



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON TWO TRACED ACT OBLIGATIONS REGARDING CALLER ID AUTHENTICATION

WC Docket Nos. 17-97, 20-68

Comments on STIR/SHAKEN Implementation Extensions Due: (30 days after the date of publication in the Federal Register)

Reply Comments on STIR/SHAKEN Implementation Extensions Due: (45 days after publication in the Federal Register)

Certifications for Caller ID Authentication Exemption Verifications Due: October 4, 2021

By this Public Notice, the Wireline Competition Bureau (Bureau) addresses two statutory obligations under the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act relating to the Commission's caller ID authentication rules. First, the Bureau seeks comment on STIR/SHAKEN implementation extensions granted by the Commission. Second, the Bureau provides directions and filing instructions for the implementation verification certifications that voice service providers granted an exemption from the Commission's caller ID authentication rule must file.¹

I. COMMENTS SOUGHT ON STIR/SHAKEN IMPLEMENTATION EXTENSIONS FOR ANNUAL REVIEW, PURSUANT TO SECTION 4(B)(5) OF THE TRACED ACT

When Congress directed the Commission to mandate implementation of STIR/SHAKEN in the TRACED Act, it also required the Commission to assess burdens and barriers to implementation, and gave the Commission discretion to extend compliance with the implementation mandate upon a public finding of undue hardship.² The Commission performed this assessment and granted three categorical extensions of the STIR/SHAKEN mandate on the basis of undue hardship: (1) small voice service providers; (2) voice service providers unable to obtain the "token" necessary to participate in STIR/SHAKEN; and (3) services scheduled for section 214 discontinuance.³

¹ See *Wireline Competition Bureau Announces Seven Voice Service Providers Qualified for STIR/SHAKEN Exemption*, WC Docket Nos. 17-97, 20-68, Public Notice, 35 FCC Rcd 14830 (Dec. 23, 2020) (*Exemptions Public Notice*).

² TRACED Act § 4(b)(5)(A).

³ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1876, para. 38 (2020) (*Second Caller ID Authentication Report and Order*); 47 CFR § 64.6304(a)-(c). As directed by a separate provision of the TRACED Act, TRACED Act § 4(b)(5)(B), the Commission also granted an extension for those portions of the network that rely on technology that cannot initiate, maintain, and terminate SIP calls. *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1892-96, paras. 66-70; 47 CFR § 64.6304(d). Because this extension was not granted on the basis of undue hardship, we do not seek comment on it in this Public Notice. See TRACED Act § 4(b)(5)(F).

The TRACED Act further requires the Commission to assess burdens and barriers to implementation “as appropriate” after that initial assessment,⁴ and directs the Commission to, “not less frequently than annually after the first [extension] is granted,” reevaluate and potentially revise any extensions granted on the basis of undue hardship.⁵ It requires the Commission to issue a public notice explaining “why such [extension] remains necessary” and “when the Commission expects to achieve the goal of full participation” in caller ID authentication.⁶ To comply with these obligations in the TRACED Act, the Commission directed the Bureau to annually assess burdens and barriers to implementation and reevaluate the Commission’s granted extensions and revise or extend them as necessary.⁷ In its directions to the Bureau, the Commission permitted the Bureau to further extend an extension to which voice service providers are already subject, but prohibited us from terminating an extension prior to the extension’s originally set end date.⁸ The Commission did not permit us to grant extensions to any voice service providers or services not already subject to one; should we further extend a granted extension, we are permitted to decrease, but not expand, the scope of entities entitled to that extension based on our assessment of burdens and barriers.⁹

We now seek comment in turn on the Commission’s granted extensions and associated burdens and barriers to the implementation of STIR/SHAKEN.

Small Voice Service Provider Extension. We seek comment on the Commission’s extension for small voice service providers. The Commission granted a two-year extension for small voice service providers, defined as “a provider that has 100,000 or fewer voice service subscriber lines.”¹⁰ The Commission found that this extension was appropriate because small voice service providers may face substantial costs to implement STIR/SHAKEN—in addition to resource constraints—and that they confront unique equipment availability issues.¹¹ In May, the Commission released a Third Further Notice of Proposed Rulemaking proposing to shorten the extension for small voice service providers that originate an especially large number of calls by one year.¹² It did so due to new evidence indicating that certain small voice service providers are originating a high and increasing share of illegal robocalls relative to their subscriber base.¹³

We seek comment on burdens and barriers to small voice service provider implementation and whether we should revise or extend their extension. Have the burdens or barriers affecting small providers that were originally discussed in the *Second Caller ID Authentication Report and Order* changed since adoption, and if so how? Have new burdens or barriers to implementation emerged that affect small providers? Should the Bureau extend the extension beyond its current June 30, 2023 date? If so, why, and is there a reason to extend it at this time and not in next year’s annual review? Alternatively,

⁴ TRACED Act § 4(b)(5)(A)(i)

⁵ TRACED Act § 4(b)(5)(F).

⁶ TRACED Act § 4(b)(5)(F)(iii).

⁷ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1896, para. 71. The Commission determined that the Bureau is in the best position to undertake this fact-intensive, case-by-case evaluation. *Id.*

⁸ *Id.* at 1897, para. 72.

⁹ *Id.*

¹⁰ 47 CFR § 64.6304(a); see also *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1877-82, paras. 40-48.

¹¹ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1877, paras. 41-42.

¹² *Call Authentication Trust Anchor*, WC Docket No. 17-97, Third Further Notice of Proposed Rulemaking, FCC 21-62, at 4, para. 7 (May 21, 2021) (*Third Further Notice*).

¹³ *Id.* at 5-7, paras. 8-12.

is the extension no longer necessary and should we recommend that the Commission terminate it? If so, why? How should the Commission's recent *Third Further Notice* and any subsequent order inform or impact our reevaluation of the small voice service provider extension? How close are small voice service providers to "full participation,"¹⁴ and what steps, if any, could the Commission take to promote that goal?

Extension for Voice Service Providers That Cannot Obtain a SPC Token. We seek comment on the Commission's extension for voice service providers that cannot obtain the Service Provider Code (SPC) token necessary to participate in STIR/SHAKEN. The Commission granted voice service providers that are incapable of obtaining a SPC token due to Governance Authority policy¹⁵ an extension until they are capable of obtaining said token.¹⁶ The Commission granted this extension because "it is impossible for a voice service provider to participate in STIR/SHAKEN without access to [a SPC token] and because some voice service providers are unable to obtain [one] at this time."¹⁷

In May, the Governance Authority revised the STI-GA Token Access Policy to enable token access by some voice service providers previously unable to receive a token.¹⁸ How has this change impacted the barrier presented by an inability to access a SPC token? Has it resolved the token access barrier? Does this change affect the need for the implementation extension and, if so, how? Does the extension remain necessary? Conversely, is this extension no longer necessary and should we recommend it be terminated or revised by the Commission going forward? If so, why? Finally, how does token access affect the TRACED Act goal of full participation in caller ID authentication? Are there steps the Commission could take regarding token access to better promote full participation?

Extension for Services Scheduled for Section 214 Discontinuance. We seek comment on the Commission's extension for services scheduled for section 214 discontinuance. The Commission granted

¹⁴ TRACED Act § 4(b)(5)(F)(iii).

¹⁵ Under revised STI-GA Token Access Policy, to obtain a SPC token, a voice service provider must now have: (1) a current form 499A on file with the FCC; (2) have been assigned an Operating Company Number (OCN); and (3) have certified with the FCC that it has implemented STIR/SHAKEN or complies with the Robocall Mitigation Program requirements, and is listed in the FCC's Robocall Mitigation Database. See STI-GA Policy Decisions Binder, Policy Decision 001: SPC Token Access Policy version 1.2, at 6. Initially, to acquire a certificate, Governance Authority policy required an entity to have direct access to telephone numbers from the North American Number Plan Administrator (NANPA) and the National Pooling Administrator (NPA). *Id.*, version 1.0, at 5. On May 10, 2021, the Governance Authority announced that version 1.1 of the policy, which permits entities without direct access to telephone numbers to request a certificate if they have filed a certification in the Robocall Mitigation Database, is "effective immediately"; the announcement also stated that the original policy requiring direct access to telephone numbers "will also remain in effect until June 30, 2021." Press Release, STI-GA, STI-GA Announces Effective Date of Revised SPC Token Access Policy (May 10, 2021), <https://sti-ga.atis.org/wp-content/uploads/sites/14/2021/05/051021-SPC-token-Access-Policy-advisory.pdf>. On July 26, 2021, the Governance Authority announced further revisions to the token access policy to accommodate certain toll-free use cases but did not modify these baseline requirements. Press Release, STI-GA, STI-GA Announces Policy Changes to Support Delegate Certificates and Toll-Free (July 26, 2021), <https://www.atis.org/press-releases/sti-ga-announces-policy-changes-to-support-delegate-certificates-and-toll-free/>.

¹⁶ 47 CFR § 64.6304(b); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1882, paras. 49-50. Recognizing that "a voice service provider may not be able to immediately come into compliance with its caller ID authentication obligations after it becomes eligible to receive" a SPC token, the Commission stated that it "will not consider a voice service provider that diligently pursues a certificate once it is able to receive one in violation of [its] rules." *Id.* at 1883, para. 50.

¹⁷ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1882, para. 50.

¹⁸ STI-GA Press Release; *Caller ID Authentication Governance Framework Revised to Enable Earlier Participation by Providers Without Direct Access to Telephone Numbers*, WC Docket Nos. 13-97, 17-97, Public Notice, DA 21-549 (WCB May 10, 2021).

an extension to services which are subject to a pending application for permanent discontinuance of service filed as of June 30, 2021 for one year, until June 30, 2022.¹⁹ Under this extension, a voice service provider has until June 30, 2022, to either discontinue the service subject to the application or, alternatively, implement STIR/SHAKEN on that service. The Commission granted this extension to “obviate the need to upgrade components of a voice service provider’s network that will be sunset.”²⁰ Is there any reason we should lengthen this extension and give affected voice service providers additional time, beyond June 30, 2022, to either discontinue the service or implement STIR/SHAKEN? Is it reasonable for a voice service provider to take longer than one year to complete discontinuance and, if so, how much additional time is appropriate? Alternatively, is a protracted discontinuance evidence of “bad faith” and should we decline to grant any additional time before a voice service provider is obligated to choose between discontinuance and STIR/SHAKEN implementation?²¹ To account for bad faith filers while acknowledging potential reasonable delays, should we lengthen the extension but limit the scope of entities entitled to any further extension? Do services scheduled for 214 discontinuance meaningfully impact the goal of full participation in caller ID authentication?

Pursuant to section 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before 30 days after publication of this Public Notice in the Federal Register and reply comments on or before 45 days after publication of this Public Notice in the Federal Register.

Filing Requirements. All filings must refer to **WC Docket No. 17-97**. Comments may be filed using ECFS.²²

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.²³

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at (202) 418-0530.

¹⁹ 47 CFR § 64.6304(c); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1883, para. 51.

²⁰ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1883, para. 51.

²¹ *Id.* (“If we determine that a voice service provider filed a discontinuance application in bad faith to receive this extension, we will terminate the extension and take appropriate action.”).

²² *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

²³ *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.²⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).²⁵ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Contact Information. For further information, please contact Michael Nemcik, Competition Policy Division, Wireline Competition Bureau, at (202) 418-2343 or by email at Michael.Nemcik@fcc.gov.

II. FILING INSTRUCTIONS FOR CALLER ID AUTHENTICATION EXEMPTION VERIFICATION CERTIFICATIONS, PURSUANT TO SECTION 4(B)(2) OF THE TRACED ACT

When Congress directed the Commission to mandate the implementation of STIR/SHAKEN caller ID authentication by June 30, 2021, in the TRACED Act, it also required the Commission to grant exemptions from that mandate for voice service providers that could demonstrate early implementation progress by December 30, 2021.²⁶ The Commission found that the TRACED Act created two exemptions: one for IP networks and one for non-IP networks.²⁷ Under the Commission’s application of the TRACED Act, to receive the IP network exemption, a voice service provider was required to (i) have undertaken the network preparations necessary to deploy the STIR/SHAKEN protocols on its network; (ii) have completed formal registration (including payment) and testing with the Policy Administrator; (iii) have completed the necessary network upgrades to at least one network element to enable the authentication and verification of caller ID information consistent with the STIR/SHAKEN standards; and (iv) asserted that it reasonably foresaw that it would have completed all necessary network upgrades to its

²⁴ See 47 CFR §§ 1.1200 *et seq.*

²⁵ *Id.* § 1.1206(b).

²⁶ TRACED Act § 4(b)(2).

²⁷ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1911, para. 102. The non-IP exemption requires certification that the voice service provider reasonably foresaw being able to support a standardized non-IP call authentication framework by June 30, 2021. *Id.* at 1915, para. 114. In September 2020, the Commission determined that no such framework currently exists. *Id.* at 1894, para. 68 & n.269. One voice service provider nevertheless sought a non-IP network exemption, and the Bureau denied the request. *Exemptions Public Notice*, 35 FCC Rcd at 14832.

network infrastructure to be able to authenticate and verify caller ID information for all SIP calls exchanged with STIR/SHAKEN-enabled partners by June 30, 2021.²⁸

The Commission implemented this TRACED Act requirement via a certification process and delegated authority to the Wireline Competition Bureau (Bureau) to make exemption determinations.²⁹ Voice service providers seeking to qualify for the exemption were obligated to submit a certification and supporting statement by December 1, 2020, explaining in detail how they met each prong of the exemption sought.³⁰ Because the fourth prong of the IP exemption was based on a voice service provider's prediction of its future ability to implement STIR/SHAKEN, the Commission foreclosed the possibility for abuse of this statutory provision and required any voice service provider granted an exemption to verify in a second certification, after June 30, 2021, that it achieved the implementation goals to which it first certified.³¹

Seven voice service providers sought exemptions for their IP networks.³² In December 2020, the Bureau found that all seven voice service providers—AT&T Service Inc. (AT&T), Bandwidth Inc. (Bandwidth), Charter Communications, Inc. (Charter), Comcast Cable Communications, LLC (Comcast), Cox Communications, Inc. (Cox), Cellco Partnership, d/b/a Verizon Wireless (Verizon Wireless), and Vonage Holding Corp. (Vonage)—qualified for the exemption on the basis that each certified and offered sufficient support to demonstrate satisfaction of all the criteria for an IP network exemption.³³ These voice service providers were “therefore exempt from the requirements of section 64.6301 of [the Commission’s] rules.”³⁴ They were nonetheless obligated to file in the Robocall Mitigation Database as required by section 64.6305 of the Commission’s rules and certify to their STIR/SHAKEN implementation status and, as appropriate, robocall mitigation efforts.³⁵

Implementation Verification Certification Requirements. In order to maintain the exemption from section 64.6301 of the Commission’s rules, each voice service provider granted an exemption must now “verify they completed full implementation in accordance with their commitments.”³⁶ An officer of the voice service provider is required to sign the certification stating under penalty of perjury that the officer has personal knowledge that the company did in fact complete all necessary network upgrades to its network infrastructure by June 30, 2021.³⁷ Each voice service provider granted an exemption is required to submit an accompanying statement explaining, in detail, how the company achieved the

²⁸ 47 CFR § 64.6406(a); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1912-15, paras. 106-13.

²⁹ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1917, para. 119.

³⁰ *Id.*; see also 47 CFR § 64.6306(c); *Wireline Competition Bureau Provides Directions and Filing Information Regarding Caller ID Authentication Exemption Certifications*, WC Docket No. 20-68, Public Notice, 35 FCC Rcd 12847, 12848 (Nov. 9, 2020).

³¹ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1918, para. 121; see 47 CFR § 64.6306(a)(4).

³² *Exemptions Public Notice*, 35 FCC Rcd at 14830.

³³ *Id.* at 14831. AT&T’s exemption was limited to only its wireline IP networks. See *id.* at 14831 n.10.

³⁴ *Exemptions Public Notice*, 35 FCC Rcd at 14831.

³⁵ 47 CFR § 64.6305(b).

³⁶ *Exemptions Public Notice*, 35 FCC Rcd at 14831; see also *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1918, para. 121. The Commission determined that voice service providers that certified in December 2020 that they had already fully implemented STIR/SHAKEN, and for which the Bureau accepted the certification, need not file a second certification. *Id.* at 1918, para. 122. No voice service provider certified to having completed implementation in December 2020; all exempt providers must submit a second certification. See *Exemptions Public Notice*, 35 FCC Rcd at 14831.

³⁷ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1918, para. 122.

implementation goals it first certified to so that the Commission can verify the accuracy of the certification.³⁸ Any voice service provider that cannot certify to full implementation will lose the exemption and be subject to the general rule requiring full STIR/SHAKEN implementation, effective immediately upon release of the Public Notice identifying which voice service providers achieved the implementation goals to which they previously committed.³⁹

Filing Instructions. All certifications and supporting statements must be filed electronically in **WC Docket No. 20-68**, Exemption from Caller ID Authentication Requirements, in the Commission's Electronic Comment Filing System (ECFS), available at <http://www.fcc.gov/ecfs>, no later than **October 4, 2021**. Filers may request that any materials or information submitted to the Commission in their certifications be withheld from public inspection pursuant to the procedures set forth in section 0.459 of the Commission's rules.⁴⁰

Additional Information. For further information, please contact Alexander Hobbs, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau at (202) 418-7433 or by email at alexander.hobbs@fcc.gov.

³⁸ *Id.*

³⁹ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1919, para. 124.

⁴⁰ See 47 CFR § 0.459. Due to the ongoing COVID-19 pandemic the Commission is not accepting hand delivered filings until further notice. See *FCC Provides Further Instructions Regarding Submission of Confidential Materials*, Public Notice, DA 20-361 (Mar. 31, 2020).