

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

In the Matter of)	
)	
Advanced Methods to Target and Eliminate)	CG Docket No. 17-59
Unlawful Robocalls)	
)	
Call Authentication Trust Anchor)	WC Docket No. 17-97
)	

COMMENTS OF TRACFONE WIRELESS, INC.

TracFone Wireless, Inc. (“TracFone”) is committed to putting an end to unwanted and illegal calls to its customers, and it is therefore pleased to respond to the Federal Communications Commission’s *Third Further Notice of Proposed Rulemaking* (“*Third FNPRM*”) on targeting and eliminating unlawful robocalls.¹ The Commission’s *Third FNPRM* proposes new rules – such as mandatory implementation of the SHAKEN/STIR Caller ID Authentication Framework² – intended to apply to IP-based network operators. However, as drafted, the rules appear to cover non-facilities-based providers like TracFone that cannot as a technical matter implement the authentication framework. The FCC should clarify that non-facilities-based providers are not “voice service providers” for purposes of the Commission’s call authentication requirements. In addition, the Commission must ensure that all customers,

¹ See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, CG Docket No. 17-59, WC Docket No. 17-97, FCC 19-51 (rel. June 7, 2019) (“*Third FNPRM*”).

² “SHAKEN/STIR” refers to the Signature-based Handling of Asserted Information Using toKENs (“SHAKEN”) and the Secure Telephone Identity Revisited (“STIR”) standards adopted by the Alliance for Telecommunications Industry Solutions (“ATIS”), Session Initiated Protocol (“SIP”) Forum on IP-based Network-to-Network Interconnection (“IP-NNI”), and the Internet Engineering Task Force (“IETF”). See generally ATIS/SIP Specifications ATIS-1000074, ATIS-1000080; IETF Specifications RFC8224, RFC8225, and RFC8226.

including customers of non-facilities-based providers, enjoy equally the benefits of call authentication solutions like the SHAKEN/STIR framework.

The FCC should make clear that its proposed call authentication rules would not apply to non-facilities-based providers. The Commission proposes to “take appropriate regulatory action to ensure that voice service providers implement the SHAKEN/STIR framework.”³ Specifically, the agency seeks comment on how to evaluate whether “major voice service providers” have voluntarily implemented the SHAKEN/STIR framework by the end of the year and whether to require implementation for those that do not.⁴ The Commission also seeks comment on how to define “major voice service providers,” including whether this should refer to the 14 providers that received a letter from Chairman Pai in November 2018 regarding deployment of the SHAKEN/STIR framework or to providers meeting a certain customer threshold (*e.g.*, those with more than 1 or 10 million subscribers).⁵ The FCC broadly defines “voice service providers” as “both traditional wireline and wireless carriers and Voice over Internet Protocol (VoIP) providers that offer voice telephony services, including those that use time-division multiplexing (TDM), interconnected and one-way voice over Internet Protocol (VoIP), or commercial mobile radio service.”⁶

The Commission’s “voice service provider” definition as written appears to capture non-facilities-based providers that offer voice services. The agency’s related proposal to define “major voice service providers” by the number of voice subscribers similarly seems to cover

³ *Third FNPRM*, ¶ 72.

⁴ *Id.*, ¶ 73.

⁵ *Id.*

⁶ *Id.* at n.1 (citing *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, ¶ 10 (2017)).

non-facilities-based providers. These definitions capture all voice service providers without distinction between those that do and do not have control over underlying network operations.

The SHAKEN/STIR framework can be implemented only at the network level, however. SHAKEN/STIR is an industry-developed framework of network protocols and operational procedures for authenticating calls in real time.⁷ SHAKEN/STIR is designed “for managing and deploying Secure Telephone Identity (STI) technologies with the purpose of providing end-to-end cryptographic authentication and verification of the telephone identity and other information *in an IP-based service provider voice network.*”⁸

Non-facilities-based providers should not be implicated in the proposed call authentication rules, because they do not control transmission facilities or other supporting infrastructure. Non-facilities-based providers like TracFone purchase wholesale capacity from telecommunications network owners and operators. They offer voice services based on this capacity to consumers on a resale basis. It would be infeasible, therefore, for TracFone or any other non-facilities-based provider to implement SHAKEN/STIR. The FCC should accordingly clarify that non-facilities-based providers are not “voice service providers” in this context and that any future call authentication rules would not apply.

Although non-facilities-based providers cannot implement the SHAKEN/STIR framework, the Commission must nevertheless ensure that customers of non-facilities-based providers have access to call authentication solutions equal to those served by facilities-based providers. The SHAKEN/STIR framework will be instrumental in reducing the number of

⁷ See *supra*, n.2.

⁸ See ATIS/SIP Specification ATIS-1000080 at i (emphasis added). STIR protocols define the signature for calling number verification and specify how it will be transported across the network. See IETF Specifications RFC8224, RFC8225, and RFC8226.

illegal robocalls. As Chairman Pai has said, “it’s the best way to ensure that consumers can answer their phones with confidence.”⁹ TracFone agrees. And for this reason, TracFone is working alongside network operators to confirm that its customers will also benefit from the call authentication framework.

Regardless how the FCC clarifies that non-facilities-based providers are not subject to the proposed call authentication requirements, it must guarantee that consumers receiving voice service from such providers have access to call authentication solutions like the SHAKEN/STIR framework on terms and conditions equivalent to those available to consumers served by facilities-based providers. Robocallers do not differentiate between phone numbers assigned to customers served by facilities-based providers and those served by non-facilities-based providers. The Commission must therefore back solutions that apply uniformly across platforms.

⁹ Press Release, Chairman Pai Calls on Industry to Adopt Anti-Spoofing Protocols to Help Consumers Combat Scam Robocalls: Call Authentication Framework Moving Forward with 2019 Target for Implementation, at 1 (Nov. 5, 2018).

TracFone looks forward to continuing to work with the Commission and its facilities-based operator partners to protect TracFone customers from scam robocalls. While clarifying that non-facilities-based providers are not “voice service providers” for purposes of the call authentication requirements, the FCC must make certain that their customers are not left behind.

Respectfully submitted,

TRACFONE WIRELESS, INC.

Shawn H. Chang
Anna Gomez
Madeleine Lottenbach

WILEY REIN LLP
1776 K Street, NW
Washington, DC 20006

Counsel to TracFone Wireless, Inc.

By: /s/ Stephen Athanson
Senior Attorney—Regulatory

Mark Rubin
Senior Executive for Government
Affairs

TracFone Wireless, Inc.
9700 NW 112th Avenue
Miami, FL 33178

July 24, 2019