

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

In the Matter of)
)
BPO Innovate) EB-TCD-23-00035608
)

ORDER

Adopted: January 9, 2024

Released: January 9, 2024

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. By this Order, the Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) directs BPO Innovate (BPO Innovate or Company) to demonstrate why the Bureau should not remove BPO Innovate from the Robocall Mitigation Database (RMD). BPO Innovate’s RMD filing is deficient because (1) it failed to respond to traceback requests from the industry traceback consortium, which is contrary to its certification in the RMD, and (2) the document it filed in the RMD as its purported robocall mitigation plan does not describe the specific reasonable steps the Company has taken to avoid originating illegal robocall traffic. **Removal from the database would require all voice service providers and intermediate providers to cease accepting traffic directly from the Company.**¹ BPO Innovate must provide its response to this Order to the Bureau no later than 14 days after this Order is released.

II. BACKGROUND

2. The Commission may remove a voice service provider’s filing from the RMD that it finds “deficient in some way.”² To do so, the Commission first contacts the provider, notifying it that its filing is deficient, explaining the nature of the deficiency, and providing 14 days for the provider to cure the deficiency.³ If the provider fails to cure the deficiency, the Bureau will release an order concluding that a provider’s filing is deficient based on the available evidence. The order will direct the provider to—within 14 days—cure the deficiency in its filing and explain why the Bureau should not remove the Company’s certification from the RMD.⁴ If the provider fails to cure the deficiency or provide a sufficient explanation why its filing is not deficient within that 14-day period, the Bureau will release an order removing the provider from the RMD.⁵

¹ 47 CFR § 64.6305(g)(1).

² See *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1902-03, para. 83 (2020) (*Second Caller ID Authentication Order*).

³ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, FCC 23-18, 2023 WL 2582652, at *21, para. 60 (Mar. 17, 2023) (*Sixth Caller ID Authentication Order*).

⁴ *Id.* (quoting *Global UC Inc*, Removal Order, 37 FCC Rcd 13376, 13378, para. 5 (EB 2022)).

⁵ *Id.*

3. BPO Innovate is a voice service provider.⁶ It filed its RMD certification with the FCC on March 25, 2022.⁷ The certification contained a declaration under penalty of perjury that some of the Company's traffic was subject to a robocall mitigation program.⁸ It further committed—also under penalty of perjury—to “respond to all traceback requests from the Commission, law enforcement, and the industry traceback consortium.”⁹ BPO Innovate received numerous traceback requests from the Industry Traceback Group (ITG).¹⁰ To date, and contrary to its RMD certification, BPO Innovate has not responded to any of these traceback requests.¹¹

4. BPO Innovate's RMD certification also purported—under penalty of perjury—to attach a document detailing “the specific reasonable steps it has taken to avoid originating illegal robocall traffic as part of its robocall mitigation program.”¹² The document uploaded by BPO Innovate as an attachment to its RMD certification as its purported robocall mitigation plan is actually a letter from the Internal Revenue Service (IRS) notifying the Company it had been assigned an Employer Identification Number.¹³ Despite the Company's sworn certification, this document does not identify any specific reasonable steps BPO Innovate has taken to avoid originating illegal robocall traffic as part of its robocall mitigation program.¹⁴

III. DISCUSSION

A. BPO Innovate's Certification Is Deficient Because the Company Failed to Respond to Traceback Requests

5. The Commission's rules require a voice service provider to respond to all traceback requests from the Commission, law enforcement, and ITG “fully and in a timely manner[.]”¹⁵ In addition, a voice service provider that certifies in the RMD that it has partially implemented the STIR/SHAKEN

⁶ See BPO Innovate Listing (No. RMD0010872), Fed. Commc'ns Comm'n, Robocall Mitigation Database (filed Mar. 25, 2022), https://fccprod.servicenowservices.com/rmd?id=rmd_form&table=x_g_fmc_rmd_robocall_mitigation_database&sys_id=3717e6841b620d10aa3cea41f54bcb38&view=sp (Robocall Mitigation Database Filing) (indicating it is a voice service provider).

⁷ *Id.*

⁸ *Id.* (“The filer certifies that . . . some of the voice traffic that originates on its network is authenticated with STIR/SHAKEN, and the remainder of the voice traffic that originates on its network is subject to a robocall mitigation program.”).

⁹ *Id.*

¹⁰ See ITG, BPO Innovate Traceback Report (on file in EB-TCD-23-00035608) (Traceback Report). The Industry Traceback Group is the registered traceback consortium. *Implementing Section 13(d) of the Pallone-Thune Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No. 20-22, Report and Order, DA 23-719, 2023 WL 5358422, at *1, para. 1 (EB Aug. 18, 2023). BPO Innovate should have a record of each traceback request to which it has not responded, but if the Company would like to obtain a record of those requests it may contact EnforcementBureauTCD@fcc.gov.

¹¹ See Traceback Report.

¹² Robocall Mitigation Database Filing, *supra* note 6.

¹³ *Id.* (click on “Download PDF” button).

¹⁴ See *id.*

¹⁵ 47 CFR § 64.1200(n)(1)(i) (2022). Effective January 8, 2024, section 64.1200(n)(1) was amended by the Commission in May 2023 to require a provider to fully respond to a traceback request within 24 hours of receipt of the request. See *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, 88 Fed. Reg. 43446, 43458 (July 10, 2023).

caller ID authentication framework on its network certifies that “it commits to respond fully and in a timely manner to all such traceback requests.”¹⁶

6. BPO Innovate was obligated, as a voice service provider, to respond to tracebacks fully and in a timely manner.¹⁷ Moreover, BPO Innovate certified in the RMD that it “commits to respond to all traceback requests from the Commission, law enforcement, and the industry traceback consortium.”¹⁸ BPO Innovate has not responded the traceback requests it has received.¹⁹ BPO Innovate’s sworn RMD certification that it will “respond to all traceback requests” is plainly inaccurate and therefore its RMD certification is deficient.²⁰

B. BPO Innovate’s Certification Is Deficient Because the Company Failed to Sufficiently Describe Its Robocall Mitigation Program

7. The Commission’s rules require a voice service provider to “implement an appropriate robocall mitigation program.”²¹ A voice service provider that certifies that some or all of the calls that originate on its network are subject to a robocall mitigation program also certifies that “the attached document details the specific reasonable steps it has taken to avoid originating illegal robocall traffic as part of its robocall mitigation program.”²²

8. BPO Innovate is obligated, as a voice service provider to implement a robocall mitigation program.²³ BPO Innovate also certified that some of its traffic was subject to a robocall mitigation program²⁴ and that the document attached to its certification “details the reasonable steps it has taken to avoid originating illegal traffic as part of that robocall mitigation program.”²⁵ The attachment BPO Innovate provided—an irrelevant letter from the IRS—does not remotely satisfy this requirement. Accordingly, BPO Innovate’s RMD certification is deficient.²⁶

C. BPO Innovate Must Cure or Face Removal from the RMD and Widespread Call Blocking

9. The Bureau contacted the Company on September 29, 2023, to inform it that its certification was deficient because the Company failed to respond to traceback requests and the robocall

¹⁶ See, e.g., Robocall Mitigation Database Filing, *supra* note 6; see also 47 CFR § 64.6305(c)(2)(iii) (2022) (rule establishing the certification requirement). Effective August 21, 2023, section 64.6305 was amended to, among other things, redesignate paragraph (c) as paragraph (d). See Call Authentication Trust Anchor, 88 Fed. Reg. 40096, 40118 (June 21, 2023).

¹⁷ 47 CFR § 64.1200(n)(1)(i) (2022).

¹⁸ Robocall Mitigation Database Filing, *supra* note 6, para. 2.

¹⁹ See Traceback Report, *supra* note 10, para. 2.

²⁰ Robocall Mitigation Database Filing, *supra* note 6, para. 2.

²¹ 47 CFR § 64.6305(a)(1).

²² Robocall Mitigation Database Filing, *supra* note 6, para. 2; see also 47 CFR § 64.6305(c)(2)(ii) (2022) (establishing the certification requirement).

²³ 47 CFR § 64.6305(a)(1).

²⁴ Robocall Mitigation Database Filing, *supra* note 6, para. 2.

²⁵ *Id.*

²⁶ See *Sixth Caller ID Authentication Order*, *supra* note 3, at *21, para. 61 (“A certification is ‘facially deficient’ where the provider fails to submit a robocall mitigation plan within the meaning of our rules. That is, it fails to submit any information regarding the ‘specific reasonable steps’ it is taking to mitigate illegal robocalls.”). The Commission has adopted an expedited procedure for removal of facially deficient certifications. See *id.* at *21-22, paras. 59-64. The Bureau reserves the right to use that expedited removal procedure whenever applicable in the future.

mitigation plan attached to its certification did not satisfy the Commission's requirements, and advised the Company it had 14 days to cure.²⁷ The Bureau's notice asked BPO Innovate to respond fully to the traceback requests and any future traceback requests, and upload a compliant Robocall Mitigation Plan.²⁸ The Bureau did not receive a response from BPO Innovate, and BPO Innovate did not cure the identified deficiencies.

10. The Bureau directs BPO Innovate to explain why the Bureau should not remove the Company's certification from the RMD.²⁹ This Order affords BPO Innovate notice and an opportunity to cure its deficiencies by: (a) responding fully to all of the traceback requests (and thereafter responding fully and in a timely manner to any future traceback requests) in accordance with its certification and as required by section 64.1200(n)(1) of the Commission's rules;³⁰ and (b) amending its filing in the RMD to attach a robocall mitigation plan that meets the requirements of section 64.6305(d)(2) of the Commission's rules, including the specific reasonable steps the Company has taken to avoid originating illegal robocall traffic.³¹ Alternatively, the Company may explain why its certification is not deficient.³²

11. BPO Innovate shall file its response with the Bureau within fourteen (14) calendar days of the date of this Order.³³ Failure to respond and correct the deficiencies, or provide a sufficient explanation for why BPO Innovate should retain its certification in the RMD will result in removal of the certification and accompanying filing.³⁴ **Removal of BPO Innovate's certification from the RMD will require all voice service providers and intermediate providers to cease accepting calls directly from BPO Innovate.**³⁵ If BPO Innovate is removed from the RMD, it shall not be permitted to refile until both the Bureau and the Wireline Competition Bureau determine that BPO Innovate has addressed and resolved any deficiencies in its RMD certification.

IV. ORDERING CLAUSES

12. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i), 4(j), 227, 251(e), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 227, 251(e), 403; sections 0.111, 0.311, 1.1, 64.1200, and 64.6305 of the Commission's rules, 47 CFR §§ 0.111, 0.311, 1.1, 64.1200, 64.6305, this Order is **ADOPTED**.

13. **IT IS FURTHER ORDERED** that BPO Innovate **SHALL FILE** a written response to this Order **within fourteen (14) calendar days** from the release date of this Order. The written response must either inform the Bureau that BPO Innovate has corrected the deficiencies in its RMD certification or explain why its certification should not be removed from the RMD.

14. 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,

²⁷ Letter from Loyaan A. Egal, Chief, Enforcement Bureau, to BPO Innovate at Exhibit A (Sept. 29, 2023).

²⁸ *Id.*

²⁹ See *Second Caller ID Authentication Order*, *supra* note 2, 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 . . .”).

³⁰ 47 CFR § 64.1200(n)(1).

³¹ *Id.* § 64.6305(d)(2).

³² The Bureau warns the Company that the Bureau will not entertain arguments that the submission of an inapposite IRS tax document in lieu of a substantive robocall mitigation plan somehow fulfilled the Company's obligations.

³³ See *Sixth Caller ID Authentication Order*, *supra* note 3, at *21, para. 60.

³⁴ See *id.*

³⁵ 47 CFR § 64.6305(g)(1).

Division Chief, Telecommunications Consumers Division, at kristi.thompson@fcc.gov, and Alexander Hobbs, Attorney Advisor, Telecommunications Consumers Division, at alexander.hobbs@fcc.gov.

15. **IT IS FURTHER ORDERED** that copies of this Order shall be sent by email and registered mail, return receipt requested, to: BPO Innovate, sales@bpoinnovate.com, 31 Myrte Ave., Keansburg, NJ 07734.

16. **IT IS FURTHER ORDERED** that pursuant to section 1.102(b) of the Commission's rules, 47 CFR § 1.102(b), this Order **SHALL BE EFFECTIVE** upon release.

FEDERAL COMMUNICATIONS COMMISSION

Loyaan A. Egal
Chief
Enforcement Bureau