



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PREVIOUSLY GRANTED STIR/SHAKEN IMPLEMENTATION EXTENSIONS PURSUANT TO SECTION 64.6304(F) OF THE COMMISSION'S RULES

WC Docket No. 17-97

Comments Due: October 18, 2023

Reply Comments Due: November 2, 2023

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment for its annual reevaluation of the STIR/SHAKEN implementation extensions granted by the Commission on the basis of undue hardship for implementation of the STIR/SHAKEN caller ID authentication framework.¹ Specifically, we seek comment on the current extensions that are applicable to small voice service providers that originate calls via satellite using North American Numbering Plan (NANP) numbers and to voice service providers that cannot obtain the Service Provider Code (SPC) token necessary to participate in STIR/SHAKEN.

I. BACKGROUND

When Congress directed the Commission to mandate implementation of STIR/SHAKEN in the TRACED Act, it also required the Commission to assess the burdens of or barriers to implementation,² and granted the Commission discretion to extend the implementation deadline for a “reasonable period of time” based upon a “public finding of undue hardship.”³ In October 2020, the Commission performed its initial assessment and granted three categorical STIR/SHAKEN implementation extensions on the basis of undue hardship to: (1) small voice service providers with 100,000 or fewer voice subscriber lines; (2)

¹ 47 CFR § 64.6304(f) (requiring that the Bureau “in conjunction with an assessment of burdens and barriers to implementation of caller identification authentication technology, annually review the scope” of all STIR/SHAKEN implementation extensions previously granted by the Commission pursuant to the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)); *see* TRACED Act, Pub. L. No. 116-105, § 4(b)(5)(F), 133 Stat. 3274, 3279 (2019) (codified in 47 U.S.C. § 227b); *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1896-97, paras. 71-73 (2020) (*Second Caller ID Authentication Report and Order*).

² TRACED Act § 4(b)(5)(A).

³ *Id.* § 4(b)(5)(A)(ii). When considering whether a hardship is “undue” under the TRACED Act, and whether an implementation extension has been set for reasonable time, the Commission balances the hardship of compliance due to “the burdens and barriers to implementation” faced by a voice service provider or class of voice service providers with the benefit to the public of implementing STIR/SHAKEN expeditiously. *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, FCC 23-18, at 42, para. 80 (2023) (*Sixth Caller ID Authentication Order and Further Notice*).

voice service providers unable to obtain the SPC “token” necessary to participate in STIR/SHAKEN; and (3) services scheduled for section 214 discontinuance.⁴

The TRACED Act further requires the Commission to assess the burdens of and barriers to implementation “as appropriate” after its initial assessment,⁵ and directs the Commission to, “not less frequently than annually after the first [extension] is granted,” reevaluate and potentially revise any extension granted on the basis of undue hardship.⁶ It requires the Commission to issue a public notice addressing “why such [extension] remains necessary” and “when the Commission expects to achieve the goal of full participation” in caller ID authentication.⁷ To comply with these TRACED Act obligations, the Commission directed the Bureau to annually assess the barriers to implementation and reevaluate the extensions granted for undue hardship, and to revise or extend them as necessary.⁸

In its previous annual reevaluations, the Bureau declined to modify the implementation extensions granted by the Commission on the basis of undue hardship.⁹ The STIR/SHAKEN implementation extensions for services scheduled for section 214 discontinuance ended on June 30, 2022,¹⁰ and the implementation extensions for non-facilities-based and facilities-based small voice service providers ended on June 30, 2022, and June 30, 2023, respectively.¹¹

In the March 2023 *Sixth Caller ID Authentication Report and Order*, the Commission granted an indefinite STIR/SHAKEN implementation extension on the basis of undue hardship to small voice

⁴ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1877-83, paras. 39-51. Pursuant to Congress’s direction in the TRACED Act, voice service providers also have a continuing extension for the portions of their networks that rely on technology that cannot initiate, maintain, or terminate SIP calls. See TRACED Act § 4(b)(5)(B); 47 CFR § 64.6304(d); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1892-96, paras. 66-70. Because this extension was not granted on the basis of undue hardship, we do not address it further in this Public Notice. See TRACED Act § 4(b)(5)(F).

⁵ TRACED Act § 4(b)(5)(A)(i).

⁶ *Id.* § 4(b)(5)(F)(i).

⁷ *Id.* § 4(b)(5)(F)(iii).

⁸ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1896, paras. 71-72. In so doing, the Commission permitted the Bureau to lengthen the extensions to which voice service providers are already subject, but prohibited it from terminating an extension prior to the extension’s originally set end date, or granting extensions for any voice service providers or services that are not already subject to one. If the Bureau decides to further lengthen a granted extension based on its assessments of burdens and barriers, it is permitted to decrease, but not expand, the scope of entities that are entitled to such an extension. *Id.*

⁹ *Id.* at 1896, para. 72. See *Wireline Competition Bureau Reevaluates STIR/SHAKEN Extensions Pursuant to Section 4(b)(5) of the TRACED Act*, WC Docket No. 17-97, Public Notice, DA 21-1593 (WCB Dec. 16, 2021) (*First Reevaluation of STIR/SHAKEN Extensions Public Notice*); *Wireline Competition Bureau Performs Required Evaluation Pursuant to Section 64.6304(f) of the Commission’s Rules*, WC Docket No. 17-97, Public Notice, DA 22-1342, at 3-6 (WCB Dec. 16, 2022) (*Second Reevaluation of STIR/SHAKEN Extensions Public Notice*).

¹⁰ See 47 CFR § 64.6304(c) (providing a one-year implementation extension until June 30, 2022, for services scheduled for 214 discontinuance).

¹¹ See *id.* § 64.6304(a)(1)(i) (limiting the extension for non-facilities-based small voice service providers to June 30, 2022). The Commission initially granted a two-year extension until June 30, 2023, for all small voice service providers to implement STIR/SHAKEN. *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1877-82, paras. 40-48. However, the Commission shortened the extension for non-facilities-based small service providers to June 30, 2022, based on overwhelming record support and available evidence showing that this subset of providers were originating a large and disproportionate amount of robocalls, while retaining the full two-year extension for facilities-based providers. *Call Authentication Trust Anchor*, WC Docket No. 17-97, Fourth Report and Order, 36 FCC Rcd 17840, 17844, para. 9 (2021) (*Small Provider Order*).

service providers that originate calls via satellite using NANP numbers,¹² noting that the Commission would reevaluate the extension annually as required by the TRACED Act.¹³

II. DISCUSSION

Pursuant to the TRACED Act and section 64.6304(f) of the Commission's rules, we seek comment to enable our annual reevaluation of the remaining STIR/SHAKEN implementation extensions—for small satellite voice service providers originating calls with NANP numbers and for providers unable to obtain a SPC token—granted on the basis of undue hardship.

Extension for Small Satellite Providers Originating Calls Using NANP Numbers. We seek comment on the Commission's extension for small voice service providers that originate calls via satellite using NANP numbers. In the *Sixth Caller ID Authentication Report and Order*, the Commission concluded that an indefinite implementation extension is appropriate for such providers because "satellite service costs make the high-volume calling necessary for robocallers uneconomical," there was "little evidence that satellite providers or their users are responsible for illegal robocalls," and the number of satellite subscribers using NANP resources was "miniscule."¹⁴ The Commission concluded that the balance of benefits and burdens counseled "against requiring such providers to implement" STIR/SHAKEN.¹⁵ The Commission also noted that it must annually reevaluate TRACED Act extensions, which would enable it "to act quickly to prevent any unforeseen abuses" that may arise.¹⁶

We seek comment on the benefits, burdens, and barriers to STIR/SHAKEN implementation by small voice service satellite providers that originate calls via satellite using NANP numbers. Have these burdens, barriers, and benefits changed since the *Sixth Caller ID Authentication Report and Order* and, if so, how? Are any abuses likely to result from the extension? What impact does the extension have on the Commission's longstanding goal of achieving ubiquitous deployment of the STIR/SHAKEN framework? Is it necessary for the extension to remain indefinite?

Extension for Voice Service Providers That Cannot Obtain a SPC Token. We seek comment on the Commission's extension for voice service providers that cannot obtain a SPC token. To participate in STIR/SHAKEN, a voice service provider must obtain a SPC token through the STIR/SHAKEN governance system.¹⁷ In the *Second Caller ID Authentication Report and Order*, the Commission granted voice service providers that are incapable of obtaining a SPC token due to Governance Authority policy

¹² *Sixth Caller ID Authentication Order and Further Notice* at 42-43, paras. 79-82. The Commission also concluded that satellite providers originating calls using non-NANP numbers are not "voice service providers" within the meaning of the TRACED Act, and therefore, it did not reach the question of whether a STIR/SHAKEN implementation extension was necessary for such providers. *Id.* at 41-42, para. 78.

¹³ *Id.* at 43, para. 82.

¹⁴ *See id.* at 42-43, para. 81 (2023); Satellite Industry Association (SIA) Comments, CG Docket No. 17-59, WC Docket No. 17-97 at 8, 15-18 (rec. Aug. 17, 2022); YouMail, Inc. Comments, CG Docket No. 17-59, WC Docket No. 17-97 at 5, n.10 (rec. Aug. 16, 2022).

¹⁵ *See Sixth Caller ID Authentication Order and Further Notice* at 42-43, paras. 80-82.

¹⁶ *Id.* at 43, para. 82.

¹⁷ *Call Authentication Trust Anchor, Appeals of the STIR/SHAKEN Governance Authority Token Revocation Decisions*, WC Docket Nos. 17-97 and 21-291, Third Report and Order, 36 FCC Rcd 12878, 12879-81, paras. 4-6 (2021) (explaining the STIR/SHAKEN governance system and policy for obtaining SPC tokens) (*Third Caller ID Authentication Report and Order*). As the current Governance Authority, the Secure Telephone Identity Governance Authority defines the policies and procedures for the issuance and use of SPC tokens. *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1864, para. 11 & n. 37; *see also* Secure Telephone Governance Authority, *STI Governance Authority*, <https://sti-ga.atis.org> (last visited Aug. 31, 2023).

an extension until they are capable of obtaining a token.¹⁸ The Commission found that the extension was necessary because some voice service providers were unable to obtain SPC tokens, and participation in STIR/SHAKEN without access to the required token was impossible.¹⁹ In May 2021, the Governance Authority revised the STI-GA Token Access Policy to enable token access by some voice service providers previously unable to receive a token.²⁰ In the 2021 and 2022 annual reevaluations, the Bureau found that token access no longer stood as a significant barrier to full participation in STIR/SHAKEN.²¹ Nevertheless, the Bureau declined to revise the SPC token extension on the basis that it remained necessary for the reasons originally identified by the Commission.²²

In the March 2023 *Sixth Caller ID Authentication Further Notice*, the Commission sought comment on whether to eliminate the STIR/SHAKEN implementation extension for providers that cannot obtain a SPC token.²³ The Commission also sought comment on its authority to eliminate an existing TRACED Act extension by action outside of the annual extension reevaluation process mandated by the TRACED Act.²⁴ The comments for the *Sixth Caller ID Authentication Further Notice* were due June 5, 2023, and the reply comments were due July 5, 2023.²⁵ The Commission is considering the record in response to the *Sixth Caller ID Authentication Further Notice*.²⁶

Should the Bureau revise the ongoing extension for voice service providers that cannot obtain a SPC token while the full Commission considers the necessity of the extension in response to the *Sixth Caller ID Authentication Further Notice*? In light of the fact that the Bureau found in the 2021 and 2022 annual reevaluations that token access no longer stood as a significant barrier to full participation in

¹⁸ 47 CFR § 64.6304(b); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1882-83, paras. 49-50. Recognizing that “a voice service provider may not be able to immediately come into compliance with its caller ID authentication obligations after it becomes eligible to receive” a SPC token, the Commission stated that it “will not consider a voice service provider that diligently pursues a certificate once it is able to receive one in violation of [its] rules.” *Id.* at 1882-83, para. 50.

¹⁹ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1882-83, para. 50.

²⁰ *Caller ID Authentication Governance Framework Revised to Enable Earlier Participation by Providers Without Direct Access to Telephone Numbers*, WC Docket Nos. 13-97, 17-97, Public Notice, DA 21-549 (WCB May 10, 2021).

²¹ *First Reevaluation of STIR/SHAKEN Extensions Public Notice* at 4; *Second Reevaluation of STIR/SHAKEN Extensions* at 6.

²² *First Reevaluation of STIR/SHAKEN Extensions Public Notice* at 4; *Second Reevaluation of STIR/SHAKEN Extensions Public Notice* at 6.

²³ *Sixth Caller ID Authentication Order and Further Notice* at 51, paras. 107-08.

²⁴ *Id.* at 52, para. 110.

²⁵ *Wireline Competition Bureau Announces Comment Dates for Sixth Caller ID Authentication Further Notice of Proposed Rulemaking*, WC Docket No. 17-97, Public Notice, DA 23-371 (WCB May 8, 2023).

²⁶ Commenters to the *Sixth Caller ID Further Notice* have largely addressed SPC token access in the context of third-party caller ID authentication practices. *See, e.g.*, New York State Public Service Commission (NYPSC) Comments, WC Docket No. 17-97, at 2 (rec. June 5, 2023) (arguing that the Commission should eliminate the extension and require providers that cannot obtain an SPC token to use third-party authentication methods); NTCA Comments, WC Docket No. 17-97, at 3 (rec. June 6, 2023) (stating that “the low cost of obtaining tokens . . . is certainly outweighed by the benefit of closing a serious security vulnerability”); CTIA Reply, WC Docket No. 17-97, at 6 (rec. July 5, 2023) (arguing that requiring originating providers to obtain their own SPC tokens will encourage innovation in STIR/SHAKEN); ZipDX Reply, WC Docket No. 17-97, at 4 (rec. July 2, 2023) (arguing that “the cost to obtain and maintain a token is revenue-based and will be small for a small reseller”); *but see* INCOMPAS Reply, WC Docket No. 17-97, at 6 (rec. July 5, 2023) (arguing that requiring all providers to obtain a token will “necessitate changes with both the industry’s token access policies and the Commission’s current administration of voice service providers”).

STIR/SHAKEN, should we recommend to the Commission that it terminate the extension, and if so what would be an appropriate end date? Are the remaining providers that are still unable to obtain a token materially compromising the implementation of the STIR/SHAKEN framework? Have any new burdens or barriers to STIR/SHAKEN implementation emerged for any providers that cannot obtain a SPC token? Overall, how should the Commission's recent *Sixth Caller ID Authentication Further Notice* inform or impact our reevaluation of the implementation extension for providers that cannot obtain a SPC token?

III. PROCEDURAL MATTERS

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.

Filing Requirements. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).²⁷

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.²⁸

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.²⁹ 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

²⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

²⁸ See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

²⁹ 47 CFR §§ 1.1200 *et seq.*

found) in lieu of summarizing them in the 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). In proceedings governed by rule 1.49(f) or 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, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf).³⁰ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Contact Information. For further information, please contact Merry Wulff, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau at (202) 418-1084 or by email at Merry.Wulff@fcc.gov.

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³⁰ *Id.* § 1.1206(b).