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

In the Matter of)	
Call Authentication Trust Anchor)	WC Docket No. 17-97

ORDER

Adopted: July 11, 2022 Released: July 11, 2022

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

- 1. In this Order, the Wireline Competition Bureau (Bureau) addresses the petitions of WWT INC WORLDWIDE TELECOMMUNICATIONS (WWT), Miron Enterprises, LLC (Miron), Vumber, LLC (Vumber), Avaya Cloud Inc. (Avaya), Yardi Kube, Inc. (Yardi), DigitalPath, Inc. (DigitalPath), KDDI America, Inc. (KDDI), Hypercore Networks Inc. (Hypercore), and cLear Digital Networks, Inc. (CDN) (collectively, the Petitioners).¹ The Petitioners seek either 14-day or 30-day waivers from the Commission's requirement that non-facilities-based small voice service providers fully implement STIR/SHAKEN authentication frameworks in the Internet Protocol (IP) portions of their voice networks by June 30, 2022.² The Petitioners each claim that compliance cannot be achieved due to technical difficulties arising in the course of implementation.
- 2. Based on the Commission's established waiver standard, we deny the petitions. We find that the Petitioners have failed to show that good cause exists to delay implementation of STIR/SHAKEN in Petitioners' voice networks beyond the extension already provided. Delaying implementation by these Petitioners unavoidably undermines the success of STIR/SHAKEN and would not be in the public interest.

II. BACKGROUND

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3. In March 2020, the Commission adopted the *First Caller ID Authentication Report and Order and Further Notice of Proposed Rulemaking*, which required voice service providers to implement the STIR/SHAKEN caller ID authentication framework in the IP portions of their voice networks by June

¹ Petition of WWT INC WORLDWIDE TELECOMMUNICATIONS, for Limited Waiver, WC Docket No. 17-97 (filed June 23, 2022) (WWT Petition); Petition of Miron Enterprises, LLC, for Limited Waiver, WC Docket No. 17-97 (filed June 28, 2022) (Miron Petition); Petition of Vumber, LLC, for Limited Waiver, WC Docket No. 17-97 (filed June 28, 2022) (Vumber Petition); Petition of Avaya Cloud Inc. for Limited Waiver, WC Docket No. 17-97 (filed June 30, 2022) (Avaya Petition); Petition of Yardi Kube, Inc., for Limited Waiver, WC Docket No. 17-97 (filed June 30, 2022) (Pardi Petition); Petition of DigitalPath, Inc., for Limited Waiver, WC Docket No. 17-97 (filed June 30, 2022) (KDDI Petition); Petition of Hypercore Networks Inc. for Limited Waiver, WC Docket No. 17-97 (filed June 30, 2022) (Hypercore Petition); Petition of CLear Digital Networks, Inc., for Limited Waiver, WC Docket No. 17-97 (filed June 30, 2022) (CDN Petition).

² 47 CFR § 64.6304(a)(1)(i). DigitalPath seeks a 14-day waiver of this requirement. The remaining Petitioners seek a 30-day waiver.

- 30, 2021.³ In the Commission's October 2020 *Second Caller ID Authentication Report and Order*, small voice service providers received an extension until June 30, 2023 to implement STIR/SHAKEN.⁴ The Commission found that small voice service providers face high implementation costs relative to the small percentage of total voice subscribers they serve and confront unique equipment availability issues, and concluded that these factors warrant a blanket extension of two years.⁵
- 4. In December 2021, the Commission adopted the *Fourth Caller ID Authentication Report* and *Order*, shortening the extension provided to non-facilities-based small voice service providers to June 30, 2022.⁶ The Commission reassessed its deadline for these providers in light of new evidence and "overwhelming record support" indicating that a disproportionately high and increasing share of illegal robocalls originated from non-facilities-based small voice service providers.⁷ The Commission concluded that a one-year curtailment provided a "reasonable period of time," consistent with section 4(b)(5)(A)(ii) of the TRACED Act, to implement STIR/SHAKEN given the comparatively low implementation burden faced by non-facilities-based providers versus the increased likelihood that they acted as the source of illegal robocalls.⁸

III. DISCUSSION

5. We deny Petitioners' requests for a waiver of the June 30, 2022 STIR/SHAKEN implementation deadline applicable to non-facilities-based small providers. Petitioners state that they need additional time to address difficulties with upgrading both software and hardware necessary to implement STIR/SHAKEN. In so doing, they acknowledge that non-facilities-based small voice service providers present a higher risk of originating illegal robocalls, but claim that the Commission should nevertheless grant their 14-day or 30-day waiver requests because they filed robocall mitigation plans in

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, 3252, para. 24 (2020) (First Caller ID Authentication Report and Order and Further Notice).

⁴ Call Authentication Trust Anchor, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1876-77, paras. 39-40 (2020) (Second Caller ID Authentication Report and Order). 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. TRACED Act § 4(b)(5)(A).

⁵ *Id.* at 1877-81, paras. 40-45.

⁶ *Call Authentication Trust Anchor*, Fourth Report and Order, FCC 21-122, 2021 WL 5922842, at *4, para. 9 (2021) (*Fourth Caller ID Authentication Report and Order*).

⁷ *Id.* at *4, para. 9.

⁸ *Id.* at para. 17. The Commission noted that its data showed that non-facilities-based providers have been able to implement STIR/SHAKEN more quickly than other providers.

⁹ The Commission's rules may be waived for "good cause shown." 47 CFR § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Northeast Cellular*, 897 F.2d at 1166. The Bureau, under delegated authority, may act on requests for waiver of rules. 47 CFR § 0.291(b).

¹⁰ WWT Petition at 2-3; Miron Petition at 2-3; Vumber Petition at 2-3; Avaya Petition at 2-3; Yardi Petition at 2-3; DigitalPath Petition at 2-3; KDDI Petition at 2; Hypercore Petition at 2-3; CDN Petition at 2-3.

the Robocall Mitigation Database that they claim are effective.¹¹ Petitioners argue that additional time would allow them to more thoroughly implement STIR/SHAKEN, which they claim would better serve the public interest than the subpar implementation that they state would result from strict enforcement of the June 30, 2022 deadline.¹²

6. We disagree with Petitioners that the reasons outlined above constitute good cause for granting their waivers. When the Commission provided a two-year extension for small voice service providers, it accounted for issues related to costs and resources needed to implement STIR/SHAKEN.¹³ In curtailing that extension to one year for non-facilities-based providers, the Commission acted on data showing that non-facilities-based small voice service providers could more easily implement STIR/SHAKEN than other providers.¹⁴ Petitioners have had two years to complete the work necessary to implement STIR/SHAKEN in their networks, and nothing in their petitions persuades us that was an insufficient amount of time for them to complete the tasks they state are still outstanding. Further, the fact that Petitioners have prepared robocall mitigation plans does not obviate the need for them to implement STIR/SHAKEN.¹⁵ Indeed, given the overwhelming record support that non-facilities-based providers are at a higher risk of originating illegal robocalls, timely deployment of STIR/SHAKEN by such providers is crucial, and any implementation delays would not serve the public interest. We therefore deny the Petitioners' requests for a waiver.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED THAT pursuant to the authority contained in sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, that the Petitions for Limited Waiver filed by WWT, Miron, Vumber, Avaya, Yardi, DigitalPath, KDDI, Hypercore, and CDN are DENIED. This Order shall be effective upon release.

FEDERAL COMMUNCIATIONS COMMISSION

Trent B. Harkrader Chief Wireline Competition Bureau

¹¹ WWT Petition at 3-4; Miron Petition at 4-5; Vumber Petition at 4-5; Avaya Petition at 4-5; Yardi Petition at 4; DigitalPath Petition at 4; KDDI Petition at 3-4; Hypercore Petition at 3-4; CDN Petition at 4-5.

¹² WWT Petition at 5; Miron Petition at 5-6; Vumber Petition at 5-6; Avaya Petition at 5; Yardi Petition at 5; DigitalPath Petition at 5; KDDI Petition at 4-5; Hypercore Petition at 4-5; CDN Petition at 5.

¹³ Second Caller ID Authentication Report and Order, 36 FCC Rcd at 1877-78, paras. 41-43.

¹⁴ Fourth Caller ID Authentication Report and Order at *7, para. 17.

¹⁵ Second Caller ID Authentication Report and Order, 36 FCC Rcd at 1898, para. 75 (stating that robocall mitigation is only an interim measure until implementation of STIR/SHAKEN); Fourth Caller ID Authentication Report and Order at *5, para. 13 (observing that gaps created by the failure of small voice service providers to implement STIR/SHAKEN has undermined its effectiveness).