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VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket No. 17-97 - Call Authentication Trust Anchor

Dear Ms. Dortch:

On April 9, 2021, Christopher L. Shipley on behalf of INCOMPAS, Michael Pryor on behalf of the Cloud Communications Alliance (CCA) and the undersigned, on behalf of the Voice on the Net Coalition (VON), spoke by phone with David Strickland and Ramesh Nagarajan, legal advisors to Acting Chairwoman Jessica Rosenworcel, concerning VON's Petition for Reconsideration pending in the above-referenced docket.¹ During this call, VON/INCOMPAS/CCA reiterated their support for the VON petition as described in their public filings in the docket. VON/INCOMPAS/CCA also noted the broad industry support for the petition, including both domestic and foreign wireline, VoIP and wireless providers.²

The VON petition requests the Commission temporarily stay its new rule relating to foreign-originated calls (§ 64.6305(c)) while it collects further comment from industry on how to best effectuate the Commission's goals to reduce illegal robocalls originating internationally. Attached hereto are a series of questions to help inform such a further notice.

VON/INCOMPAS/CCA stated their concern that many foreign service providers are not aware of the FCC requirement to register in the still-to-be announced Robocall Mitigation Database (RMD), or risk not having certain international originated calls terminated in the United States by U.S. gateway or terminating service providers. VON/INCOMPAS/CCA noted that they and their members are working to educate foreign service providers about the new rules and encouraged the FCC to collaborate with its regulatory counterparts in other countries to explain the new rules. Mr. Pryor also noted that the rules do not appear to address circumstances where foreign originating service providers hand off calls to foreign intermediate providers (who are not required to register in the RMD). Domestic gateway providers would be unable to

¹ VON Petition for Reconsideration, WC Docket No. 17-97, (filed Dec. 17, 2020) ("Petition").

² CTIA has filed a petition seeking similar relief that has also received broad support. See Petition for Partial Reconsideration of CTIA, WC Docket No. 17-97, (filed Dec. 17, 2020).

Ms. Marlene Dortch
April 13, 2021

accept this voice traffic because the foreign intermediate providers would not be listed in the RMD. VON/INCOMPAS/CCA expressed concern that legitimate calls would not be completed if the rule was to go into effect as written and that the FCC should grant the VON and CTIA petitions and take additional comments on the rule to address the numerous concerns raised by parties filing support of the petitions. VON further noted that if the foreign provider registration requirement was paused to take additional comments, US gateway and termination providers would have alternatives to address foreign-originated illegal robocalls, including permissive blocking based on analytics and cooperation with the Industry Traceback Group.³

VON/INCOMPAS/CCA also noted that only a single entity, ZipDX, LLC (represented by David Frankel), had opposed the Petition. Mr. Richards explained that he and Mr. Shipley had spoken with Mr. Frankel about his most recent ex parte filing that proposed a possible work-around to the foreign carrier registration requirement that would shift the burden to U.S. providers that accept calls from non-registered entities.⁴ We noted that this proposal, which, if adopted, would require an additional change to the FCC rules, would, of course, require further notice and comment. VON/INCOMPAS/CCA further suggested that they could provide a list of questions to address in a further notice⁵ and could submit additional questions following release of the public notice announcing the RMD.

VON/INCOMPAS/CCA also reiterated their support for the VON proposal that the FCC not require specific contact information for the individual responsible for addressing robocall mitigation issues, but allow for the public disclosure of a generic email address monitored by service providers that better aligns with common practice.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

By: _____ /s/
Glenn S. Richards
Counsel for VON

CC (via email):
Ramesh Nagarajan
David Strickland

³ See also Reply of USTELECOM, at 7-8, WC Docket No. 17-97 (filed February 8, 2021). VON agrees with USTELECOM that while the goal of reducing “foreign-originated robocalls is laudable, the risks to the millions of legitimate calls that foreign carriers send to the United States each day and the implementation challenges warrant further consideration.” Id. at 7.

⁴ ZipDX, LLC Ex Parte at p. 3, WC Docket No. 17-97 (filed April 4, 2021).

⁵ See Appendix.

APPENDIX

VON/INCOMPAS/CCA propose that the Commission include the following questions in a further notice in order to develop the record on the foreign provider prohibition in the Second Call Authentication Report and Order.

- What proposals or policies are being considered in other countries to curb internationally-generated robocalls?
- What are the risks of the proposal to continued reliable network functioning for legitimate international inbound calls that have domestic CLI?
- What are the legitimate use cases for foreign-originated voice traffic that uses NANP resources that pertain to the United States?
- What are the harms associated with the prohibition on intermediate and terminating voice service providers from accepting voice traffic from providers that do not appear in the Robocall Mitigation Database (“RMD”)?
- What are some ways that legitimate use cases of NANP resources can be distinguished from illegitimate use cases?
- Does industry anticipate that it will be capable of using the RMD in a meaningful way on a real-time basis?
- In order to provide real-time use of the RMD, database dips would need to be made available. What would be the estimated cost and timeframe for making them available to the industry?
- What would be the benefits and drawbacks of using an RMD that was not available in real-time while a call was en route?
- If real-time database dips are not available, how often should voice service providers be required to access the RMD?
- What traceback mechanisms are currently being used to trace back international calls?
- Can voice service providers currently distinguish between foreign service providers with and without a U.S. presence?
- To what extent do foreign voice service providers use foreign intermediate carriers to send traffic to the U.S.?
- How would foreign intermediate providers register in the RMD given that the requirement is only applicable to originating providers?
- What mitigation practices would foreign intermediate providers have to include in their certifications?
- What WTO implications, if any, are triggered by requiring foreign carriers to register with, and submit to the jurisdiction of, the FCC as a condition of terminating some portion of their inbound traffic to the United States?
- Should the Commission be permitted to exercise jurisdiction over a foreign voice service provider if one of the company’s subsidiaries is licensed or registered with the agency?
- Should the Commission require each specific legal entity of a foreign provider that terminates traffic in the United States to register in the RMD?
- What should be the scope of the FCC’s jurisdiction over the foreign carriers registered in the RMD? Should it be limited solely to addressing illegal robocalls?

Furthermore, VON/INCOMPAS/CCA support the inclusion of the following questions which were submitted by USTelecom in a further notice:

- What are legitimate uses of U.S. numbers by foreign originated traffic?

Ms. Marlene Dortch
April 13, 2021

- How are those legitimate U.S.-number calls routed from the foreign originating service provider into the United States?
- What would be the impact on those legitimate uses of effectively requiring foreign service providers carrying traffic with U.S. “calling party” numbers to register and certify under the same registration and certification requirements that apply to domestic service providers?
- Would such a requirement incent foreign service providers to voluntarily register and certify if they want to ensure that their traffic is successfully terminated to the United States?
- What challenges and costs would be associated with such a requirement for domestic service providers?
- Are there potential unintended consequences of requiring registration and certification for foreign service providers that handle traffic destined for the United States that has U.S. “calling party” numbers? For example, what is the risk that legitimate calls, such as international roaming or other types of foreign-originated calls, may not complete? Is there a way to address any such call completion risks, such as by exempting those legitimate uses while otherwise restricting domestic providers from accepting foreign-originated traffic with U.S. numbers unless the foreign provider is registered in the Robocall Mitigation Database?
- Rather than prohibiting gateway providers from accepting any traffic from unregistered foreign service providers, are there less restrictive and more effective approaches that we should consider?
- If we were to exempt any classes of foreign service providers, how could we do so without creating a loophole that bad actors could exploit in order to continue to send illegal robocalls to U.S. consumers with U.S. “calling party” numbers?⁶

⁶ Letter of Joshua M. Bercu, Vice President, Policy & Advocacy, USTelecom, to Marlene Dortch, Secretary, FCC, WC Docket No. 17-97 (filed September 23, 2020), at 1-2.