



PRESIDENT

Karl A. Racine
District of Columbia
Attorney General

PRESIDENT-ELECT

Tom Miller
Iowa
Attorney General

VICE PRESIDENT

Josh Stein
North Carolina
Attorney General

IMMEDIATE PAST PRESIDENT

Jeff Landry
Louisiana
Attorney General

Chris Toth
Executive Director

1850 M Street NW
12th Floor
Washington, DC 20036
(202) 326-6000
www.naag.org

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

**REPLY COMMENTS OF FIFTY-ONE (51) STATE ATTORNEYS
GENERAL**

I. Introduction

The undersigned State Attorneys General submit these Reply Comments in response to the public notice issued by the Wireline Competition Bureau (“Bureau”),¹ seeking comment on the Federal Communication Commission’s (“Commission”) proposal to shorten the deadline by which certain small voice service providers must implement the STIR/SHAKEN caller identification (“caller ID”) authentication framework. On or before July 9, 2021, several comments were filed with the Commission with respect to this issue.² Many of the comments provide a unique perspective concerning the mechanism or test for determining

¹ See Third Further Notice of Proposed Rulemaking, *Call Authentication Trust Anchor*, WC Docket No. 17-97, May 21, 2021 (“*May 2021 Notice*”).

² See *Call Authentication Trust Anchor*, WC Docket No. 17-97 – Comments of USTelecom – The Broadband Association (“USTelecom”), filed July 9, 2021; Comments of ACA Connects (“ACA”), filed July 9, 2021; Comments of NTCA – The Rural Broadband Association (“NTCA”), filed July 9, 2021; Comments of Incompas, filed July 9, 2021; Comments of South Carolina Department of Consumer Affairs, filed July 9, 2021; Comments of Transaction Network Services, Inc. (“TNS”), filed July 9, 2021; Comments of WTA – Advocates for Rural Broadband, filed July 9, 2021.

which small voice service providers would be subject to an expedited STIR/SHAKEN deadline. However, one general principle is clear—small voice service providers that “flood the network with illegal robocalls should not be permitted to take advantage of an extension aimed at mitigating hardship for good actors with limited resources.”³

Based upon the available evidence, we support the Commission’s proposed conclusion⁴ that a subset of small voice service providers are more often responsible for illegal robocalls, with such providers originating a high and increasing share of illegal robocalls relative to their subscriber base. Furthermore, while shortening the extension period by one year is a good starting point, we strongly encourage the Commission to require this subset of small voice providers to implement STIR/SHAKEN as soon as possible.⁵

Many Americans are still struggling as a result of the coronavirus pandemic, including our most vulnerable populations. Their struggles are compounded by the twin scourges of illegal robocalls and caller ID spoofing, both of which are used to perpetrate scams, including scams related to the coronavirus pandemic. For the State Attorneys General, as well as their partners in the federal government and telecommunications industry, illegal robocalls and caller ID spoofing

³ Comments of ACA, at 2; *see also* Comments of NTCA, at 2 (supporting attention on “bad actor” voice providers that enable robocalling and spoofing); Comments of Incompas, at 3 (supporting the targeting of the subset of providers at a heightened risk of originating a significant percentage of illegal robocalls); Comments of South Carolina Department of Consumer Affairs, at 4 (supporting the expedited extension for those providers that originate an especially large number of illegal robocalls); Comments of TNS, at 4 (supporting the Commission shifting its focus from a blanket extension to a targeted rule that identifies the most common source of illegal robocalls and migrates those networks to STIR/SHAKEN as soon as possible); Comments of USTelecom, at 5 (voice service providers that routinely originate traffic on behalf of high volume callers, including those that enable robocalling, should deploy STIR/SHAKEN in a timely manner).

⁴ *May 2021 Notice*, at 5 ¶ 8.

⁵ *See, e.g.*, Comments of Incompas, at 4 (recommending the Commission require those small voice service providers that are the subject of an enforcement action to implement STIR/SHAKEN within 90 days of the enforcement action, thus curtailing the extension as a condition of compliance).

continue to “remain a vexing problem.”⁶ The State Attorneys General pledge to continue their work on the front lines of this fight, alongside our partners in the federal government and telecommunications industry, but we need the Commission’s help. For those small voice service providers shown to be carrying high volumes of illegal robocalls on their networks, the Commission must require those providers to implement STIR/SHAKEN without further delay.

II. Anti-Robocall Principles

On August 22, 2019, a bipartisan coalition of 51 Attorneys General announced the Anti-Robocall Principles for Voice Service Providers (“Anti-Robocall Principles”)⁷, which set forth a series of best practices for voice service providers to incorporate into their business practices to combat illegal robocalls and caller ID spoofing. Among these principles was a call for voice service providers to implement the STIR/SHAKEN caller ID authentication framework. Fifteen voice service providers⁸ openly pledged to incorporate the Anti-Robocall Principles, including the implementation of STIR/SHAKEN. While this was an important first step, the State Attorneys General knew then that universal implementation of STIR/SHAKEN by all voice service providers in the call path would provide the most effective protection for consumers.⁹

⁶ *Id.* at 6 ¶ 12 (noting that telephone subscribers in the U.S. are on pace to receive 54 billion illegal robocalls in 2021).

⁷ See Chairman Pai Statement on State Attorneys General and Voice Service Providers’ Anti-Robocall Principles, released August 22, 2019.

⁸ AT&T Services, Inc., Bandwidth, Inc., CenturyLink, Charter Communications, Inc., Comcast, Consolidated Communications, Inc., Frontier Communications Corporation, Shentel, Sprint, T-Mobile USA, Twilio, Inc., U.S. Cellular, Verizon, Wabash Communications, and Windstream Services, LLC.

⁹ See Reply Comments of Fifty-One (51) State Attorneys General, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Call Authentication Trust Anchor*, WC Docket 17-97, filed August 23, 2019, at 4–6 (supporting the Commission in taking regulatory action against those providers who fail to implement STIR/SHAKEN and supporting the prohibition of domestic voice service providers from accepting voice traffic from any other providers who fail to comply with STIR/SHAKEN); see also Reply Comments of Thirty-Five (35) State Attorneys General, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket Number, 17-59, filed

III. The TRACED Act

On December 30, 2019, with the support of a bipartisan coalition of 54 Attorneys General,¹⁰ the Pallone–Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (“TRACED Act”) was passed into law. Among its provisions, the TRACED Act required the Commission to establish rules requiring voice service providers to implement STIR/SHAKEN in their internet protocol (“IP”) networks by a date certain.

IV. Commission Rules

In March 2020, pursuant to the TRACED Act’s mandates, the Commission adopted rules requiring voice service providers to implement STIR/SHAKEN in the IP portions of their voice networks by June 30, 2021.¹¹ In September 2020, the Commission granted extensions for compliance with this deadline to certain classes of providers,¹² and required providers with an extension to implement robocall mitigation programs.¹³ By June 30, 2021, all voice service providers, including those granted extensions, were also required to file certifications with the Commission “regarding their efforts to stem the origination of illegal robocalls on their

October 8, 2018, at 4–5 (urging the Commission to explore ways to encourage all domestic and international service providers to aggressively implement STIR/SHAKEN).

¹⁰ See National Association of Attorneys General, *State AGs Endorse TRACED Act to Combat Illegal Robocalls* (Mar. 5, 2019), <https://www.naag.org/policy-letter/state-ags-endorse-legislation-to-combat-illegal-robocalls/>.

¹¹ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241, 3257–58 ¶¶ 32–35 (2020); 47 CFR § 64.6301.

¹² *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1876 ¶ 38 (2020) (“*Second STIR/SHAKEN Order*”) (explaining that the Commission granted the following extensions from implementation of caller ID authentication: “(1) a two-year extension to small, including small rural, voice service providers; (2) an extension to voice service providers that cannot obtain a certificate due to the Governance Authority’s token access policy until such provider is able to obtain a certificate; (3) a one-year extension to services scheduled for section 214 discontinuance; and (4) as required by the TRACED Act, an extension for the parts of a voice service provider’s network that rely on technology that cannot initiate, maintain, and terminate SIP calls until a solution for such calls is reasonably available”).

¹³ *Second STIR/SHAKEN Order* at 1897 ¶ 74.

networks.”¹⁴ On April 20, 2021, the Bureau announced the immediate opening of the Robocall Mitigation Database (“Database”) to accept these filings.¹⁵

Voice service providers and intermediate providers that fail to implement STIR/SHAKEN by June 30, 2021, may be subject to an enforcement action, unless granted an extension or exemption.¹⁶ Likewise, any voice service provider that fails to file the required certification and accompanying information in the Database by June 30, 2021, could also be subject to an enforcement action.¹⁷ Lastly, beginning September 28, 2021, voice service providers and intermediate providers are prohibited from accepting traffic directly from any other provider that is not listed in the Database.¹⁸

V. Small Voice Service Providers

Under current rules, small voice service providers have until June 30, 2023 to implement STIR/SHAKEN in the IP portions of their voice networks. In granting a blanket two-year

¹⁴ *Second STIR/SHAKEN Order*, 36 FCC Rcd at 1902 ¶ 82. Specifically, the Commission: (1) required all voice service providers to certify that their traffic is either fully, partially, or not yet signed with STIR/SHAKEN; (2) required voice service providers that certify that some or all of the calls they originate are subject to a robocall mitigation program to submit additional information with their certifications, including the type of extension or extensions received under section 64.6304 of the Commission’s rules, specific reasonable steps taken under a program to avoid originating illegal robocalls, and a commitment to respond to traceback requests and to cooperate with investigating and stopping illegal robocalls; and (3) required that all certifications must be signed by an officer in conformity with section 1.16 of the Commission’s rules. *Id.*; 47 CFR § 64.6305(b)(1)(i)–(iii); 47 CFR § 1.16. The Commission also adopted provisions directing voice service providers to submit contact and identification information when filing their certifications. *Second STIR/SHAKEN Order*, 36 FCC Rcd at 1903 ¶ 84; 47 CFR § 64.6305(b)(4)(i)–(v).

¹⁵ *Wireline Competition Bureau Announces Opening of Robocall Mitigation Database and Provides Filing Instructions and Deadlines*, WC Docket No. 17-97, Public Notice, DA 21-454, at 1 (WCB Apr. 20, 2021) (“*RMD PN*”).

¹⁶ 47 U.S.C. § 503(b); *Second STIR/SHAKEN Order*, 36 FCC Rcd at 1903 ¶ 83 (“If [the Commission] find[s] that a certification is deficient in some way . . . [the Commission] may take enforcement action as appropriate. Enforcement actions may include, among others . . . imposition of a forfeiture.”).

¹⁷ *Id.*

¹⁸ *RMD PN* at 1, 3; 47 CFR § 64.6305(c); *Second STIR/SHAKEN Order*, 36 FCC Rcd at 1904 ¶ 86.

extension to all small voice service providers, the Commission defined small voice service providers as those with 100,000 or fewer voice subscriber lines.¹⁹ At that time, the Commission rejected arguments raised by USTelecom that not all small voice service providers face identical hardships and some may originate illegal robocalls.²⁰ The Commission stated that it was open to revisiting these concerns should the Commission “determine that the extension creates an unreasonable risk of unsigned calls from a specific subset of small voice service providers.”²¹

Since the adoption of the two-year extension for small voice service providers, the Commission has recognized evidence that a subset of small voice service providers are originating a high and increasing share of illegal robocalls relative to their subscriber base.²² For example, in January 2020, the Federal Trade Commission (“FTC”) sent letters to 19 voice service providers regarding their possible involvement in “assisting and facilitating” unlawful robocalls.²³ The Commission recognizes that most of the providers receiving these FTC letters fall under the Commission’s definition of “small voice service provider,” with only one such

¹⁹ *May 2021 Notice* at 3 ¶ 5 (determining that all small voice service providers, as a class, face undue hardship and a blanket extension is necessary to give them time to implement STIR/SHAKEN).

²⁰ *Id.* at 3–4 ¶ 5. Specifically, prior to adoption of the exemptions, USTelecom proposed excluding from the definition of “small voice service provider” those providers that “originate a disproportionate amount of traffic relative to their subscriber base, namely providers that serve enterprises and other heavy callers through their IP networks.” USTelecom noted that some of these voice service providers serve customers that “often are responsible for illegal robocalls.” *Id.* at 4 ¶ 6; *see also* Letter from Joshua M. Bercu, Vice President, Policy & Advocacy, USTelecom to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-97, at 2 n.5 (filed Sept. 23, 2020).

²¹ *May 2021 Notice* at 4 ¶ 6.

²² *Id.* at 4 ¶ 7. For example, the Commission recognized the report released by Transaction Network Services (“TNS”), a call analytics provider. Based upon their analysis, TNS concluded that the problem of robocalls originated by certain smaller voice service providers has “gotten worse,” with “almost 95% of high risk calls” originating from small voice service providers. *Id.* at 5 ¶ 9.

²³ *Id.* at 5–6 ¶ 10; *see also* Federal Trade Commission, FTC Warns 19 VoIP Service Providers That ‘Assisting and Facilitating’ Illegal Telemarketing or Robocalling Is Against the Law (Jan. 30, 2020), <https://www.ftc.gov/news-events/press-releases/2020/01/ftc-warns-19-voip-service-providers-assisting-facilitating>; Federal Trade Commission, VoIP Companies, Warning Letters Sent to VoIP Companies, <https://www.ftc.gov/about-ftc/foia/frequently-requested-records/voip-companies>.

provider having more than 100,000 access lines.²⁴

The State Attorneys General applaud the Commission’s decision to revisit its blanket enlargement of the date by which all small voice providers must implement the STIR/SHAKEN caller ID authentication framework. As our offices turn our collective attention and investigative resources to the subset of small voice service providers that originate high volumes of illegal robocall traffic, we are finding that these providers can also serve as points of entry that allow illegal robocalls to enter the U.S. public switched telephone network from foreign sources, as well as serve as intermediate providers that route these calls across the country to reach our consumers. In order to meaningfully disrupt the onslaught of illegal robocalls and call spoofing perpetrated by and/or through these providers, it is critical that each provider be required to take steps to mitigate its illegal call traffic by, at the very least, implementing the STIR/SHAKEN call authentication framework as soon as possible.

As our investigations into the small voice providers that comprise this strata of bad actors in the robocall ecosystem begin, continue, and conclude,²⁵ the State Attorneys General are committed to working together to efficiently and effectively disrupt those providers that originate and route high volumes of illegal traffic with impunity and without fear of consequences. Removing—or, at least, curtailing—the Commission’s blanket extension for small voice service providers that flout the Commission’s largess by perpetrating this high-volume traffic would truly serve the purpose of the TRACED Act: “to deter criminal robocall violations and improve enforcement” of the TCPA.²⁶

²⁴ *Id.* at 6 ¶ 10.

²⁵ See, e.g., *In re: VC Dreams USA LLC d/b/a Strategic IT Partner*, No. 21-CV-00871 (Vt. Super. Ct. Apr. 19, 2021); *Michigan v. All Access Telecom, Inc.*, No. 20-39-CP (Michigan Cir. Ct. Sept. 11, 2020).

²⁶ Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, S. 151, 116th Cong. (1st Sess. 2019).

VI. Conclusion

While not a silver bullet to end illegal robocalls, complete end-to-end implementation of the STIR/SHAKEN caller ID authentication framework will dramatically reduce the uncertainty and distrust that consumers experience each time they read their caller ID for an incoming call. The undersigned State Attorneys General commend the Commission's reconsideration of its prior blanket extension for the time by which all small voice service providers are required to implement STIR/SHAKEN. Furthermore, we support the Commission's proposed rule that curtails the extension of the deadline for STIR/SHAKEN implementation from two years to one year, if not sooner, for those small voice service providers that regularly profit from the originating and routing of illegal and spoofed robocalls that instill fear in, and bring harm to, our nation's consumers.

BY FIFTY-ONE (51) STATE ATTORNEYS GENERAL:



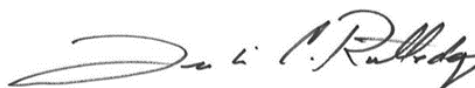
Steve Marshall
Alabama Attorney General



Treg R. Taylor
Alaska Attorney General



Mark Brnovich
Arizona Attorney General



Leslie Rutledge
Arkansas Attorney General



Rob Bonta
California Attorney General



Phil Weiser
Colorado Attorney General



William Tong
Connecticut Attorney General



Kathleen Jennings
Delaware Attorney General



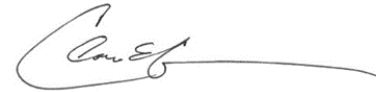
Karl A. Racine
District of Columbia Attorney General



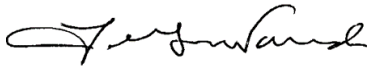
Ashley Moody
Florida Attorney General



Christopher M. Carr
Georgia Attorney General



Clare E. Connors
Hawaii Attorney General



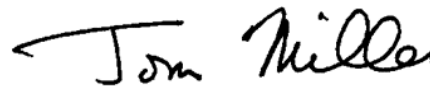
Lawrence Wasden
Idaho Attorney General



Kwame Raoul
Illinois Attorney General



Todd Rokita
Indiana Attorney General



Tom Miller
Iowa Attorney General



Derek Schmidt
Kansas Attorney General



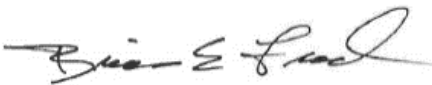
Daniel Cameron
Kentucky Attorney General



Jeff Landry
Louisiana Attorney General



Aaron M. Frey
Maine Attorney General



Brian Frosh
Maryland Attorney General



Maura Healey
Massachusetts Attorney General



Dana Nessel
Michigan Attorney General



Keith Ellison
Minnesota Attorney General



Lynn Fitch
Mississippi Attorney General



Eric S. Schmitt
Missouri Attorney General



Austin Knudsen
Montana Attorney General



Aaron D. Ford
Nevada Attorney General



Andrew J. Bruck
New Jersey Acting Attorney General



Letitia James
New York Attorney General



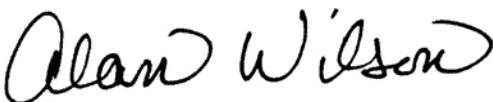
Wayne Stenehjem
North Dakota Attorney General



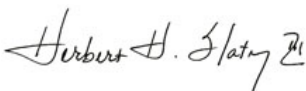
John M. O'Connor
Oklahoma Attorney General



Josh Shapiro
Pennsylvania Attorney General



Alan Wilson
South Carolina Attorney General



Herbert H. Slatery III
Tennessee Attorney General



Douglas Peterson
Nebraska Attorney General



John M. Formella
New Hampshire Attorney General



Hector Balderas
New Mexico Attorney General



Joshua H. Stein
North Carolina Attorney General



Dave Yost
Ohio Attorney General



Ellen F. Rosenblum
Oregon Attorney General



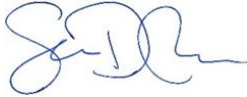
Peter F. Neronha
Rhode Island Attorney General



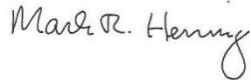
Jason R. Ravensborg
South Dakota Attorney General



Ken Paxton
Texas Attorney General



Sean D. Reyes
Utah Attorney General



Mark R. Herring
Virginia Attorney General



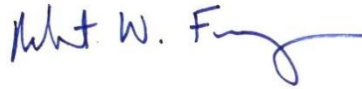
Patrick Morrissey
West Virginia Attorney General



Bridget Hill
Wyoming Attorney General



T.J. Donovan
Vermont Attorney General



Robert W. Ferguson
Washington State Attorney General



Joshua L. Kaul
Wisconsin Attorney General