



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU REEVALUATES STIR/SHAKEN EXTENSIONS PURSUANT TO SECTION 4(B)(5) OF THE TRACED ACT

### WC Docket No. 17-97

In this Public Notice, the Wireline Competition Bureau (Bureau) reevaluates STIR/SHAKEN implementation extensions as required by the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act.<sup>1</sup>

In the TRACED Act, Congress required the Commission to assess burdens and barriers to the implementation of STIR/SHAKEN and gave the Commission discretion to extend compliance with the implementation mandate upon a public finding of undue hardship.<sup>2</sup> In September 2020, the Commission performed this assessment and granted three categorical extensions of the STIR/SHAKEN mandate on the basis of undue hardship to: (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.<sup>3</sup>

The TRACED Act further required the Commission to assess burdens and barriers to implementation “as appropriate” after its initial assessment,<sup>4</sup> and directs the Commission to, “not less frequently than annually after the first [extension] is granted,” reevaluate and potentially revise any extension granted on the basis of undue hardship.<sup>5</sup> 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.<sup>6</sup> To comply with these TRACED Act obligations, the Commission directed the Bureau to annually assess burdens and barriers to implementation and

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<sup>1</sup> TRACED Act § 4(b)(5)(F); *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1896-97, paras. 71-73 (2020) (*Second Caller ID Authentication Report and Order*).

<sup>2</sup> TRACED Act § 4(b)(5)(A).

<sup>3</sup> *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1876, para. 38; 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 did not seek comment on it in the Public Notice that informed this annual review of STIR/SHAKEN implementation extensions, nor do we address it in this Public Notice. See TRACED Act § 4(b)(5)(F); *Wireline Competition Bureau Seeks Comment on Two Traced Act Obligations Regarding Caller ID Authentication*, WC Docket Nos. 17-97, 20-68, Public Notice, DA 21-1103 (WCB Sept. 3, 2021) (*TRACED Act Obligations Public Notice*).

<sup>4</sup> TRACED Act § 4(b)(5)(A)(i).

<sup>5</sup> *Id.* at § 4(b)(5)(F).

<sup>6</sup> *Id.* at § 4(b)(5)(F)(iii).

reevaluate the Commission's granted extensions and revise or extend them as necessary.<sup>7</sup> In doing so, the Commission permitted the Bureau to further lengthen an extension to which voice service providers are already subject, but prohibited it from terminating an extension prior to the extension's originally set end date.<sup>8</sup> The Commission also did not permit the Bureau to grant extensions to any voice service providers or services not already subject to one; and should it further lengthen a granted extension, the Bureau is permitted to decrease, but not to expand, the scope of entities entitled to that extension based on its assessment of burdens and barriers.<sup>9</sup>

On September 3, 2021, the Bureau released a Public Notice seeking comment on the Commission's three granted extensions and any associated burdens and barriers to the implementation of STIR/SHAKEN.<sup>10</sup> In response to that Public Notice, we received six comments and one reply comment, all discussing the small voice service provider extension.

*Small Voice Service Provider Extension.* In September 2020, the Commission granted a two-year extension to small voice service providers, defined as "a provider that has 100,000 or fewer voice service subscriber lines."<sup>11</sup> Under this extension small voice service providers have until June 30, 2023, to implement STIR/SHAKEN. 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.<sup>12</sup>

The Commission recently shortened the extension for a subset of small voice service providers likely to be the source of illegal robocalls.<sup>13</sup> As discussed in that item, the Commission found that the extension should remain in place for small providers that are not likely to be the source of illegal robocalls.<sup>14</sup>

However, we decline to further lengthen the extension beyond June 30, 2023. WTA argues that, because the identified burdens are "not likely to ease significantly during the next year" we should "increas[e] the extension by at least another year."<sup>15</sup> We disagree. In establishing this extension, the Commission was clear that its "guiding principle in setting this deadline is to achieve ubiquitous STIR/SHAKEN implementation to combat the scourge of illegal caller ID spoofing as quickly as possible."<sup>16</sup> We will not postpone the date by which Americans benefit from ubiquitous STIR/SHAKEN implementation on an asserted likelihood that burdens continue a year from now. We further note that the

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<sup>7</sup> *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.*

<sup>8</sup> *Id.* at 1896, para. 72.

<sup>9</sup> *Id.*

<sup>10</sup> *TRACED Act Obligations Public Notice* at 1-4.

<sup>11</sup> 47 CFR § 64.6304(a); *see also Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1877-82, paras. 40-48.

<sup>12</sup> *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1877, paras. 41-42.

<sup>13</sup> *See Call Authentication Trust Anchor*, WC Docket No. 17-97, Fourth Report and Order, FCC 21-122 (Dec. 10, 2021) (*Fourth Caller ID Authentication Report and Order*).

<sup>14</sup> *See id.* at 8-9, 12, paras. 16-18, 23. Accordingly, we disagree with TransNexus's argument that the extension is unnecessary because some small voice service providers have made progress in STIR/SHAKEN implementation. TransNexus Comments, WC Docket No. 17-97, at 1 (rec. Nov. 12, 2021) (TransNexus Comments).

<sup>15</sup> WTA – Advocates for Rural Broadband Comments, WC Docket Nos. 17-97 and 20-68, at 4 (rec. Nov. 12, 2021) (WTA Comments); *cf.* Competitive Carriers Association Comments, WC Docket No. 17-97, at 5-6 (rec. Nov. 12, 2021) (CCA Comments) (arguing we should "stand ready" to further lengthen the extension in light of the Secure and Trusted Networks Reimbursement Program).

<sup>16</sup> *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1880-81, para. 45.

Commission granted a two year extension in part to allow small voice service providers additional time to accommodate these identified burdens, and did not state an expectation that the burdens would disappear before implementation was required.<sup>17</sup> We are heartened by NTCA's explanation that "small providers have to date planned their implementation efforts, including budgeting for such efforts, around a June 2023 deadline."<sup>18</sup> Small voice service provider implementation is key to ensuring full participation in STIR/SHAKEN.

We further decline the more specific request of the Satellite Industry Association (SIA) that small satellite voice service providers, as a subset of small providers, receive an "indefinite" extension in light of the "challenging circumstances facing small satellite VSPs, combined with their unique economic, operational, and technical characteristics."<sup>19</sup> SIA claims that the challenges uniquely faced by small satellite voice service providers in implementing and participating in STIR/SHAKEN include an inability to authenticate the caller ID for many calls they originate and the need to establish "an entirely separate international SHAKEN architecture" to accommodate their use case; it further explains that small satellite voice service providers assign U.S. North American Numbering Plan resources on a "de minimis" basis.<sup>20</sup> SIA's comment is the sole filing to address this subject in detail and at this time we lack sufficient information to fully evaluate the request. Because we are obligated to reevaluate this extension again next year, before the small voice service provider extension ends, we will take that opportunity to seek further comment on SIA's request.<sup>21</sup>

*Extension for Voice Service Providers That Cannot Obtain a SPC Token.* We find that the extension for voice service providers that cannot obtain the "SPC token" required to participate in STIR/SHAKEN remains necessary, and we do not revise or further lengthen the extension. To participate in STIR/SHAKEN, voice service providers need to receive a SPC token issued through the STIR/SHAKEN governance system.<sup>22</sup> The Commission granted voice service providers that are incapable of obtaining a SPC token due to Governance Authority policy an extension until they are capable of obtaining said token.<sup>23</sup> The Commission found that "it is impossible for a voice service provider to participate in STIR/SHAKEN without access to [a SPC token]" and granted the extension "because some voice service providers are unable to obtain [one] at this time."<sup>24</sup> Under this extension, a voice service provider need not implement STIR/SHAKEN until it is capable of receiving a token; once it is eligible to receive a token it must "diligently pursue[]" one and come into compliance with the

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<sup>17</sup> *Id.* ("The additional implementation time will allow these providers to spread the cost of implementation across a longer time horizon."); *see also* ACA Connects – America's Communications Association Comments, WC Docket Nos. 17-97 and 20-68, at 3 (rec. Nov. 12, 2021) (ACA Connects Comments) ("The full two-year extension remains appropriate to help [facilities-based small providers] absorb [implementation] costs.").

<sup>18</sup> NTCA – The Rural Broadband Association Reply, WC Docket Nos. 17-97 and 20-68, at 2 (rec. Nov. 26, 2021) (NTCA Reply); *see also* ACA Connects Comments at 3 (describing "plans that were developed on the basis of the June 30, 2023 deadline").

<sup>19</sup> Satellite Industry Association Comments, WC Docket Nos. 17-97 and 20-68, at 3 (rec. Nov. 12, 2021) (SIA Comments).

<sup>20</sup> SIA Comments at 4-9.

<sup>21</sup> We note that this is the first time SIA has raised these concerns even though the Commission granted these extensions more than a year ago.

<sup>22</sup> *See Call Authentication Trust Anchor, Appeals of the STIR/SHAKEN Governance Authority Token Revocation Decisions*, WC Docket Nos. 17-97 and 21-291, Third Report and Order, FCC 21-93, at 2-4, paras. 4-6 (2021) (explaining governance system and SPC tokens).

<sup>23</sup> 47 CFR § 64.6304(b); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1882, paras. 49-50.

<sup>24</sup> *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1882, para. 50.

Commission's STIR/SHAKEN rules.<sup>25</sup> No commenter addressed this extension in response to the Public Notice seeking comment.

We find that the extension remains necessary for the reason the Commission previously identified: an entity that meets the definition of a provider of "voice service" cannot comply with the STIR/SHAKEN rules if it is unable to receive a token. However, since the extension was adopted, the Governance Authority modified its policy to remove the requirement that many voice service providers identified as the primary roadblock to their participation in STIR/SHAKEN.<sup>26</sup> While we find that the extension remains necessary to ensure no voice service provider is subject to an obligation it cannot fulfill and we have been presented with no reason to revise the extension, we believe the Governance Authority's revised policy has resolved the main practical concern underlying this extension. Consequently, we do not believe token access stands as a significant barrier to full participation in STIR/SHAKEN.

*Extension for Services Scheduled for Section 214 Discontinuance.* We find that the extension for services scheduled for section 214 discontinuance remains necessary, and we do not revise or further lengthen the extension. The Commission granted 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.<sup>27</sup> 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."<sup>28</sup> No commenter addressed this extension in response to the Public Notice seeking comment.

We find that the extension remains necessary for the reason the Commission previously identified: it would be burdensome to require voice service providers to implement STIR/SHAKEN on network technology they intend to discontinue. As the Commission recognized, voice service provider resources are better spent upgrading networks that have the potential to reap the full benefits of STIR/SHAKEN.<sup>29</sup> However, voice service providers must actually discontinue service subject to a discontinuance application by June 30, 2022; if they do not discontinue service by that date, they must

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<sup>25</sup> 47 CFR § 64.6304(b); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1882, paras. 49-50.

<sup>26</sup> Initially, to acquire a certificate, Governance Authority policy required an entity to, among other things, have direct access to telephone numbers from the North American Number Plan Administrator (NANPA) and the National Pooling Administrator (NPA). STI-GA Policy Decisions Binder, Policy Decision 001: SPC Token Access Policy version 1.0, at 5. Voice service providers identified this requirement in particular as an impediment to their participation in STIR/SHAKEN. See *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1882, para. 50 (identifying record concerns about direct access requirement). On May 10, 2021, the Governance Authority announced revisions to its policy. 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>. 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) been assigned an Operating Company Number (OCN); and (3) 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. 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/>.

<sup>27</sup> 47 CFR § 64.6304(c); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1883, para. 51.

<sup>28</sup> *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1883, para. 51.

<sup>29</sup> *Id.*

implement STIR/SHAKEN.<sup>30</sup> Because this obligation means that affected service will either be discontinued or STIR/SHAKEN will be implemented by June of next year, we do not believe this burden stands as a significant barrier to full participation in STIR/SHAKEN.

*Other Topics in Comments.* We decline to address in this Public Notice issues or proposals that go beyond the narrow direction from the Commission for the Bureau to reevaluate granted extensions. TransNexus raises concerns regarding authentication by downstream intermediate providers;<sup>31</sup> EPIC and NCLC call for the Commission to take action against voice service providers with insufficient robocall mitigation programs or that fail to comply with other STIR/SHAKEN-related obligations;<sup>32</sup> and NTCA argues the Commission should encourage implementation of non-IP caller ID authentication and address barriers to IP interconnection.<sup>33</sup> Commenters also offer input on the Commission's proposal, recently adopted, to shorten the implementation extension for small voice service providers most likely to be the source of illegal robocalls.<sup>34</sup> Since these comments concern issues and proposals that are outside the Bureau's charge of reevaluating implementation extensions and the scope of this Public Notice, or have been addressed in another proceeding, we decline to address them here.

*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](mailto:Michael.Nemcik@fcc.gov).

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<sup>30</sup> The Commission further stated that if it determined "a voice service provider filed a discontinuance application in bad faith to receive this extension, [it would] terminate the extension and take appropriate action." *See id.*

<sup>31</sup> TransNexus Comments at 3-5.

<sup>32</sup> Electronic Privacy Information Center and the National Consumer Law Center Comments, WC Docket No. 17-97, at 12-13, 16-17 (rec. Nov. 12, 2021) (EPIC and NCLC Comments).

<sup>33</sup> NTCA Reply at 5.

<sup>34</sup> WTA Comments at 3-4; CCA Comments at 2; EPIC and NCLC Comments at 9-13; NTCA Reply at 5-6; *see also Fourth Caller ID Authentication Report and Order*.