIVES OF THE PROCEEDING .....	3
II.	COMPLIANCE REQUIREMENTS .....	3

III.	RECORDKEEPING AND REPORTING REQUIREMENTS .....	5
IV.	IMPLEMENTATION DATE .....	5
V.	INTERNET LINKS .....	5

## **I. OBJECTIVES OF THE PROCEEDING**

American consumers continue to be plagued by nefarious schemes that manipulate caller ID information to deceive consumers about the name and phone number of the party that is calling them in order to facilitate fraudulent and other harmful activities. In just the first six months of 2019, the

Commission received over 35,000 consumer complaints about caller ID spoofing. Section 227(e) of the Communications Act prohibits the provision of misleading and inaccurate caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value. In amending that statutory provision by adopting section 503 of the RAY BAUM'S ACT, Congress recognized the need to protect American consumers from fraudulent and harmful spoofing activity, some of which is occurring through means other than traditional phone calls placed within the United States. The rules adopted in the *Second Report and Order* in WC Docket Nos. 18-335 and 11-39 revise the Commission's current Truth in Caller ID rules to implement the amended section 227(e). Specifically, the *Second Report and Order* amends the Commission's rules to encompass malicious spoofing activities directed at consumers in the United States from actors outside of our country and to expand the scope of covered communications services to reach caller ID spoofing using alternative voice and text messaging services. These changes continue the Commission's multi-pronged approach to protecting American consumers from illegal spoofed robocalls.

## **II. COMPLIANCE REQUIREMENTS**

### **A. Prohibition on transmission of inaccurate or misleading caller identification information (47 CFR § 64.1604(a))**

- The *Second Report and Order* extends the reach of the prohibition on the transmission of inaccurate or misleading caller identification information, with the intent to defraud, cause harm, or wrongfully obtain anything of value, to include covered communications originating outside the United States that are directed at consumers within the United States.

### **B. Caller identification information (47 CFR § 64.1600(c))**

- The *Second Report and Order* revises the definition of "caller identification information" consistent with the statutory language. The term "caller identification information" means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a voice service or a text message sent using a text messaging service.

### **C. Caller identification service (47 CFR § 64.1600(d))**

- The *Second Report and Order* revises the definition of "caller identification service" consistent with the statutory language. The term "caller identification service" means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a voice service or a text message sent using a text messaging service.

### **D. N11 service code (47 CFR § 64.1600(j))**

- The *Second Report and Order* defines the term "N11 service code," for the purposes of the Truth in Caller ID rules, as an abbreviated dialing code that allows telephone users to connect with a particular node in the network by dialing only three digits, of which the first digit is any digit other than '1' or '0', and each of the last two digits is '1'.

### **E. Multimedia messaging service (MMS) (47 CFR § 64.1600(k))**

- The *Second Report and Order* defines the term “multimedia message service” or MMS, for the purposes of the Truth in Caller ID rules, as a wireless messaging service that is an extension of the SMS protocol and can deliver a variety of media, and enables users to send pictures, videos, and attachments over wireless messaging channels.

**F. Short message service (SMS) (47 CFR § 64.1600(m))**

- The *Second Report and Order* defines the term “short message service” or SMS, for the purposes of the Truth in Caller ID rules, as a wireless messaging service that enables users to send and receive short text messages, typically 160 characters or fewer, to or from mobile phones and can support a host of applications.

**G. Text message (47 CFR §§ 64.1600(o))**

- The *Second Report and Order* adopts the statutory definition of “text message” for the purposes of the Truth in Caller ID rules. The term “text message” means a message consisting of text, images, sounds, or other information that is transmitted to or from a device that is identified as the receiving or transmitting device by means of a 10-digit telephone number or N11 service. It includes a short message service (SMS) message, and a multimedia message service (MMS) message, and messages sent to or from a person or entity using Common Short Codes (Short Codes). Short Codes are 5- to 6- digit codes typically used by enterprises for communicating with consumers at high volume. The definition of “text message” for purposes of the Truth and Caller ID rules does not include real-time, two-way voice or video communication or a message sent over an IP-enabled messaging service to another user of the same messaging service, except a SMS or MMS. Examples of the types of messages that are excluded from the definition of “text message” include:
  - A message sent from one computer to another computer using WhatsApp
  - The ‘chat’ function on Google Hangouts
  - Text communications between or among two or more Skype users
  - iMessages between or among iPhone users
  - Rich Communications Services (RCS) to the extent such messages are sent to other users of the same messaging service

**H. Text messaging service (47 CFR § 64.1600(p))**

- The *Second Report and Order* adopts the statutory definition of “text messaging service” for the purposes of the Truth in Caller ID rules. The term “text messaging service” means a service that enables the transmission or receipt of a text message, including a service provided as part of or in connection with a voice service.

**I. Voice service (47 CFR § 64.1600(r))**

- The *Second Report and Order* adopts the statutory definition of “voice service” for the purposes of the Truth in Caller ID rules. The term voice service means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission

under section 251(e)(1), regardless of whether it enables both inbound and outbound communications within the same service. To this end, the *Second Report and Order* interprets the definition of “voice service” to include one-way VoIP service and any similar IP-based or other technology-based calling capability. The term “voice service” also includes transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.

### **III. RECORDKEEPING AND REPORTING REQUIREMENTS**

The Commission’s actions in the *Second Report and Order* create no new recordkeeping or reporting requirements.

### **IV. IMPLEMENTATION DATE**

The rules adopted in the *Second Report and Order* will become effective on February 5, 2020, six months after adoption and release.

### **V. INTERNET LINKS**

A copy of *Implementing Section 503 of RAY BAUM’S Act Second Report and Order* is available at: <https://www.fcc.gov/document/fcc-bans-malicious-spoofing-text-messages-foreign-robocalls-0>

A copy of the Federal Register Summary of *Implementing Section 503 of RAY BAUM’S Act Second Report and Order* is available at: <https://www.federalregister.gov/documents/2019/08/30/2019-18229/truth-in-caller-id-rules>