

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

In the Matter of
BPO Innovate
EB-TCD-24-000360562

ORDER

Adopted: March 27, 2024

Released: March 27, 2024

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. By this Order, the Federal Communications Commission's (FCC or Commission) Enforcement Bureau (Bureau) removes the certification of BPO Innovate (BPO Innovate or Company) from the Robocall Mitigation Database (RMD).1 BPO Innovate did not cure its deficient RMD certification (Certification) or otherwise demonstrate why the Bureau should not remove its Certification from the RMD following the Bureau's January 9, 2024 Order directing it to take either one of these actions.2 Removal from the RMD requires all intermediate providers and terminating voice service providers to cease accepting traffic directly from BPO Innovate.3 Furthermore, BPO Innovate shall not re-file a Certification without the prior approval of the FCC's Wireline Competition Bureau and the Bureau.

II. BACKGROUND

A. Database Requirements for Voice Service Providers

2. Protecting Americans from the dangers of illegal robocalls is the Commission's top consumer protection priority.4 As part of its multi-pronged approach to combatting illegal robocalls, the Commission mandated adoption of the Secure Telephony Identity Revisited/Signature-based Handling of Asserted information using toKENs (STIR/SHAKEN) caller ID authentication framework.5 Prior to revisions to the RMD certification requirements that took effect on February 26, 20246—which is the

1 See Call Authentication Trust Anchor, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, 38 FCC Rcd 2573, 2604, para. 60 (2023) (Sixth Caller ID Authentication Order).

2 See BPO Innovate, Order, DA 24-20, 2024 WL 124225 (EB Jan. 9, 2024) (Show Cause Order).

3 47 CFR § 64.6305(g)(1); Call Authentication Trust Anchor, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1904, para. 86 (2020) (Second Caller ID Authentication Order).

4 See Consumer Guide, Fed. Comm'n's Comm'n, Stop Unwanted Robocalls and Texts (July 7, 2023), https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts#:~:text=Unwanted%20calls%20%E2%80%93%20including%20illegal%20and,our%20top%20consumer%20protection%20priority.

5 See 47 CFR § 64.6301(a); 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, 3243, para. 3 (2020).

6 See Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor, 89 Fed. Reg. 4833, 4833 (Jan. 25, 2024); Wireline Competition Bureau Announces Robocall Mitigation Database Filing

relevant time period for the actions subject to this Order—all voice service providers were required to file Certifications with the Commission declaring whether their traffic is authenticated with STIR/SHAKEN or subject to a robocall mitigation program.⁷

3. A voice service provider that certified in the RMD that it has partially implemented the STIR/SHAKEN caller ID authentication framework on its network was also required to certify that it will “respond fully and in a timely manner to all traceback requests.”⁸ The Commission’s rules also required a voice service provider to respond to all traceback requests from the Commission, law enforcement, and the Industry Traceback Group (ITG) “fully and in a timely manner[.]”⁹

4. Voice service providers that had not fully implemented STIR/SHAKEN were also required to detail in a robocall mitigation plan attached to their Certifications the specific reasonable steps they were taking to avoid originating illegal robocall traffic.¹⁰

5. The Bureau may remove a voice service provider’s Certification from the RMD that it finds deficient.¹¹ A deficient Certification includes one that inaccurately represents the provider will respond fully and in a timely manner to traceback requests as required.¹² A deficient Certification also includes one that fails to attach a robocall mitigation plan that describes specific reasonable steps a voice service provider or gateway provider has taken to avoid originating or carrying illegal robocall traffic.¹³

6. To remove a deficient Certification, the Bureau first contacts the provider and notifies it that its filing is deficient, explains the nature of the deficiency, and provides 14 days for the provider to cure the deficiency.¹⁴ If the provider fails to cure the deficiency, the Bureau will release an order concluding that the provider’s filing is deficient based on the available evidence.¹⁵ 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.¹⁶ 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.¹⁷

Deadlines and Instructions and Additional Compliance Dates, WC Docket No. 17-97, Public Notice, DA 24-73, 2024 WL 329264, at *1-4 (WCB Jan. 25, 2024) (*January 2024 RMD Filing Public Notice*).

⁷ 47 CFR § 64.6305(d)(1) (2023); *Second Caller ID Authentication Order*, *supra* note 3, at 1902, para. 82.

⁸ *See* 47 CFR § 64.6305(d)(2)(iii) (2023).

⁹ *Id.* § 64.1200(n)(1)(i) (2023). Effective January 8, 2024, section 64.1200(n)(1) requires a provider to fully respond to a traceback request within 24 hours of receipt of the request. *See id.* § 64.1200(n)(1) (current); Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor, 88 Fed. Reg. 43446, 43458 (July 10, 2023).

¹⁰ 47 CFR § 64.6305(d)(2)(ii) (2023); *Second Caller ID Authentication Order*, *supra* note 3, at 1902, para. 82.

¹¹ 47 CFR § 0.111(a)(28)(i); *see Second Caller ID Authentication Order*, *supra* note 3, at 1902-03, para. 83.

¹² *See* 47 CFR § 64.6305(d)(2)(iii) (2023).

¹³ *See id.* § 64.6305(d)(2)(ii), (e)(2)(ii); *see also Second Caller ID Authentication Order*, *supra* note 3, at 1902, para. 82; *Gateway Provider Order*, 37 FCC Rcd at 6882, para. 40.

¹⁴ *Sixth Caller ID Authentication Order*, *supra* note 1, at 2604, para. 60.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

7. Commission rules prohibit any intermediate provider or terminating voice service provider from accepting voice traffic directly from any voice service provider that does not have a Certification in the RMD.¹⁸

B. BPO Innovate’s Deficient Certification

8. On March 25, 2022, BPO Innovate filed a Certification in the RMD and indicated that it is a voice service provider.¹⁹ In its Certification, BPO Innovate declared under penalty of perjury that some of its traffic was subject to a robocall mitigation program.²⁰

9. The Company further committed in its Certification—also under penalty of perjury—to “respond to all traceback requests from the Commission, law enforcement, and the industry traceback consortium[.]”²¹ BPO Innovate received numerous traceback requests from the ITG.²² To date, and contrary to its Certification, BPO Innovate has not responded to any of these traceback requests.²³

10. 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[.]”²⁴ Despite BPO Innovate’s sworn Certification, the document it provided as its purported robocall mitigation plan did not identify any specific reasonable steps the Company has taken to avoid originating illegal robocall traffic as part of its robocall mitigation program.²⁵

11. On September 29, 2023, the Bureau sent BPO Innovate a notice that its certification was deficient and gave the Company 14 days to correct the deficiencies.²⁶ The Bureau’s notice informed BPO Innovate that to cure these deficiencies it needed to respond fully to the identified traceback requests and any future traceback requests, and upload a compliant robocall mitigation plan.²⁷ The Bureau did not receive a response from BPO Innovate, and BPO Innovate did not cure the identified deficiencies.

¹⁸ 47 CFR § 64.6305(g)(1); *Second Caller ID Authentication Order*, *supra* note 3, at 1904, para. 86.

¹⁹ BPO Innovate Listing (No. RMD0010872), Fed. Comm’n’s Comm’n, Robocall Mitigation Database (filed Mar. 25, 2022) (indicating it is a voice service provider). Due to changes to the Commission’s rules that were adopted in the *Sixth Caller ID Authentication Order* and took effect on January 8, 2024, the Wireline Competition Bureau directed existing filers to update their RMD submissions to provide newly-required information and certifications by February 26, 2024. *See January 2024 RMD Filing Public Notice*, *supra* note 6, at *1-2. As a result of this recertification process and associated revisions to the RMD, the full text of provider certifications prior to 2024 are no longer publicly available in the RMD.

²⁰ *See Show Cause Order*, *supra* note 2, at *1, para. 3.

²¹ *See id.*

²² ITG, BPO Innovate Traceback Report (on file in EB-TCD-24-000360562).

²³ *Id.*

²⁴ *See Show Cause Order*, *supra* note 2, at *2, para. 4.

²⁵ *See id.* (describing the attachment filed by BPO Innovate as an unrelated document from the IRS). We note that the Certification was not merely deficient, but was facially deficient because it did not attach any robocall mitigation plan. *See Sixth Caller ID Authentication Order*, *supra* note 1, at 2604, 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 removing facially deficient certifications, *see id.* at 2604-05, paras. 61-62.

²⁶ Letter from Loyaan A. Egal, Chief, Enforcement Bureau, to BPO Innovate, at 1-2 (Sept. 29, 2023) (Egal Letter).

²⁷ *Id.* at 2.

12. On January 9, 2024, the Bureau ordered BPO Innovate to correct the deficiencies of its Certification or explain why its Certification should not be removed from the RMD.²⁸ BPO Innovate had 14 days to file a response.²⁹ The Bureau did not receive a response from BPO Innovate, and BPO Innovate did not cure the identified deficiencies.

III. DISCUSSION

13. We find that BPO Innovate's Certification is deficient because (1) the Company failed to respond to traceback requests and (2) the purported robocall mitigation plan submitted with its Certification includes no description of any reasonable steps the Company has taken to avoid originating illegal robocall traffic, and thus does not satisfy the Commission's requirements.³⁰ The Bureau notified BPO Innovate of those deficiencies and it did not cure.³¹ The Bureau then ordered the Company to cure the deficiencies or otherwise explain why it should not be removed from the RMD.³² BPO Innovate did neither. Therefore, the Certification now warrants removal.

14. Accordingly, we remove BPO Innovate's Certification from the RMD as of the release date of this Order. Once removed, **all intermediate providers and voice service providers must cease accepting traffic from BPO Innovate.**³³ BPO Innovate shall not refile in the Database unless and until both the Wireline Competition Bureau and the Bureau determine that the Company has addressed and resolved any deficiencies or shortcomings in its Certification.

15. *Additional Information.* For further information about this Order, contact Alexander Hobbs, Attorney Advisor, Telecommunications Consumers Division, Enforcement Bureau, at alexander.hobbs@fcc.gov or (202) 418-7433.

IV. ORDERING CLAUSES

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

17. **IT IS FURTHER ORDERED** that BPO Innovate is **IMMEDIATELY REMOVED** from the Robocall Mitigation Database as of the release date of this Order.

18. **IT IS FURTHER ORDERED** that BPO Innovate shall not refile in the Robocall Mitigation Database unless and until both the Wireline Competition Bureau and the Enforcement Bureau determine that it has addressed and resolved any deficiencies or shortcomings in its Certification.

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

²⁸ *Show Cause Order*, *supra* note 2, at *3, para. 10.

²⁹ *Id.* at para. 11.

³⁰ See 47 CFR § 64.6305(d)(2)(ii)–(iii) (2023).

³¹ Egal Letter, *supra* note 26, at 1-2.

³² *Show Cause Order*, *supra* note 2, at *3, para. 10.

³³ 47 CFR § 64.6305(g)(1).

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

FEDERAL COMMUNICATIONS COMMISSION

Loyaan A. Egal
Chief
Enforcement Bureau