USTELECOM | THE BROADBAND ASSOCIATION

March 3, 2022

Marlene Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
***Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59; *Call Authentication Trust Anchor*, WC Docket No. 17-97**

Dear Ms. Dortch:

On March 1, 2022, Linda Vandeloop of AT&T, Phil Linse of Lumen, Chris Oatway of Verizon, and the undersigned of USTelecom – The Broadband Association ("USTelecom") met virtually with Pam Arluk, Michele Berlove, Megan Danner, Jesse Goodwin, and Jonathan Lechter of the Wireline Competition Bureau and Jerusha Burnett of the Consumer and Governmental Affairs Bureau to discuss the Commission's Fifth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fourth Further Notice of Proposed Rulemaking in WC Docket No. 17-97.[1]

Consistent with USTelecom's comments and reply comments,[2] we explained that new gateway-provider specific requirements – and in particular, a requirement that gateway providers sign unauthenticated traffic – would create a substantial burden for some providers for an insubstantial benefit. As a practical matter, gateway providers in most circumstances will sign calls with C-level attestations under any such mandate. While C-level attestations in theory could allow quicker identification of the gateway provider, the industry traceback process has become so quick and efficient that C-level attestations offer at best a marginal benefit for traceback. There also is limited analytical value of such attestations, which are just as likely to be assigned to illegal calls as they are to be legal, wanted calls.[3] But despite the limited benefit, the proposed requirement would impose a substantial cost – in the tens of millions of dollars – on some providers. It thus would fail any reasonable cost-benefit analysis.

Rather than adopt prescriptive, gateway provider-specific mandates, the Commission instead should enhance its existing Robocall Mitigation Database ("RMD") approach. Specifically, the Commission should require that all providers implement a robocall mitigation program and provide a certification in the RMD. That approach would ensure the accountability

---

[1] *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Fifth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fourth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 21-105 (rel. Oct. 1, 2021).

[2] Comments of USTelecom – The Broadband Association, CG Docket No. 17-59, WC Docket No. 17-97 (filed Dec. 10, 2021); Reply Comments of USTelecom – The Broadband Association, CG Docket No. 17-59, WC Docket No. 17-97 (filed Jan. 10, 2022).

[3] *See* Reply Comments of Verizon, CG Docket No. 17-59, WC Docket No. 17-97, at 14 (filed Jan. 10, 2022).

of all providers that touch calls to U.S. consumers, regardless of whether they originate, serve as the gateway provider, or simply transit illegal robocalls.

If the Commission nevertheless believes there is value in gateway provider attestations or other gateway-specific requirements in some instances, it could consider targeting requirements on those gateway providers most responsible for illegal robocalls. The Commission has already acknowledged that some small voice service providers constitute a large source of illegal robocalls, subjecting them to a shortened extension to deploy STIR/SHAKEN.[4] The same is true about the providers that bring illegal robocalls into the United States. Therefore, consistent with the shortened STIR/SHAKEN extension, the Commission could target any new gateway authentication requirement on non-facilities-based providers and those that the Enforcement Bureau suspects of serving as the Point of Entry for illegal robocalls and that fail to mitigate such traffic upon Bureau notice.[5]

Please contact the undersigned if you have any questions.

Sincerely,

/s Joshua M. Bercu/
Joshua M. Bercu
Vice President, Policy & Advocacy, USTelecom

cc: Pam Arluk
Michele Berlove
Jerusha Burnett
Megan Danner
Jesse Goodwin
Jonathan Lechter

[4] *Call Authentication Trust Anchor*, Fourth Report and Order, WC Docket No. 17-97, FCC 21-122 ¶ 10 (rel. Dec. 10, 2021).

[5] *See id.* ¶ 9.