



PUBLIC NOTICE

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DA 21-474

Released: April 26, 2021

ENFORCEMENT BUREAU REQUESTS LETTERS OF INTENT TO BECOME THE REGISTERED INDUSTRY CONSORTIUM FOR TRACEBACKS

The Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) was signed into law on December 30, 2019.¹ Congress required the Federal Communications Commission (Commission) to “issue rules to establish a registration process for the registration of a single consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls.”² The Commission adopted rules to require any new consortium that seeks to be selected as the single registered consortium to file a Letter of Intent to conduct private-led traceback efforts. The Commission directed the Enforcement Bureau (Bureau) to issue a public notice seeking such registrations no later than April 28th each year.³

By this Public Notice, the Bureau requests interested consortia to provide Letters of Intent in accordance with the Commission’s rules and the *Consortium Registration Order*.

Background. Unlawful prerecorded or artificial voice message calls—robocalls—plague the American public. In many instances, unlawful robocalls include inaccurate or misleading caller identification information, known as spoofed caller ID. The spoofed caller ID makes it more difficult to identify the source of the call. In order to enforce the laws prohibiting illegal robocalls, government and industry work together to trace unlawful spoofed robocalls to their origination—a process known as “traceback.” Congress acknowledged the beneficial collaboration between the Commission and the private sector on traceback issues and, in section 13(d) of the TRACED Act, required the Commission to register a single consortium to conduct private-led traceback efforts.

The Commission directed the Enforcement Bureau to select a single entity to serve as the registered consortium and to ensure that the registered consortium complies with the statutory requirements.⁴ The Commission set forth a set of principles for the Bureau to use in selecting the registered consortium to ensure that it satisfies the statutory requirements.⁵ On July 27, 2020, the Bureau designated USTelecom – the Broadband Association’s Industry Traceback Group as the registered consortium for coordinating industry-led efforts to trace back the origin of suspected unlawful robocalls.⁶

¹ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274 (2019) (TRACED Act).

² TRACED Act § 13(d)(1).

³ *Implementing Section 13(d) of the Pallone-Thune Robocall Abuse Criminal Enforcement and Deterrence Act*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3113, 3115, para. 9 (2020) (*Consortium Registration Order*); see 47 CFR § 64.1203.

⁴ *Consortium Registration Order*, 35 FCC Rcd at 3117, para. 15.

⁵ *Id.*

⁶ *Implementing Section 13(d) of the Pallone-Thune Robocall Abuse Criminal Enforcement and Deterrence Act*, Report and Order, 35 FCC Rcd 7886, 7886, para. 3 (EB 2020) (*Consortium Selection Order*).

Letter of Intent Requirements. The TRACED Act requires that the Commission consider new interested consortia on an annual basis.⁷ The Bureau requests interested consortia, other than the incumbent registered consortium, to provide Letters of Intent in accordance with the Commission's rules and the *Consortium Registration Order*.⁸ The Letter of Intent must demonstrate that it satisfies the statutory requirements necessary to serve as the single registered consortium.

Any consortium must: (1) demonstrate that it is a neutral third party; (2) demonstrate that it is competent to manage the private-led traceback efforts; (3) include its written best practices, and an explanation thereof, regarding management of its traceback efforts and regarding providers of voice services' participation in the consortium's traceback efforts; (4) certify that, consistent with section 222(d)(2) of the Communications Act, the consortium's efforts will focus on fraudulent, abusive, or unlawful traffic; and (5) certify that the consortium has notified the Commission that it intends to conduct traceback efforts in advance of registration as the single consortium.⁹ The Letter of Intent must also include a certification that, if selected to be the registered consortium, the consortium will remain in compliance with the statutory requirements; conduct an annual review for compliance; and promptly notify the Commission of any changes that reasonably bear on its certification.¹⁰ The Bureau will select as the registered consortium the entity that best meets these requirements and the principles the Commission identified in the *Consortium Registration Order*.¹¹

The incumbent registered consortium does not need to file a new Letter of Intent.¹² The certifications contained in the registered consortium's initial Letter of Intent will continue in effect for each subsequent year unless the incumbent consortium notifies the Commission otherwise in writing on or before May 27, 2021.¹³ If entities other than the incumbent file a Letter of Intent, the Bureau will seek comment on all of the applicants, including the incumbent. The Bureau will select the registered consortium by August 25, 2021.¹⁴

Registration Process. Letters of Intent must be submitted electronically via ECFS (<http://apps.fcc.gov/ecfs/>) in EB Docket No. 20-22. If consortia wish to include confidential information as part of their Letters of Intent, they must submit (1) a redacted, public version via ECFS; and (2) a non-redacted, confidential version electronically to the Enforcement Bureau. Filing consortia should contact Kristi Thompson by phone (at 202-418-1318) or e-mail (kristi.thompson@fcc.gov) to arrange electronic submission of the non-redacted version. Confidential material must be marked as such and requests for confidential treatment must conform to the requirements of section 0.459 of the Commission's rules.¹⁵

Deadline to Submit Letters of Intent: May 27, 2021.

Additional Information. For further information, contact Kristi Thompson, Chief, Telecommunications Consumers Division, Enforcement Bureau, at 202-418-1318 or kristi.thompson@fcc.gov.

⁷ See TRACED Act § 13(d)(2).

⁸ See 47 CFR § 64.1203(b); *Consortium Registration Order*, 35 FCC Rcd at 3115, paras. 10-11.

⁹ See 47 CFR § 64.1203(b)(1)-(4); *Consortium Registration Order*, 35 FCC Rcd at 3115, para. 11.

¹⁰ See *Consortium Registration Order*, 35 FCC Rcd at 3116, para. 13; see also 47 CFR § 64.1203(b)(5).

¹¹ See *Consortium Registration Order*, 35 FCC Rcd at 3121, para. 28.

¹² See *Consortium Registration Order*, 35 FCC Rcd at 3116, para. 12.

¹³ *Consortium Registration Order*, 35 FCC Rcd at 3116, para. 12.

¹⁴ *Id.*

¹⁵ 47 CFR § 0.459.