



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 21-855

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ENFORCEMENT BUREAU DESIGNATES “PERMIT-BUT-DISCLOSE” EX PARTE STATUS FOR PROCEEDING TO SELECT REGISTERED INDUSTRY CONSORTIUM FOR TRACEBACKS

EB DOCKET NO. 20-22

On April 26, 2021, the Enforcement Bureau (Bureau) issued a public notice requesting parties that are interested in serving as the registered traceback consortium to submit a Letter of Intent, in accordance with the Commission’s rules and the *Consortium Registration Order*.¹ By this Public Notice, the Bureau specifies that this proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.² The Bureau finds that permit-but-disclose status will best facilitate the flow of information between interested parties, the public, and the Commission in this proceeding, while giving fair notice to all concerned.³

The Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) requires 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.”⁴ 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 Bureau to issue a public notice seeking such registrations no later than April 28th each year.⁵

Ex Parte Rules. 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 presenter’s 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

¹ *Enforcement Bureau Requests Letters of Intent to Become the Registered Industry Consortium for Tracebacks*, Public Notice, DA 21-474 (Apr. 26, 2021).

² See 47 C.F.R. §§ 1.1200 *et seq.*

³ See 47 CFR § 1.1200(a).

⁴ TRACED Act § 13(d)(1).

⁵ *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.

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 rule 1.1206(b).⁶ In this proceeding, 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, shall, when feasible, be filed through the electronic comment filing system (ECFS) available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).⁷ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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

⁶ 47 C.F.R. § 1.1206(b).

⁷ 47 C.F.R. § 1.49(f)(3); 1.1206(b)(2)(i).