

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Morse Communications Inc) EB-TCD-22-00033932
)

ORDER

Adopted: October 3, 2022

Released: October 3, 2022

By the Acting Chief, Enforcement Bureau:

I. INTRODUCTION

1. By this Order, we direct Morse Communications Inc (Morse Communications or Company) to demonstrate why the Enforcement Bureau of the Federal Communications Commission (Commission or FCC) should not remove Morse Communications from the Robocall Mitigation Database. **Removal from the database would require all intermediate providers and terminating voice service providers to cease accepting the Company’s traffic.¹ If that were to occur, all calls from Morse Communications’ customers would be blocked and therefore no traffic originated by Morse Communications would reach the called party.** Morse Communications must provide its response to the Enforcement Bureau no later than October 18, 2022.

II. BACKGROUND

A. Robocall Mitigation Database Requirements on Originating Providers

2. Protecting Americans from the dangers of unwanted and illegal robocalls is the Commission’s top consumer protection priority.² As part of the Commission’s multipronged approach to combatting illegal robocalls, the Commission has mandated adoption of the Secure Telephony Identity Revisited/Signature-based Handling of Asserted Information using toKENs (STIR/SHAKEN) caller ID authentication framework.³ The Commission extended the implementation deadline for certain voice service providers on the basis of undue hardship or material reliance on a non-IP network.⁴ Service providers that received an extension were required to implement a robocall mitigation program to prevent

¹ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1903, para. 83 & 1904, para. 86 (2020) (*Second Caller ID Authentication Order*); 47 CFR § 64.6305(c).

² The Commission receives more complaints about unwanted and illegal calls than any other issue. FCC, *Consumer Complaint Data Center*, <https://www.fcc.gov/consumer-help-center-data> (last visited May 10, 2022).

³ *Call Authentication Trust Anchor, Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket Nos. 17-97 and 20-67, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241 (Mar. 31, 2020) (*First Caller ID Authentication Report and Order and Further Notice*).

⁴ *Second Caller ID Authentication Order*, 36 FCC Rcd at 1892-93, para. 66; Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED Act), Pub. L. No. 116-105, 133 Stat. 3274, § 4(b)(5)(A)(i) (TRACED Act). On December 9, 2021, the Commission shortened the deadline to implement STIR/SHAKEN for non-facilities-based small voice services providers and small voice service providers of any kind suspected of originating illegal robocalls. *Call Authentication Trust Anchor*, WC Docket No, 17-97, Fourth Report and Order, FCC 21-122 at para. 9 (2021) (*Fourth Caller Authentication Order*); see also TRACED Act § 4(b)(5).

unlawful robocalls from originating on their networks.⁵ Furthermore, all voice service providers—not only those granted an extension—were required to file certifications with the Commission, stating whether their traffic is authenticated with STIR/SHAKEN or subject to a robocall mitigation program.⁶ Voice service providers whose traffic is subject to a robocall mitigation program must detail in their certifications the specific reasonable steps that they have taken to avoid originating illegal robocall traffic.⁷ These certifications and robocall mitigation plans are publicly available in the Robocall Mitigation Database.⁸

3. Commission rules prohibit any intermediate provider or terminating voice service provider from accepting voice traffic directly from any voice service provider that does not appear in the Robocall Mitigation Database.⁹ The Enforcement Bureau may take enforcement action, including removal of a certification from the Robocall Mitigation Database, against voice service providers that have deficient certifications.¹⁰ A deficient certification includes one that fails to describe specific robocall mitigation steps as required by section 64.6305(b) of the Commission's rules.¹¹ Prior to removing a certification from the Robocall Mitigation Database, the Enforcement Bureau must provide notice to the originating voice service provider and allow an opportunity to cure.¹²

B. Morse Communication's Deficient Certification

4. Morse Communications filed a Robocall Mitigation Database certification on May 26, 2021.¹³ Morse Communications certified that it had not implemented the STIR/SHAKEN framework, and all calls originating on its network are subject to a robocall mitigation program.¹⁴ The Company's certification did not include any specific reasonable steps that it was taking to avoid origination of illegal robocall traffic. Instead, it only included an attachment with a slide, apparently created by another company, discussing the steps required to obtain a STIR/SHAKEN certificate.¹⁵ The FCC's Wireline Competition Bureau (Wireline Bureau) contacted the Company on October 19, 2021, via the e-mail listed on its certification, to inform it that its robocall mitigation program attachment contained with its certification may have been uploaded in error as it did not satisfy the Commission's rules to describe

⁵ TRACED Act § 4(b)(5)(C)(i); 47 CFR § 64.6305(a); *Second Caller ID Authentication Order*, 36 FCC Rcd at 1897-98, para. 75.

⁶ 47 CFR § 64.6305(b); *Second Caller ID Authentication Order*, 36 FCC Rcd at 1902, para. 82.

⁷ 47 CFR § 64.6305(b)(2)(ii); *Second Caller ID Authentication Order*, 36 FCC Rcd at 1902, para. 82 (quotations omitted).

⁸ FCC, Robocall Mitigation Database, FCC, https://fccprod.servicenowservices.com/rmd?id=rmd_welcome (last visited Oct. 1, 2021).

⁹ 47 CFR § 64.6305(c); *Second Caller ID Authentication Order*, 36 FCC Rcd at 1904, para. 86.

¹⁰ *Second Caller ID Authentication Order*, 36 FCC Rcd at 1902, 1903, paras. 81 n.322, 83.

¹¹ 47 CFR § 64.6305(b)(2)(ii); *see also Second Caller ID Authentication Order*, 36 FCC Rcd at 1900-02, paras. 77-82.

¹² *Second Call Authentication Trust Anchor Order*, 36 FCC Rcd at 1904-05, para. 88. We may take other enforcement actions such as requiring the voice service provider to submit more specific robocall mitigation measures or imposing a forfeiture. *Id.* at 1903, para. 83.

¹³ Morse Communications Inc, Robocall Mitigation Database, FCC (May 26, 2021), https://fccprod.servicenowservices.com/rmd?id=rmd_form&table=x_g_fmc_rmd_robocall_mitigation_database&sy_s_id=7b7faae61b5cbc10822320efe54bcb2f&view=sp (Robocall Mitigation Database Filing).

¹⁴ *Id.*

¹⁵ *Id.*

robocall mitigation efforts.¹⁶ The Wireline Bureau did not receive a response from Morse Communications acknowledging or addressing the notice, and Morse Communications did not correct its certification.

III. DISCUSSION

5. Our review of the evidence finds that Morse Communications apparently has filed a deficient Robocall Mitigation Database certification. The Company certified that it is subject to a robocall mitigation program,¹⁷ but it failed to describe specific reasonable steps that the Company is taking to prevent the origination of illegal robocall traffic.¹⁸ Instead, it only attached a slide that appears to have been created by a third party, Inteliquent, describing the process to obtain a STIR/SHAKEN certificate.¹⁹ The Company's certification did not describe any robocall mitigation program.²⁰ Moreover, Morse Communications did not take any corrective action after the Wireline Bureau informed Morse Communications of the apparent deficiencies in its certification.²¹

6. Accordingly, we direct Morse Communications to explain why the Enforcement Bureau should not remove the Company's certification from the Robocall Mitigation Database.²² This Order affords Morse Communications notice and an opportunity to cure any deficiencies in its robocall mitigation program filing or explain why its certification is not deficient.

7. Morse Communications shall file its response with the Enforcement Bureau within fourteen (14) calendar days of the date of issue of this Order. Failure to respond or submit a response providing a reasonable basis for why Morse Communications should retain its certification in the Robocall Mitigation Database will result in removal of the certification. **Removal of Morse Communication's certification from the Robocall Mitigation Database will require any intermediate providers and terminating voice service providers to cease accepting traffic from the Company.**²³ If Morse Communications is removed from the Robocall Mitigation Database, Morse Communications shall not refile, and the Wireline Bureau will not reinstate Morse Communications to the database, until the Wireline Bureau and the Enforcement Bureau determine that Morse Communications has addressed and resolved any deficiencies or shortcomings in its Robocall Mitigation Database certification.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i), 4(j), 227(b) 251(e), and 403 of the Communications Act of 1934, as amended, sections 0.111, 0.311, 1.1, 1.102(b)(1), 64.1200, and 64.6305 of the Commission's rules,²⁴ and the *Second Caller ID Authentication Order*,²⁵ Morse

¹⁶ E-mail from Wireline Bureau to Morse Communications Inc (Oct. 19, 2021) (Warning Notice). *See also* Exhibit A.

¹⁷ *See* Robocall Mitigation Database Filing (attesting that the Company has no STIR/SHAKEN implementation and is performing robocall mitigation).

¹⁸ *See* 47 CFR § 64.6305(b); *Second Caller ID Authentication Order*, 36 FCC Rcd at 1902, para. 82.

¹⁹ Robocall Mitigation Database Filing.

²⁰ *See* 47 CFR § 64.6305(b)(2)(ii) (requiring voice service providers subject to a robocall mitigation program to provide specific reasonable robocall mitigation steps).

²¹ *See* Warning Notice; Wireline Bureau Referral.

²² *See Second Caller ID Authentication Order*, 36 FCC Rcd at 1903, para. 83 ("Enforcement Actions may include, among others, removing a defective certification from the database after providing notice to the voice service provider and an opportunity to cure the filing . . .").

²³ 47 CFR § 64.6305(c); *Second Caller ID Authentication Order*, 36 FCC Rcd at 1904, para. 86.

²⁴ 47 U.S.C. §§ 4(i), 4(j), 227(b), 251(e), 403; 47 CFR §§ 0.111, 0.311, 1.1, 1.102(b)(1), 64.1200, 64.6305.

Communications **SHALL FILE** a written response to this Order **within fourteen (14) calendar days** from the release date of this Order.

9. The written response must either inform the Enforcement Bureau that Morse Communications has corrected its filing in the Robocall Mitigation Database or explain why its certification should not be removed from the Robocall Mitigation Database.

10. The response must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, ATTN: Enforcement Bureau – Telecommunications Consumers Division. The response must also be e-mailed to Kristi Thompson, Division Chief, Telecommunications Consumers Division, at kristi.thompson@fcc.gov, and Daniel Stepanicich, Attorney Advisor, Telecommunications Consumers Division, at daniel.stepanicich@fcc.gov.

11. **IT IS FURTHER ORDERED** that copies of this Order shall be sent by e-mail and registered mail, return receipt requested, to: Nathan Bouwsma, Director, Morse Communications Inc, 395 East Drive, Melbourne, FL 32904; nathan@morsecom.com; and Van Tracy, Corporation Service Company, 1090 Vermont Avenue NW, Washington DC, 20005.

FEDERAL COMMUNICATIONS COMMISSION

Loyaan A. Egal
Acting Chief
Enforcement Bureau

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²⁵ *Second Caller ID Authentication Order*, 36 FCC Rcd at 1902, 1903, paras. 81 n.322, 83.

EXHIBIT A