

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

In the Matter of)
)
Cloud4 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 Cloud4 Inc (Cloud4 or Company) to demonstrate why the Enforcement Bureau of the Federal Communications Commission (Commission or FCC) should not remove Cloud4 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 Cloud4’s customers would be blocked and therefore no traffic originated by Cloud4 would reach the called party.** Cloud4 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 unlawful robocalls from originating on their networks.⁵ Furthermore, all voice service providers—not

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).

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. Cloud4's Deficient Certification

4. Cloud4 filed a Robocall Mitigation Database certification on June 25, 2021.¹³ Cloud4 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 that requested confidential treatment of the certification.¹⁵ The FCC's Wireline Competition Bureau (Wireline Bureau) contacted the Company on October 19, 2021, via the e-mail listed in 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 robocall mitigation efforts.¹⁶ The Wireline Bureau did not receive a response from Cloud4 acknowledging or addressing this notice, and Cloud4 did not correct its certification.

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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 Cloud4 Inc, Robocall Mitigation Database, FCC (June 25, 2021), https://fccprod.servicenowservices.com/rmd?id=rmd_form&table=x_g_fmc_rmd_robocall_mitigation_database&sys_id=18e71d181b09f0509294113d9c4bc7b&view=sp (Robocall Mitigation Database Filing).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ E-mail from Wireline Bureau to Cloud4 Inc (Oct. 19, 2021) (Warning Notice). *See also* Exhibit A.

III. DISCUSSION

5. Our review of the evidence finds that Cloud4 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 The Company's robocall mitigation program only states that it is seeking confidentiality rather than describing any robocall mitigation measures.¹⁹ Voice service providers may seek confidential treatment of their robocall mitigation programs, but they must submit a description of their robocall mitigation plan;²⁰ Cloud4 did not do so.²¹ Moreover, Cloud4 did not take any corrective action after the Wireline Bureau informed Cloud4 of the apparent deficiencies in its certification.²²

6. Accordingly, we direct Cloud4 to explain why the Enforcement Bureau should not remove the Company's certification from the Robocall Mitigation Database.²³ This Order affords Cloud4 notice and an opportunity to cure any deficiencies in its robocall mitigation program filing or explain why its certification is not deficient.

7. Cloud4 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 Cloud4 should retain its certification in the Robocall Mitigation Database will result in removal of the certification. **Removal of Cloud4's certification from the Robocall Mitigation Database will require any intermediate providers and terminating voice service providers to cease accepting traffic from the Company.**²⁴ If Cloud4 is removed from the Robocall Mitigation Database, Cloud4 shall not refile, and the Wireline Bureau will not reinstate Cloud4 to the database, until the Wireline Bureau and the Enforcement Bureau determine that Cloud4 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,²⁵ and the *Second Caller ID Authentication Order*,²⁶ Cloud4 **SHALL FILE** a written response to this Order **within fourteen (14) calendar days** from the release date of this Order.

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 *Second Caller ID Authentication Order*, 36 FCC Rcd at 1903, para. 83.

²¹ 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).

²² See Warning Notice; Wireline Bureau Referral.

²³ 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 . . .”).

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

²⁵ 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.

²⁶ *Second Caller ID Authentication Order*, 36 FCC Rcd at 1902, 1903, paras. 81 n.322, 83.

9. The written response must either inform the Enforcement Bureau that Cloud4 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: Hardaman Nath, CEO, Cloud4 Inc, 1979 Marcus Avenue, Lake Success, NY 11042; basantt@cloud4inc.com; and Registered Agents Inc., 1717 N Street NW, Suite 1, Washington DC, 20036.

FEDERAL COMMUNICATIONS COMMISSION

Loyaan A. Egal
Acting Chief
Enforcement Bureau

EXHIBIT A