

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**REPLY COMMENTS**



**I. INTRODUCTION AND SUMMARY**

ACA Connects – America’s Communications Association (“ACA Connects”) hereby files reply comments in response to the Third Further Notice of Proposed Rulemaking (“Third FNPRM”) in the above-captioned proceeding.<sup>1</sup> As ACA Connects explained in its initial comments, and other commenters affirm, the Commission’s leadership is driving the industry to implement SHAKEN/STIR at an aggressive pace. In light of this progress, a SHAKEN/STIR implementation mandate is unnecessary at this time, and, especially as applied to smaller operators and legacy networks, would be unduly burdensome and counterproductive.

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

In addition, as ACA Connects and others argue, the Commission should not extend a safe harbor to voice providers that block calls on the sole basis of lack of authentication under SHAKEN/STIR. Yet the Commission should consider establishing a safe harbor for providers that deploy opt-out robocall blocking on the basis of “reasonable analytics,” consistent with the Declaratory Ruling.

**II. THE COMMISSION SHOULD DECLINE TO ADOPT A SHAKEN/STIR MANDATE AT THIS TIME, AND, IN ANY EVENT, NO MANDATE SHOULD APPLY TO SMALLER PROVIDERS OR OPERATORS OF LEGACY NETWORKS**

The Third FNPRM seeks comment on the adoption of a SHAKEN/STIR implementation mandate in the event that major voice service providers do not deploy SHAKEN/STIR by the end of the year. In its initial comments, ACA Connects explained that, in today’s communications ecosystem, such a mandate would more likely frustrate than advance the deployment of robust solutions that protect voice customers from spoofed calls. NCTA similarly cautioned against the adoption of a “rigid and likely redundant SHAKEN/STIR regulatory mandate on voice providers at this time,” given the strong incentives of voice providers to deploy SHAKEN/STIR voluntarily and the progress industry has made in deploying the framework.<sup>2</sup> And as CTIA notes, “the anti-robocalls marketplace is still evolving, and prescriptive rules will only hinder the pace of progress.”<sup>3</sup>

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<sup>2</sup> Comments of NCTA in *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al. at 5 (filed July 24, 2019) (“NCTA Comments”).

<sup>3</sup> Comments of CTIA in *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al. at 23-24 (“CTIA Comments”).

When it comes to smaller providers and operators of legacy TDM networks – who may be small or large – the case against a premature mandate is even stronger. The Competitive Carriers Association (“CCA”), for instance, points out that SHAKEN/STIR and other robocall mitigation solutions for smaller providers are still developing, and that “one-size-fits-all” solutions are unlikely to be the answer.<sup>4</sup> NTCA reports that, as major carriers continue to roll out SHAKEN/STIR in their networks, there remains a lack of vendor solutions available to its small operator members.<sup>5</sup> As is often the case when new communications technologies take hold, larger providers have been able to use their scale and market share to drive the initial development of technology for implementing SHAKEN/STIR. While we expect that solutions aimed at smaller operators will begin to proliferate as the SHAKEN/STIR technology matures, smaller operators are not in a position to drive the development of these solutions.

In addition, there are specific implementation challenges and associated costs that derive from the “end-to-end IP” nature of SHAKEN/STIR.<sup>6</sup> Several commenters identify heightened barriers to implementation facing TDM providers and those that

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<sup>4</sup> Comments of CCA in *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al. at 4-6 (filed July 24, 2019) (“CCA Comments”); see also Comments of INCOMPAS in *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al. at 14 (filed July 24, 2019) (“INCOMPAS Comments”). (“The ability of providers to implement SHAKEN/STIR is based on the availability of resources, as well as whether or not a voice service provider’s current business model and technology are supported by the standards.”); Comments of ACT – The App Association in *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al. at 7 (filed July 24, 2019).

<sup>5</sup> Comments of NTCA in *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al. at 9-10 (file July 24, 2019) (“NTCA Comments”).

<sup>6</sup> Third FNPRM, ¶ 80 (“SHAKEN/STIR as developed is intended for IP-based networks, and thus, is less effective for calls that originate, terminate, or transit across TDM networks and does not work at all for calls that exclusively traverse TDM networks.”).

currently exchange voice traffic in TDM format.<sup>7</sup> Finally, smaller providers and legacy network operators may incur other costs in implementing SHAKEN/STIR, including costs associated with updating or replacing legacy equipment that may be incompatible with SHAKEN/STIR technology.

Overall, there remains considerable uncertainty regarding the costs for smaller and legacy operators to implement SHAKEN/STIR and the availability of solutions that meet their needs. In the presence of this uncertainty, a mandate to deploy SHAKEN/STIR by a date certain could induce smaller operators to freeze spending in other areas, including on broadband network upgrades and expansions, as they seek to determine how to comply with the mandate and what costs they will bear. Accordingly, ACA Connects urges the Commission not to impose a SHAKEN/STIR mandate on smaller and legacy providers at this time, but rather give the marketplace more time to develop. In the meantime, the Commission should continue to encourage deployment of SHAKEN/STIR and other robocall mitigation technologies, as well as the development of cost-effective solutions for smaller and legacy operators.

That said, ACA Connects supports the adoption of a targeted SHAKEN/STIR mandate for those providers that originate large volumes of illegal robocalls. The record suggests that a relatively small number of providers may be responsible for the bulk of this illicit traffic, and that such providers actively seek out the business of illegitimate robocallers.<sup>8</sup> ACA Connects does not object to the Commission subjecting these bad

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<sup>7</sup> See Comments of WTA in *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al. at 3-6 (filed July 24, 2019); NTCA Comments at 2-9; CCA Comments at 5-6.

<sup>8</sup> See Comments of AT&T in *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al. at 21 (filed July 24, 2019) (“AT&T Comments”).

actors to a SHAKEN/STIR mandate, even those that are “smaller IP-based providers,”<sup>9</sup> and using every tool at its disposal to rein them in and make their business model a thing of the past.

### **III. ANY CALL BLOCKING SAFE HARBOR MUST BE TARGETED AT BLOCKING UNWANTED AND ILLEGAL CALLS**

As ACA Connects explained in its initial comments, while SHAKEN/STIR can inform the analytics that voice providers rely on to identify and block unwanted calls, the Commission should not empower providers to block calls based solely on the status of a call under SHAKEN/STIR.<sup>10</sup> Many commenters expressed similar views.<sup>11</sup> As AT&T put it: “[T]he presence or absence of SHAKEN/STIR verification *on its own* is neither necessary nor sufficient to indicate that a call should be blocked today.”<sup>12</sup> To be clear, ACA Connects supports adoption of the narrow safe harbor proposed in the Third FNPRM for blocking of calls that fail caller ID authentication, but only from providers that have implemented SHAKEN/STIR. As the Commission explains, “the vast majority of calls blocked in such circumstances [should] be illegitimate,”<sup>13</sup> and we would expect providers using this safe harbor to take reasonable care to avoid blocking legitimate calls.

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<sup>9</sup> See Comments of Verizon in *Advanced Methods to Target and Eliminate Unlawful Robocalls et al.*, CG Docket No. 17-59 et al. at 3 (filed July 24, 2019) (“Verizon Comments”). We do not, however, endorse Verizon’s suggestion that the Commission vastly expand the scope of this proceeding by adopting its proposed registration, reporting and other obligations for voice service providers. See *id.* at 6-8.

<sup>10</sup> See Comments of ACA Connects in *Advanced Methods to Target and Eliminate Unlawful Robocalls et al.*, CG Docket No. 17-59 et al. at 6-7 (filed July 24, 2019).

<sup>11</sup> See Comments of USTelecom in *Advanced Methods to Target and Eliminate Unlawful Robocalls et al.*, CG Docket No. 17-59 et al. at 6-7 (filed July 24, 2019); Comments of Transaction Network Services in *Advanced Methods to Target and Eliminate Unlawful Robocalls et al.*, CG Docket No. 17-59 et al. at 4-5 (filed July 24, 2019); NTCA Comments at 12; WTA Comments at 6-7.

<sup>12</sup> AT&T Comments at 6.

<sup>13</sup> Third FNPRM, ¶ 51.

However, we discourage the Commission from adopting Comcast's suggestion that it create a separate safe harbor for "blocking of unsigned calls from major voice providers that have not implemented SHAKEN/STIR and are not exchanging calls on an authenticated basis by a reasonable date."<sup>14</sup> We appreciate that adopting this safe harbor would create a powerful disincentive for a provider to lag behind in its implementation of SHAKEN/STIR. But we are concerned that such a measure would, by design, enable blocking *en masse* of legitimate, wanted calls in the event that a provider misses its deadline. This would be an unacceptable outcome for affected customers, and it would set a troubling precedent for the treatment of smaller voice providers that may face unexpected delays or complications in implementing SHAKEN/STIR in the future.

That said, another type of safe harbor could play a valuable role in encouraging providers to implement responsible call-blocking in accordance with the Declaratory Ruling. While the opt-out call-blocking at issue in the Declaratory Ruling is properly characterized as "customer-initiated blocking," and therefore a safe harbor is not strictly necessary, the announcement of a safe harbor could encourage more robust deployment of opt-out tools. Accordingly, we support the adoption of a safe harbor for providers that, in the course of administering an opt-out call-blocking program based on "reasonable analytics designed to identify unwanted calls," mistakenly block a wanted

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<sup>14</sup> See Comments of Comcast in *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al. at 7 (filed July 24, 2019). We agree with Comcast, however, that any such safe harbor must not permit "the blocking of unsigned calls from smaller voice providers that may need more time to deploy the technology." *Id.*

call.<sup>15</sup> The safe harbor should apply whether a provider deploys a proprietary or a third-party robocall blocking service, and the safe harbor should cover “vendors and suppliers that assisted with the blocking.”<sup>16</sup> In establishing such a safe harbor, the Commission should reaffirm that unreasonably broad call blocking, including any indiscriminate blocking of calls based solely on lack of attestation under SHAKEN/STIR, is unlawful and not protected under the safe harbor.

#### IV. CONCLUSION

ACA Connects appreciates the opportunity to participate in this proceeding, and it encourages the Commission to take its reply comments under consideration.

Respectfully submitted,



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<sup>15</sup> Of course, we would expect the safe harbor to be available only to a provider that complies fully with the Declaratory Ruling in administering an opt-out call blocking program.

<sup>16</sup> Transaction Network Services Comments at 9-10.