

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

In the Matter of)	
)	
Call Authentication Trust Anchor)	WC Docket No. 17-97
)	
Exemption from Caller ID Authentication Requirements)	WC Docket No. 20-68
)	

**REPLY COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these reply comments in response to the Public Notice issued by the Federal Communications Commission’s (the “Commission”) Wireline Competition Bureau (“WCB”) in the above-captioned proceedings.² The Public Notice was issued to comply with the TRACED Act provision³ directing the Commission to “reevaluate and potentially revise any extensions granted on the basis of undue hardship”⁴ with respect to the requirement that all voice service providers adopt STIR/SHAKEN call authentication. Particularly relevant to NTCA, the Public Notice seeks comment on the extension granted to “small” providers (*i.e.*, those serving fewer than 100,000 voice subscribers) by the *Second Caller ID Authentication Report and Order*.⁵ As discussed

¹ NTCA represents approximately 850 providers of high-quality voice and broadband services in the most rural parts of the United States. In addition to voice and broadband, many NTCA members provide wireless, video, and other advanced services in their communities.

² *Wireline Competition Bureau Seeks Comment on Two Traced Act Obligations Regarding Caller ID Authentication*, WC Docket No. 17-97, Public Notice, DA 21-1103 (rel. Sep. 3, 2021) (“Public Notice”).

³ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, §4(b)(5)(F), 133 Stat. 3274, 3277 (2019) (“TRACED Act”).

⁴ Public Notice, p. 2.

⁵ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, FCC 20-136 (rel. Oct. 1, 2020) (“*Second Caller ID Authentication Report and Order*”) (“*Second Caller ID Authentication Report and Order*”), ¶ 40 (adopting a June 2023 implementation deadline for “small” voice service providers, defined as those with 100,000 or fewer voice subscriber lines).

further below, the record compiled in this proceeding does not support a blanket revocation of “undue hardship” waivers already granted based on substantial evidence of need.

Nothing has changed since October 2020 that would merit terminating, or truncating in any way, the June 2023 STIR/SHAKEN implementation deadline for small voice service providers that was based on a finding of “undue hardship.”⁶ As directed by the TRACED Act, the Commission considered and ultimately adopted an “undue hardship” extension for small providers, specifically finding that “vendor costs may be prohibitively expensive for small voice service providers and could result in budget shortages”⁷ and that “additional time will allow voice service providers confronted with budget shortages to spread costs over a longer time horizon.”⁸ One year later, this largely remains the case – NTCA members report that the costs they will incur for STIR/SHAKEN implementation will be substantial, and the passage of one year has not seen vendor prices reduced in any way. In fact, the “supply chain” issues referenced below might reasonably be expected to drive an increase in STIR/SHAKEN implementation costs.

Small providers have to date planned their implementation efforts, including budgeting for such efforts, around a June 2023 deadline. Serving sparsely-populated, high-cost-to-serve rural areas requires careful budgeting, and directing limited capital and operations expenses (as well the human resources necessary to implementing any new technologies/services) to where they are needed the most. Terminating or shortening the extension for small providers facing the very same “undue hardship” they did one year ago would upend this planning and force them to,

⁶ *Id.*, ¶ 43.

⁷ *Id.*

⁸ *Id.*

in shorter order, undertake implementation of an expensive and complicated new technology standard.

Even if small operators were somehow able to overcome these concerns and locate funds necessary to implement STIR/SHAKEN immediately (as well obtain necessary equipment needed, which is a dubious proposition as discussed below), they would further need to test such solutions once installed. Vendor solutions that NTCA members are planning to turn to for compliance with this regulatory mandate have not been fully tested on their networks – and, in any case, they are certainly not simply “plug and play.” Older IP switches, while capable, may require additional hardware and software upgrades to work with newly installed STIR/SHAKEN solutions and successfully generate caller-ID authentication information. These small operators would then need to engage in testing with the many other providers with whom they exchange voice traffic to ensure that STIR/SHAKEN solutions once installed and tested in their own networks can in turn successfully pass call authentication data to and from upstream providers. Again, this is not a simple “plug and play” process but rather one that requires careful planning and several months of effort to properly execute – an unnecessarily terminated or truncated extension risks setting these operators up for authentication and other implementation failures due to these smaller companies, with their limited staffs, rushing to meet a deadline shorter than previously contemplated.

In addition, the WCB should consider that NTCA members (and likely many other similarly-situated small operators⁹) today face other complex and expensive regulatory

⁹ See Comments of the Competitive Carriers Association (“CCA”), WC Docket Nos. 17-97, 20-68 (fil. Nov. 12, 2021), p. 3.

mandates, and supply chain concerns complicate those efforts as well as their ongoing work to extend and enhance their broadband networks.¹⁰ In some cases, the vendors that small operators will turn to for STIR/SHAKEN implementations are the very same ones that at this moment are dealing with supply chain issues that limit small carriers' access to customer premises, network performance testing, and other equipment necessary to operators' compliance with other mandates. Thus, any accelerated implementation could likely met with a multitude of waiver requests as operators cannot obtain the equipment necessary to implement STIR/SHAKEN within a more accelerated timeframe.

Associations representing both the cable and wireless industries point to similar challenges faced by their members as those discussed above.¹¹ In short, there is no basis upon which to reconsider the Commission's October 2020 finding that "small" voice service providers face an "undue hardship" with respect to implementation of STIR/SHAKEN protocols and terminate the extension tied directly to that finding.

Claims that alternatives may exist to enable implementation more quickly unfortunately do not capture the full picture of barriers to such implementation. For example, even as Transnexus points to the Policy Administrator registration of 398 voice providers as evidence that some smaller providers may have means available now to implement call authentication,¹² it is worth noting that the standards that TransNexus in turn looks to for such authentication remains under industry consideration even as standards have been published. More importantly,

¹⁰ NTCA *Ex parte*, WC Docket No. 10-90 (fil. Nov. 12, 2021) (discussing "supply chain disruptions persist throughout the telecom industry" that among other things complicate performance measurement testing requirements for High-Cost support recipients).

¹¹ CCA, p. 3; Comments of ACA Connects – America's Communications Association ("ACA Connects"), WC Dockets No. 17-97, 20-68 (Nov. 12, 2021), p. 3.

¹² Comments of Transnexus, WC Dockets No. 17-97, 20-68 (Nov. 12, 2021), p. 1.

and quite unfortunately, it is not yet clear that some larger operators in particular will accept the mechanism that TransNexus points to as an alternative means of authentication. While the Out-of-Band standards that Transnexus points to can indeed offer small providers additional “tools in the toolkit” to authenticate calls and ultimately should offer promise as an alternative to STIR/SHAKEN implementation on IP-based networks, until the industry either accepts (or is directed to accept)¹³ these standards on a common and widespread basis, there is some question as to whether all operators will “honor” such authentication end-to-end.

It is therefore important that the Commission take steps to encourage the industry to turn to the implementation stage of these Out-of-Band standards promptly – *and* to address IP interconnection barrier that will frustrate other STIR/SHAKEN implementations for those small operators that would prefer to evolve to IP-based solutions rather than continuing TDM exchange of calls¹⁴ – in order to ensure that barriers to effective implementation of call authentication techniques by smaller providers will be removed. Until such time as the Commission addresses *both* of these issues, however, it will be the case that barriers to implementation will persist and present “undue hardship,” necessitating the retention of a June 2023 deadline.

Finally, the Public Notice references the *Third Further Notice* in this docket that sought comment on accelerating the compliance deadline for small voice service providers that originate an especially large number of calls.¹⁵ Even as that proposal is outside the scope of the inquiry at

¹³ See, Transnexus, *ex parte*, WC Docket No. 17-97 (fil. Sep. 20, 2021).

¹⁴ Comments of NTCA – The Rural Broadband Association, WC Docket Nos. 17-97, 20-67, p. 10 (stating that “an IP-enabled RLEC with a vendor solution in place can only – in the absence of an IP interconnect with upstream carriers – generate caller-ID information that will disappear as it leaves the RLEC’s network”).

¹⁵ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Third Further Notice of Proposed Rulemaking, FCC 21-62 (rel. May 21, 2021) (“*Third Further Notice*”).

issue here and required by the TRACED Act, the comments of the Electronic Privacy Information Center and the National Consumer Law Center (“EPIC/NCLC”) filed in response to the Public Notice are instructive – in short, EPIC/NCLC is correct in recognizing that the proposals found in the *Third Further Notice* are over-inclusive.¹⁶ NTCA reiterates here that if the Commission desires a method of seeking out, for the purposes of an accelerated STIR/SHAKEN implementation deadline, the subset of “small” providers that are the “bad actors,” exempting “facilities-based” providers from that shortened timeframe is the most precise way of only targeting those willing to allow their networks to be used for nefarious purposes while avoiding sweeping in innocent actors. Moreover, the Commission has a record upon which to act in that regard.¹⁷ It should be further noted that EPIC/NCLC’s larger point in terms of advocating for strict enforcement of the Commission’s anti-robocalling efforts (the agency’s robocall mitigation rules, the duty to cooperate with Traceback) hits the mark as well, and likely is a much better approach to the getting at the bad actors than any of the various options in the *Third Further Notice*.

That said, even as EPIC/NCLC is on the right track, the specific inquiry as issue here – teed up by the Public Notice and as required by the TRACED Act – involves a different set of considerations that should be the sole focus of Commission action in this specific proceeding. At issue here is the circumstances specifically underlying the issuance of the “undue hardship” extension granted in October 2020 – as noted above, these have not changed. Thus, a

¹⁶ Comments of EPIC/NCLC, WC Dockets No. 17-97, 20-68 (Nov. 12, 2021), p. 12.

¹⁷ Comments of USTelecom – The Broadband Association, WC Docket No. 17-97 (fil. Jul. 9, 2021); Comments of ZipDX, LLC WC Docket No. 17-97 (fil. Jul. 9, 2021); ACA Connects, WC Docket No. 17-97 (fil. Jul. 9, 2021); Comments of INCOMPAS, WC Docket No. 17-97 (fil. Jul. 9, 2021); Comments of Transaction Network Services, Inc., WC Docket No. 17-97 (fil. Jul. 9, 2021).

termination of, or limiting of, that extension would force hundreds of small providers to implement a complicated and expensive new standard with little in the way of funding or interoperability testing (and perhaps without necessary equipment) necessary to be successful. The WCB should therefore recommend that the Commission fulfill the specific TRACED Act requirement at issue herein – its duty under Section 4(b)(5)(A)(i) to “reevaluate and potentially revise any extensions granted on the basis of undue hardship”¹⁸ – by retaining the June 2023 implementation deadline for voice operators with fewer than 100,000 subscribers.

Respectfully submitted,



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¹⁸ Public Notice, p. 2.