

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

In the Matter of)	
)	
Improving the Effectiveness of the Robocall Mitigation Database)	WC Docket No. 24-213
)	
Amendment of Part 1 of the Commission’s Rules, Concerning Practice and Procedure, Amendment of CORES Registration System)	MD Docket No. 10-234

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

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Notice of Proposed Rulemaking (“*NPRM*”) issued by the Federal Communications Commission (“Commission”) in the above-captioned proceedings.² The *NPRM* seeks comment on amendments to its Robocall Mitigation Database (“RMD”) rules, including adoption of a filing fee and enhanced financial consequences for voice service providers’ failure to follow these rules. NTCA generally supports efforts to address illegal robocalls and protect consumers. That said, there is a need for the Commission to sharpen other “tools in its toolkit” to protect consumers and restore trust in caller-ID. These tools are

¹ NTCA is an industry association composed of approximately 850 community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or themselves are engaged in the provision of such services. NTCA is a founding board member of the Secure Telephone Identity Governance Authority (“STI-GA”), serves on the ATIS Non-IP Call Authentication Task Force (“NIPCA”), the SIP Interconnection Working Group, the North American Numbering Council (“NANC”), and the NANC Call Authentication Trust Anchor and Internet of Things working groups.

² *Improving the Effectiveness of the Robocall Mitigation Database*, WC Docket No. 24-213, *Amendment of Part 1 of the Commission’s Rules, Concerning Practice and Procedure, Amendment of CORES Registration System*, MD Docket No. 10-234, Notice of Proposed Rulemaking, FCC 24-85 (rel. Aug. 8, 2024).

unfortunately dulled due to the continued presence of Time-Division Multiplexing (“TDM”) facilities within voice networks across the nation, and Commission action is urgently needed to address the gaps created as a result.

First, the Commission should ensure that the adoption of a new RMD filing fee is not applied in an unnecessarily broad manner. The fee should only be imposed *annually* for all voice service providers, and then only assessed beyond that specifically where amended filings are submitted in response to a Commission finding that a robocall mitigation plan is “facially deficient.”³ The RMD rules are in some cases confusing and vague,⁴ and corrections for ministerial errors highlighted by the Commission upon review should not trigger an obligation to pay yet another filing fee. In these cases – as well as for relatively straightforward interim updates to plans or even amendments to reflect the hiring of a new “principal”⁵ – the imposition of an additional filing fee atop an annual assessment makes little sense and would in fact discourage such ministerial submissions and straightforward updates. Moreover, far less staff time is needed for such review as compared to reviewing new filings, ensuring that a facially

³ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, FCC 23-18 (rel. Mar. 17, 2023) (“*Sixth Caller ID Authentication Report and Order*”), ¶ 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.”).

⁴ *Ex parte* letter, Cloud Communications Alliance and INCOMPAS, CG Docket No. 23-362, WC Docket No. 24-213, MD Docket No. 10-234 (fil. Jul. 31, 2024), p. 2 (stating that “the primary concern with the database currently is a lack of clarity and best practices surrounding requirements for registration and the information that must be included in a service provider’s filing (including their Robocall Mitigation Plan). These requirements can be vague, opening providers up to inadvertent errors in their filings. As a result, requiring providers to submit a new filing fee every time a provider makes a minor adjustment to its RMD filing or assessing a base forfeiture for inaccurate (but readily curable) information is unnecessarily punitive for service providers.”).

⁵ *Sixth Caller ID Authentication Report and Order*, ¶ 46 (adopting a requirement that providers “submit information regarding their principals, affiliates, subsidiaries, and parent companies in sufficient detail.”).

deficient filing is cured, or periodically reviewing filings in the database to ensure they remain compliant with the rules. A filing fee to update a plan found to be “facially deficient,” on the other hand, certainly merits an additional filing fee (in addition to the imposition of a forfeiture as addressed below).

In addition, the filing fee should be imposed at the “holding company” as opposed to the operating company level for instances in which each subsidiary utilizes the same basic mitigation plan. Many NTCA members operate several entities that provide voice service, and while these are separate entities with their own unique FCC Registration Numbers, they are commonly held, utilize the same robocall mitigation tactics, and file mitigation plans that are identical in every respect. In these cases, Commission staff need not expend additional time to review these identical plans. As the proposed fee amount is based upon staff time required for review,⁶ the fee should only be imposed on the holding company and only in the limited circumstances as discussed above.

The Commission should also ensure that its proposals to increase the base forfeiture amount for those submitting false or inaccurate information⁷ into the RMD and for failures to update mitigation plans are not overly punitive. A forfeiture imposed for a ministerial error, or for a failure to update the plan within 10 days when a company board member is replaced, would be overly broad, and such instances must be differentiated from a filer claiming certain mitigation tactics are utilized when in fact they are not. Indeed, the latter would fall within the “lack of candor” rules to which the *NPRM* points,⁸ and thus the Commission should adopt the

⁶ *NPRM*, fn 88.

⁷ *Id.*, ¶¶ 35-37.

⁸ 47 C.F.R § 1.17(a).

intentionality standard found therein with respect to its proposed “false or inaccurate information” forfeiture amount. In addition, facially deficient mitigation plans within the meaning of the term as found in Commission rules should be assessed such a forfeiture. Forfeitures for a failure to update should operate under a similar standard, with only those meant to intentionally mislead being subjected to this increased penalty. In any case, the Commission should ensure that its laudable efforts to go after those that seem to flout its rules do not stray into punitive action against “good actors” that make minor inadvertent mistakes.

As a separate matter, NTCA urges the Commission to proceed with caution should it enable permissive blocking of voice traffic as proposed in the *NPRM*; more precisely, the association agrees with the proposal to enable permissive blocking *only* for calls originated by operators found to have facially deficient robocall mitigation plans and only after these providers have failed to cure the deficiency.⁹ To the extent the Commission is forced to make “qualitative judgments” about the sufficiency of measures included within a mitigation plan, the Commission can and should reach out to providers where it has concerns and seek further information and justification for the measures the provider describes in their plan.¹⁰ Blocking of calls is a step that should not be taken lightly, and expanding the use of this severe penalty for anything beyond clear violations of the Commission’s robocall mitigation rules risks disrupting the seamless flow of legitimate calls.

⁹ *NPRM*, ¶ 38.

¹⁰ *Id.*, ¶ 46 (when discussing the “scope of facial deficiencies” and the proposal for permissive blocking stating that “we propose to limit any permissive blocking measure to circumstances where the robocall mitigation plan submitted to the Robocall Mitigation Database is facially deficient, versus circumstances that require the Commission to make a qualitative judgment about the sufficiency of the measures described in the plan.”).

Finally, robocall mitigation rules are but one of many methods at providers' disposal to combat illegal robocalls and "spoofing." STIR/SHAKEN protocols and limited call blocking (with redress and notification rules to address mistakenly blocked calls), as well as new Rich Call Data ("RCD") features, are critical tools as well. Yet, each of these is far less effective where a call routes over TDM at any point; STIR/SHAKEN information is lost when a call is routed in this manner,¹¹ as is critical information that is conveyed within 603+ blocking notifications.¹² New RCD features similarly do not work unless delivered on an "end-to-end" IP basis,¹³ and tools that providers could use to alert consumers that calls they receive are "AI-generated"¹⁴ are likewise limited. Thus, the Commission should examine how the persistence of TDM facilities and routing undermines the value of other tools that can protect consumers and whether the time has come for incentives (or even directives) to exchange voice in IP format. The Commission should also consider whether standards that enable call authentication over

¹¹ *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"), ¶ 9 (stating that "if a call is routed at any point over an interconnection point or intermediate provider network that does not support the transmission of SIP calls, the Identity header will be lost.").

¹² As NTCA has previously noted, "the persistent presence of non-IP (or TDM) facilities in voice networks potentially renders [SIP Code 603+] ineffective as the necessary information is, for many calls, 'lost in transit' as it traverses [TDM] facilities." Comments of NTCA, CG Docket No. 17-59 (fil. Aug. 9, 2023), p. 2.

¹³ *Ex parte* letter, INCOMPAS, NTCA, Cloud Communications Alliance, and VON Coalition, CG Docket No. 17-59, WC Docket No. 17-97 (fil. Feb. 13, 2024), p. 2 ("RCD is perceived as a flexible and impartial approach to enhancing caller identification information, but its effectiveness requires the transmission of calls over IP networks, which is again impeded by the lack of IP interconnection arrangements that can circumvent TDM switches.").

¹⁴ The Commission is seeking comment in a separate proceeding on "steps to protect consumers from the abuse of AI in robocalls" as well as tools that voice service providers could use to alert consumers that incoming calls are AI generated. *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 24-84 (rel. Aug. 8, 2024).

non-IP facilities¹⁵ should be used¹⁶ by voice providers to ensure that STIR/SHAKEN, at least, is more effective.¹⁷

Respectfully submitted,



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¹⁵ Two technical standards that enable STIR/SHAKEN to work over TDM have been approved by a standards body and published. Each is supported by a vendor and are available to voice service providers. ATIS-1000096, Signature-based Handling of Asserted information using toKENs (SHAKEN): Out-of-Band PASSporT Transmission Involving TDM Networks (Jul. 2021), available at: https://access.atis.org/apps/group_public/download.php/60535/ATIS-1000096.pdf; ATIS-1000095, Extending STIR/SHAKEN over TDM (June 2021), available at, https://access.atis.org/apps/group_public/download.php/60331/ATIS-1000095.pdf.

¹⁶ In the *Second Caller-ID Authentication Report and Order*, the Commission stated that “we interpret the TRACED Act’s requirement that a voice service provider take ‘reasonable measures’ to implement an effective caller ID authentication framework in the non-IP portions of its network as being satisfied only if the voice service provider is actively working to implement a caller ID authentication framework on those portions of its network. A voice service provider satisfies this obligation by either (1) completely upgrading its non-IP networks to IP and implementing the STIR/SHAKEN authentication framework on its entire network, or (2) working to develop a non-IP authentication solution.” The Order then went on to state that “[a]s we explain in the context of the extension of the implementation deadline for certain non-IP networks, we will continue to evaluate whether an effective non-IP caller ID authentication framework emerges from the ongoing work that we require. Consistent with that section, we will consider a non-IP caller ID authentication framework to be effective only if it is: (1) fully developed and finalized by industry standards; and (2) reasonably available such that the underlying equipment and software necessary to implement such protocol is available on the commercial market. *If and when we identify an effective framework, we expect to revisit our “reasonable measures” requirement and shift it from focusing on development to focusing on implementation.*” *Second Caller-ID Authentication Report and Order*, ¶ 36 (emphasis added). As noted in fn. 15, two standards meet the first prong of this test and they meet prong two as they are available on the commercial market.

¹⁷ Data released by a vendor of call authentication and other robocall-related solutions shows that for its voice service provider customers, less than half of calls terminating on these providers’ network arrive “signed” under STIR/SHAKEN protocols. *STIR/SHAKEN statistics from September 2024*, TransNexus Blog, October 2, 2024, Figure 4, available at: [STIR/SHAKEN statistics from September 2024 | TransNexus](#).