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October 24, 2023

VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: CG Docket No. 17-59 - Advanced Methods to Target and Eliminate Unlawful Robocalls

WC Docket No. 17-97 – Call Authentication Trust Anchor

Dear Ms. Dortch:

On October 24, 2023, Paula Boyd of Microsoft and the undersigned, on behalf of the Voice on the Net Coalition (VON), spoke by video conference with Lauren Garry, Legal Advisor to Commissioner Carr, concerning VON filings in the above-referenced dockets and maintenance of the regulatory framework for interconnected VoIP.

With respect to the above-referenced dockets, VON noted that the lack of ubiquitous IP interconnection is hampering the availability of end-to-end call authentication, noting that VON members are signing 100 percent of outbound calls from their networks but 50-75 percent of inbound calls are reaching VON members' networks unsigned. VON asked the Commission to close this IP interconnection gap as the best option to combat illegal robocalls and reap the benefits of STIR/SHAKEN.

In addition, VON noted its concern that legitimate calls may be getting blocked. VON continues to support the use of SIP Code 608 – rather than 603+ - to notify originating providers that calls have been blocked based on analytics. VON recommended that the Commission should provide industry with at least one year to implement the new code before mandating blocking by terminating providers.

VON also discussed the importance of providing the calling party name to call recipients to increase trust but stated it may be premature for the Commission to adopt specific rules as industry continues to work through challenges with the three potential solutions for delivering Caller ID – CNAM, Branded Calling and Rich Call Data. VON thinks ultimately RCD will offer the best solution because of its flexible IP technology and the ability to offer more information regarding the purpose of the call than just the calling party name. A concern is that RCD may

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only be passed through IP, and without ubiquitous IP interconnection the RCD in the SIP header may be stripped if it passes through TDM.

In the interim, VON recommended that terminating carriers be required to dip into CNAM databases and develop best practices for updates. To achieve this, the Commission should impose industry-wide best practices, address updating and accessing the databases, and ensure the databases work and require that CNAM be displayed to called parties at no charge.

VON expressed concern with the current state of the branded calling market, in which the large carriers work with a small number of analytics providers, who vet the calling parties and pass the branded call through direct connections with providers or an app on the called party's device. Most problematic is that the same analytics providers and terminating service providers responsible for the mislabeling and inappropriate blocking are the ones profiting from the branded calling service.

Until this is sorted, VON emphasizes that calls with an A-Level attestation should not be blocked or labeled as spam simply because the calling party elects not to include their name.

VON also discussed excessive call labeling issues based on a lack of analytics (for example, recently issued phone numbers) resulting in a guilty until proven innocent approach to call labeling. The Commission should prevent carriers and analytics engines from imposing a SPAM label or other negative label on a number based on the newness of the number. The Commission should also require terminating carriers and the analytics engines to provide reports at no charge to originating service providers detailing which numbers have been labeled as SPAM.

VON also discussed the benefit of third party solutions to authenticate caller ID information, and stated it does not support FCC action that prohibit or limit the use of third party solutions, which, if adopted, could discourage STIR/SHAKEN utilization. Third party authentication increases signing options available for providers unable to sign their own calls.¹

Furthermore, limiting the use of third-party signing options has international implications. Mandating eligible parties to obtain tokens and limiting the use of third-party tokens for signing will affect their ability to bring calls across borders with SHAKEN signatures intact. That's because the STIR/SHAKEN technical standard does not prohibit the use of third-party tokens for signing, and non-U.S. STIR/SHAKEN systems allow third party providers to sign with their tokens on behalf of others. This is likely to continue as more Governance Authorities outside the U.S. are established. If the FCC imposes a rule rendering unlawful something that is acceptable under the technical standard and is, in fact, an activity that occurs lawfully in other countries, it will interfere with the interoperability of the U.S. STIR/SHAKEN system with STIR/SHAKEN systems in other countries. Accordingly, adopting a requirement that parties can only sign with their own tokens will undermine the FCC's efforts to support SHAKEN on inbound international calls. Those inbound international calls are a major source of fraudulent activity for U.S. call recipients. So the FCC should not take steps that would interfere with the ability to combat those internationally originating calls via future interoperable STIR/SHAKEN systems.

¹ To this end, VON supports the comments filed by INCOMPAS on August 14, 2023, in WC Docket 17-97.

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VON also addressed the proposed \$11,000 base forfeiture for service providers who neglect “to take affirmative, effective measures to prevent new and renewing customers from using their network to originate illegal calls, including knowing its customers and exercising due diligence in ensuring that its services are not used to originate illegal traffic.” VON suggested modifying this language to ensure that the service provider in question possessed knowledge that their network was inappropriately exploited for illegal robocalling and failed to undertake appropriate corrective actions – this evidence could include unaddressed traceback requests, or ignoring complaints from regulatory authorities or state attorneys general.

With respect to the regulatory framework for interconnected VoIP, VON recommended that the Commission not disturb the light touch regulatory structure that protects consumers and enhances public safety while encouraging the adoption of these important and ever-changing services. VON believes this existing regulatory framework has helped create and bolster a hyper-competitive internet communications industry with thousands of service providers that bring better, cheaper and faster communications services to residential, business and governmental customers on a daily basis.

In particular, the Commission’s decision in 2004 classifying computer-to-computer communications services as information services,² paved the way for innovative video conferencing services that were critical to survival during the pandemic – many of which were provided at little or no cost to consumers. Second, also in 2004, the Commission preempted state regulation of interconnected VoIP, recognizing that a service that could be made available from any broadband connection and not be confined to state boundaries typical of voice services at the time only be subject to federal regulation.³ This has permitted VoIP providers to offer ubiquitous services throughout the United States, without the constraints and costs of 50 state regulatory frameworks. Finally, the Commission’s surgical approach to interconnected VoIP regulation, evaluating each obligation on its own rather than subjecting the service to all Title II regulations, has provided the regulatory certainty that has encouraged investment and growth of the industry.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

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

CC (via email):

Lauren Garry

² Pulver.com’s Free World Dialup, Memorandum Opinion and Order, 19 FCC Rcd 3307 (2004).

³ Vonage Holdings Corporation, Memorandum Opinion and Order, 19 FCC Rcd 22404 (2004), petitions for review denied, *Minnesota Pub. Utils. Comm’n v. FCC*, 483 F.3d 570 (8th Cir. 2007).