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September 24, 2020

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: *Ex Parte* Presentation of ACA Connects—America's Communications Association;
Call Authentication Trust Anchor, WC Docket No. 17-97**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, ACA Connects files this reply to the *ex parte* letter submitted by USTelecom in the above-captioned docket on September 23, 2020.¹ We address, in particular, USTelecom's proposed revisions to draft rule Section 64.6304 of the Draft Order issued in this proceeding.² These revisions would carve out exceptions to the definition of "small voice service provider," a class of provider that the Draft Order grants a two-year extension of the deadline to implement STIR/SHAKEN.

ACA Connects wholeheartedly shares USTelecom's goal of reining in providers that make it their business model to originate large volumes of unlawful robocalls. But the timing of USTelecom's submission does not provide parties, including ACA Connects, a reasonable opportunity to vet carefully whether the proposed rule changes could also sweep in legitimate voice providers that do not fall in that category and that the Commission plainly intended to include within the small provider exemption granted in the Draft Order.³ We therefore urge the

¹ See Letter From Joshua M. Bercu, USTelecom, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-97 (filed Sept. 23, 2020) ("USTelecom Sept. 23 Letter").

² See *id.* at Attach.; see also *Call Authentication Trust Anchor*, WC Docket No. 17-97, Public Draft Second Report and Order, FCC-CIRC2009-04 (rel. Sept. 9, 2020) ("Draft Order").

³ Notably, the proposed exceptions are defined not in terms of a provider's culpability in originating unlawful robocalls, but rather in terms of business practices that are not illegitimate per se. Moreover, the filing does not adequately explain why the quantitative thresholds set forth in these exceptions—"more than half of [a provider's] revenue" and "more than 500 calls per day"—are appropriate and justified. See

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Commission not to adopt the proposed rule changes without giving interested parties a reasonable opportunity to examine the proposal carefully and provide comment.

Please address to the undersigned any questions regarding this filing.

Sincerely,



Brian Hurley

USTelecom Sept. 23 Letter at Attach. There is also some ambiguity in the proposed language; for instance, it is unclear how broadly to construe the term “revenue” for purposes of the first exception.