

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

In the Matter of)	
)	
Implementation of the Middle Class Tax Relief and Job Creation Act of 2012)	CG Docket No. 12-129
)	
Establishment of a Public Safety Answering Point Do-Not-Call Registry)	
)	
Enhancing Security of Public Safety Answering Point Communications)	PS Docket No. 21-343
)	

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

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these reply comments in response to the Further Notice of Proposed Rulemaking (“*Further Notice*”) released by the Federal Communications Commission (the “Commission”) in the above-captioned proceedings.² The *Further Notice* seeks comment on whether the Commission should require voice service providers to block calls made by autodialers to Public Safety Answering Point (“PSAP”) telephone numbers registered in a PSAP Do-Not-Call registry.³ NTCA and its members share the Commission’s interest in protecting PSAPs from being flooded with unwanted calls that can divert critical first responder resources from their live-saving missions. However, as the record compiled in response to the *Further Notice* indicates, the proposal to

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 *Implementation of the Middle Class Tax Relief and Job Creation Act of 2012, Establishment of a Public Safety Answering Point Do-Not-Call Registry*, CG Docket No. 12-129, *Enhancing Security of Public Safety Answering Point Communications*, PS Docket No. 21-343, Further Notice of Proposed Rulemaking, FCC 21-108 (rel. Oct. 1, 2021) (“*Further Notice*”).

³ The Commission proposes to establish a registry of autodialers and require voice service providers to block any calls made from numbers on that list to any numbers registered with the PSAP Do-Not-Call registry.

require voice service to rely on a list of registered “outbound” telephone numbers used to make autodialed calls (and block calls to PSAPs from those numbers) is likely to be ineffective, and thus will impose substantial burden on providers for little gain. NTCA therefore joins other network operators commenting on the *Further Notice* in advocating for expanded use of the existing Reassigned Numbers Database (“RND”) in a manner that would enable legitimate callers to avoid inadvertently dialing PSAP telephone numbers.

As several parties note,⁴ the *Further Notice* proposal to rely on a list of all outbound telephone numbers used to place autodialed calls, for determining which calls to block, is likely to account for “good faith actors” only. Bad actors are unlikely to register with a government database.⁵ Thus, as USTelecom notes, “the solution would only address calls from legitimate callers that proactively register their numbers because they are in fact randomly or sequentially dialing and thus clearly using an autodialer under *Facebook v. Duguid*.”⁶ Moreover, as even the *Further Notice* itself admits, recent Supreme Court jurisprudence has narrowed the definition of an “automatic telephone dialing system,” or “autodialer,” and thus the scope of entities subject to the requirement to register could be quite limited.⁷

Moreover, NTCA joins USTelecom and Lumen in noting that the *Further Notice* autodialer list proposal could be significantly burdensome for providers. Lumen points to the “costly manual effort to block every call to any registered PSAP number from any registered

⁴ Comments of USTelecom – The Broadband Association, CG Docket No. 12-129, PS Docket No. 21-343 (fil. Dec. 1, 2021) (“USTelecom”), p. 5; Comments of NCTA – The Internet & Television Association, CG Docket No. 12-129, PS Docket No. 21-343 (fil. Dec. 1, 2021) (“NCTA”), p. 3; Comments of The Alliance for Telecommunications Industry Solutions, CG Docket No. 12-129, PS Docket No. 21-343 (fil. Dec. 1, 2021) (“ATIS”), p. 3.

⁵ NCTA, pp. 2-3. (“The entities that most concern the Commission—those that would use autodialers to ‘generate large numbers of unwanted calls to emergency lines’ and thereby ‘interfer[e] with public safety communications Systems’—are bad actors, and highly unlikely to register their numbers voluntarily.”). Internal citations omitted.

⁶ USTelecom, p. 5.

⁷ *Further Notice*, ¶ 14.

autodialer,”⁸ noting that “[u]nlike do-not-originate (“DNO”) efforts, where only the originating endpoint of a call needs to be analyzed to determine whether the call should be blocked, under the FNPRM’s proposal both the originating and terminating endpoints of a call would need to be analyzed.”⁹ NTCA members report that the switch and other internal process changes to enable this functionality at both ends of the call would be costly and time consuming, unfortunately diverting limited staff and financial resources from efforts underway to prepare for implementation of STIR/SHAKEN call authentication technology. USTelecom points to similar complex and expensive upgrades for its members, correctly summarizing the *Further Notice* proposal as “require[ing] these significant, complex, and costly network upgrades, without any confidence that the approach will work and materially improve PSAP protections.”¹⁰

To be clear, NTCA supports efforts to ensure that PSAPs are not inundated with disruptive and unwanted calls. Thus, as an alternative to the *Further Notice* proposal discussed above, the Commission should leverage the existing RND consistent with the endorsement of several commenters in this proceeding. ATIS correctly notes that this “may encourage more participation from the autodialer community than the proposed registry because use of the RND would reduce autodialers’ potential TCPA liability.”¹¹ Moreover, after pointing out that, in some cases, autodialer calls are made for an “emergency purpose,”¹² Lumen correctly notes that by using the RND “[e]mergency calls to PSAP numbers would still be completed as they are today, without the risk of being inadvertently blocked because they originate from an autodialer.”¹³

⁸ Comments of Lumen, CG Docket No. 12-129, PS Docket No. 21-343 (fil. Dec. 1, 2021) (“Lumen”), p. 3.

⁹ *Id.*

¹⁰ USTelecom, p. 6.

¹¹ ATIS, p. 6. *See also* Lumen p. 6 (“Autodialers would be further incented to use the RND and, by so doing, would enjoy the benefits of a TCPA safe harbor.”).

¹² Lumen, pp. 4-5.

¹³ *Id.*, p. 6.

Finally, ATIS points to the benefits of STIR/SHAKEN here, stating that “for both 911 and 10-digit calls, STIR/SHAKEN may mitigate some risks to PSAPs by supplying information regarding the legitimacy of the calling number, allowing the call taker at the PSAP to apply appropriate operating procedures.”¹⁴ NCTA, for its part, notes that “[i]ndustry-wide implementation of STIR/SHAKEN will help protect *all* call recipients, including PSAPs, against harmful robocalls.”¹⁵ Thus, rather than diverting industry resources away from nationwide implementation of this important standard – particularly for an approach that relies on an autodialer registry of limited utility – the Commission should do everything within its broad statutory authority to enable full and effective nationwide implementation of STIR/SHAKEN by all voice service providers.¹⁶

Respectfully submitted,



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¹⁴ ATIS, pp. 4-5.

¹⁵ NCTA, p. 4. (emphasis in the original).

¹⁶ See Comments of NTCA-The Rural Broadband Association, WC Docket No. 17-97 (fil. May 15, 2020) (discussing the most effective way to enable rural carriers’ implementation of STIR/SHAKEN).