

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of)	
)	WC Docket No. 17-97
Call Authentication Trust Anchor)	
)	

REPLY OF THE VON COALITION

The VON Coalition (“VON”)¹ hereby submits these reply comments on its petition of the FCC’s *Second Report and Order*² (“Order”) in the above-referenced docket requesting reconsideration of: 1) the requirement that voice service providers filing certifications provide the name, business address, telephone number, and email address of a central point of contact within the company responsible for addressing robocall mitigation-related issues and 2) the prohibition on voice service providers accepting calls from foreign providers who have not registered in the to-be-established Robocall Mitigation Database (“Database”). The record in this proceeding confirms that the Commission should grant the VON petition. ZipDX, the sole party opposing reconsideration,³ fails to establish any reasonable basis for requiring specific identification information of voice service provider employees, rather than a generic, central e-mail address, and relies on flawed analysis in its assessment of the new rule that ignores the Commission’s failure to satisfy the Administrative Procedure Act (“APA”).

¹ The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP-enabled communications, including interconnected Voice over Internet Protocol (“VoIP”). For more information, see www.von.org.

² *In the Matter of Call Authentication Trust Anchor*, Second Report and Order, WC Docket No. 17-97 (rel. Oct. 1, 2020).

³ Opposition of ZipDX LLC, WC Docket No. 17-97 (filed Jan. 6, 2021) (“ZipDX Opposition”).

I. ZipDX fails to identify any public interest basis for requiring providers to submit specific identification information for the single point of contact included in the Database.

As stated in VON's Petition for Reconsideration⁴ ("Petition"), requiring a name, business address, telephone number, and central point of contact is inconsistent with the organizational structure within large voice service provider organizations. Instead, a more viable approach would be to rely on a generic e-mail address that is monitored by the provider's robocall mitigation teams.⁵ Use of a generic e-mail address that reaches multiple parties within a company would better support the Commission's goal of improved coordination and enforcement efforts by enhancing the likelihood of a timely response and would be more in line with modern business practices.⁶ BT Americas agrees and similarly notes in its comments that the single point of contact requirement, as adopted,⁷ does not reflect the current business realities of employees that are geographically scattered, and has the potential to pose privacy concerns for employees who are not corporate officers.⁸

ZipDX acknowledges that the Order lacks any stated public interest basis for requiring a physical address in the Database. It offers without empirical support the post-hoc justification that such a physical address would deter fraudsters by supporting providers' due diligence efforts and providing a resource to law enforcement personnel. Neither of these hypothetical benefits requires a physical address; in fact, ZipDX concedes that physical address location, when

⁴ Petition for Reconsideration of VON Coalition, WC Docket No. 17-97 (filed Dec. 17, 2020) ("VON Petition").

⁵ Id. at 3.

⁶ Order at para. 85.

⁷ Id. at para. 84.

⁸ Comments filed by BT Americas, Inc., WC Docket No. 19-97, at 6 (filed January 29, 2021) ("BT Americas Comments").

necessary, could be obtained by other means.⁹ Requiring a physical address also fails to account for occasions when the contact may be located outside the United States and whether such information would even be useful to law enforcement or other providers seeking coordination in those cases.

A central e-mail address is sufficient as a point of contact and would avoid needlessly identifying an individual employee. ZipDX points to another database with a similar framework as support for its claim, but the mere existence of an historic approach fails to provide any evidence regarding the effectiveness of that feature of the database or whether it might be suitable for improvement to accommodate modern circumstances. VON urges the Commission to avoid replicating a flawed approach and instead simplify the information required from providers for their designated points of contact.

II. ZipDX's analysis regarding foreign provider registration is flawed and fails to address the procedural issues raised in the Petition.

In the Order, the Commission adopted a new requirement for intermediate providers and terminating voice service providers handling traffic originating abroad. Under the new rule, voice service providers are prohibited from accepting such traffic from service providers not registered within the Database, including foreign providers that use certain NANP resources.¹⁰ According to the FCC, this requirement will incentivize foreign voice service providers to implement meaningful robocall mitigation programs.¹¹ The reality, though, is that this framework is not viable in practice. As VON emphasizes in the Petition, the Order provides no clear guidance on how the prohibition would be enforced given the demands of the real-time

⁹ ZipDX Opposition at 3.

¹⁰ Order at para. 86.

¹¹ Order at para. 91.

exchange of traffic that leave no time for a manual check of an FCC database to verify foreign provider registration.

ZipDX wrongly claims that this prohibition will not limit the foreign carriers that can terminate calls in the United States, but rather, the prohibition will focus on those sending numbers that appear to come from +1 telephone numbers. It is well-accepted that the use of a NANPA telephone number in CLI no longer necessarily means that the call originates from the United States. As an example of ZipDX's incomplete assessment, consider a U.S. provider that is registered as a provider in several other countries. If one of the provider's foreign subsidiaries were to issue telephone numbers to a multi-national corporate customer with branch offices located in multiple countries, including the U.S., that subsidiary would be required to register with the Commission in order to prevent domestic calls from those U.S. branch offices from being blocked. As another example, customer care centers that operate on a 24/7 basis may employ representatives in other countries who use U.S. callback numbers for purposes of contacting U.S. customers and eliminating the need for those U.S. customers to make callbacks to international phone numbers as a condition of reaching customer support. In this example, it is lawful for a foreign provider to supply U.S. telephone numbers to a customer care center located outside of the United States. Under the new rule, though, those calls to U.S. customers will be blocked if the foreign provider has not registered with the FCC. Moreover, the rule change will also impact consumers' international calling capabilities.¹² For U.S. providers with different corporate entities operating in different parts of the world, customers based outside of the U.S. typically contract with international corporate subsidiaries of the provider, including

¹² Moreover, one-way VoIP services may offer US phone numbers from their foreign subsidiaries to US travelers who go to school or work abroad; and those numbers can be designated as the calling line identity.

with respect to obtaining telephone numbers. If a U.S. citizen were to go abroad to France, for example, they may purchase a U.S. number to receive calls from friends and family in the U.S. and likely would do so through the foreign subsidiary of the U.S. provider. If that subsidiary is not registered with the FCC, these legitimate calls from the foreign subsidiary of a U.S. provider would be blocked.¹³ Finally, the proposal could have a devastating effect on common enterprise uses of the PSTN: calls from foreign providers' conference bridges to the U.S. public switched telephone network that use a U.S. number in CLI would be blocked from reaching the called parties in the U.S.

These examples affirm that ZipDX is misguided in stating that there are merely “a few legitimate reasons” why a foreign-originated call might have a U.S. telephone number, and suggest that those discrete scenarios can be easily worked out by the impacted providers.¹⁴ Moreover, ZipDX provides no evidence that these types of use cases are in any way responsible for illegal robocalls in the U.S. As demonstrated in just the few examples above, there are a variety of complicated use cases that reflect the broad impact of the foreign registration requirement on everything from enterprise customers and consumers, to critical business operations. BT America raised similar concerns, noting that the ambiguity in the Order regarding foreign carrier registration requirements could lead to the blocking of legitimate traffic from foreign carriers.¹⁵ To that end, VON reiterates that this rule is likely to cause more harm to

¹³ As another example, foreign carriers may offer US telephone numbers as a dial-in for a conference bridge that can be used for calling line identity when a call is made from the bridge to a US called party to join that party to the conference call.

¹⁴ ZipDX Opposition at 5.

¹⁵ BT America Comments at 3. BT Americas also raises the valid concern whether registration in the database creates legal, jurisdictional complexities not considered by the Commission. Id. at 4.

the public than the potential illegal robocalls it was designed to prevent and should therefore be cancelled.¹⁶

Critically, the FCC also failed to provide meaningful notice and opportunity for comment on the new foreign provider registration obligation as required by the APA.¹⁷ As a result, the new rule imposes a substantial change in the framework governing international calls without providing adequate guidance on implementation or thoughtful analysis of the impact, including most importantly, receiving input from affected parties. The potential harms associated with the new registration requirement and ambiguity surrounding implementation have not yet been fully considered because the Commission did not comply with the APA's requirements to solicit comment on its proposal before adopting this significant change. Had the Commission gone through the required notice and comment process, these issues would have received proper consideration and led to a more tailored final rule. Notably, ZipDX does not address the Commission's procedural missteps or provide a rebuttal to VON's APA claims. VON reaffirms that the more thoughtful course would be for the Commission to issue a Public Notice seeking comment on the foreign provider registration requirement to allow for a more thorough examination of the issues.¹⁸

¹⁶ VON Petition at 4.

¹⁷ 5 U.S.C. § 553 et seq.

¹⁸ CTIA has similarly petitioned for reconsideration of the foreign provider registration requirement based on the FCC's failure to comply APA obligations and asked the Commission to seek further comment on the new rule to determine its impact on domestic and foreign service providers. Petition for Reconsideration of CTIA, WC Docket No. 17-97, at 10-11 (filed Dec. 17, 2020).

Conclusion

VON respectfully requests that the Commission reject the claims raised in ZipDX's opposition and grant the Petition.

Respectfully submitted,

VOICE ON THE NET COALITION

/s/ Glenn S. Richards

Glenn S. Richards

Simone A. Wood

PILLSBURY WINTHROP SHAW PITTMAN LLP

1200 Seventeenth Street, N.W.

Washington, DC 20036-3006

glenn.richards@pillsburylaw.com

Its Counsel

February 8, 2021