

October 7, 2022

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

RE: Notice of *Ex Parte* Meeting, Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59

Dear Ms. Dortch:

On October 5, 2022, Jonathan Thessin with the American Bankers Association; Leah Dempsey with Brownstein Hyatt Farber Schreck, outside counsel to ACA International; Mark Brennan from Hogan Lovells, outside counsel to the American Association of Healthcare Administrative Management; Michael Pryor with Brownstein Hyatt Farber Schreck, outside counsel to the Credit Union National Association; James Akin with the National Association of Federally-Insured Credit Unions; Shelly Repp with the National Council of Higher Education Resources;¹ and Gary Brind with American Express (the Associations) met virtually with Mark Stone, Karen Schroeder, Kristi Thornton, Jerusha Burnett, and Benjamin (Jesse) Goodwin with the Federal Communication Commission's Consumer and Governmental Affairs Bureau (CGB). The purpose of the meeting was to discuss how the Commission can best ensure that the Associations' members and other lawful callers are provided with meaningful, immediate notification when their outbound calls are blocked by telephone companies utilizing analytics.

The TRACED Act requires the Commission to “ensure . . . robocall blocking services . . . are provided with transparency and effective redress options for . . . callers”² Time-sensitive calls are being wrongly blocked by voice service providers' use of analytics engines. These erroneously blocked calls include emergency calls from public safety organizations, anti-fraud messages, safety recall messages, research calls on behalf of the Centers for Disease Control and Prevention, and necessary account updates and reminders needed to maintain financial health and well-being.³

¹ A description of each trade association is listed in the Appendix.

² Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, § 10(b) (2019) [hereinafter, TRACED Act].

³ See *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Comments of Am. Bankers Ass'n et al., , CG Docket No. 17-59, at 5 (Jan. 31, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/1020198841674>;

In the Commission’s Order on Reconsideration issued on December 30, 2021,⁴ the Commission permitted voice service providers to use SIP Code 603, in addition to SIP Codes 607 or 608, to satisfy the Commission’s requirement that a provider immediately notify callers when it has blocked the caller’s call.⁵ However, SIP Code 603 was initially designed to signal that the recipient “decline[d]” the call.⁶ Therefore, a caller receiving a SIP Code 603 response would not be able to understand whether the response code signaled that the call’s recipient declined the call or that the provider blocked the call in the network.⁷ By contrast, SIP Codes 607 and 608 represent a standardized, uniform set of response codes that are specifically designed to identify end-user blocking of unwanted calls (SIP Code 607) or blocking in the network based on reasonable analytics (SIP Code 608).⁸

On August 25, 2022, the ATIS/SIP Forum Task Force (Task Force)—which includes a number of telecommunications stakeholders—released the standard for an enhanced version of SIP Code 603, designed to provide notification to callers when the caller’s call is blocked in the network based on reasonable analytics (SIP Code 603+).⁹ Several of the caller-side trade associations that participated in the October 5 meeting with CGB staff had earlier provided constructive feedback, including input on the functionalities necessary to produce a potentially actionable standard for the 603+ Code.¹⁰

id., Reply Comments of Credit Union Nat’l Ass’n *et al.*, CG Docket No. 17-59, at 4-5 (Sept. 29, 2020), <https://www.fcc.gov/ecfs/search/search-filings/filing/109290198927157> (summarizing evidence in the record of erroneous call blocking).

⁴ *Id.*, Order on Reconsideration, CG Docket No. 17-59, 86 Fed. Reg. 74,373 (2021).

⁵ *Id.*, Fourth Report and Order, CG Docket No. 17-59, 86 Fed. Reg. 17,726, 17,729-30 (2021).

⁶ Internet Engineering Task Force, *SIP: Session Initiation Protocol* 191 (2002), <https://datatracker.ietf.org/doc/html/rfc3261#page-192>.

⁷ See, e.g., *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Partial Opp. & Comments of the Am. Bankers Ass’n *et al.* to the Pet. for Recons. & Request for Clarification of USTelecom, CG Docket No. 17-59 (Jun. 4, 2021), <https://www.aba.com/advocacy/policy-analysis/joint-trades-comment-on-ustelecom-petition-on-call-blocking>.

⁸ Internet Engineering Task Force, RFC 8197, *A SIP Response Code for Unwanted Calls* 1 (2017), <https://tools.ietf.org/html/rfc8197> (SIP Code 607 Specification); Internet Engineering Task Force, RFC 8688, *A Session Initiation Protocol (SIP) Response Code for Rejected Calls* 1 (2019), <https://datatracker.ietf.org/doc/html/rfc8688> (SIP Code 608 Specification).

⁹ Press Release, ATIS/SIP Forum, *ATIS/SIP Forum Innovation Delivers Robocall Call Blocking Notification Standard* (Aug. 25, 2022), <https://www.sipforum.org/2022/08/atis-sip-forum-innovation-delivers-robocall-call-blocking-notification-standard/>; Robocall Call Blocking Notification, ATIS-100099, https://access.atis.org/apps/group_public/download.php/67424/ATIS-1000099.pdf.

¹⁰ See *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Ex Parte Letter of Credit Union Nat’l Ass’n *et al.*, CG Docket No. 17-59 (Jun. 17, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/10617318002454> (attaching letter from the Associations to the ATIS/SIP Forum NNI Task Force). Among other functionalities and features, the caller-side trade associations stated that SIP Code 603+ must include the following: (1) utilize a standardized word or phrase indicating that the call was blocked in the network based on analytics; (2) provide a standardized format for identifying the blocking entity; (3) be machine readable; and (4) consider the costs of modifying or reprogramming caller equipment so that it can receive the notification and act on the notification through automated processes.

Upon initial review, the Associations believe the standard for SIP Code 603+ holds potential for providing effective notification for callers when their call is blocked. As we understand, the standard uses a unique reason phrase, “603-Network Blocked,” in the first line of notification, called the status line, rather than the 603 reason phrase (“Decline”).¹¹ It further includes the contact information of the entity responsible for blocking the call.¹² On its face, the standard appears to provide the requisite information for meaningful notification.

Recently, USTelecom urged the Commission to revise its rules to require SIP Code 603+ as the uniform notification method to inform callers that their calls have been blocked.¹³ As stated in USTelecom’s *ex parte* letter, “[w]ith the certainty that can only come from such Commission action, voice service providers will be able to begin implementing the standard and thus will sooner meet callers’ desire for a standardized form of notification.”¹⁴

We agree that Commission action is necessary to replace use of the standard SIP Code 603 with the enhanced 603+ code as soon as practicable. The development of the 603+ standard confirms that the original 603 code is inadequate. Until the 603+ code has been tested and implemented in the network, however, we believe it is premature to remove SIP Code 608 from the rules. Moreover, a deadline for testing and implementation of the 603+ SIP Code is needed. Absent a deadline, providers and equipment vendors may lack the requisite incentive (a) to promptly engage in testing to ensure that the 603+ SIP Code can transit the network from the blocking entity back to the originating provider and its calling customer, and then (b) to deploy the necessary equipment updates to ensure end-to-end transmission of the notification across IP networks. We have urged individual voice service providers to test the 603+ SIP Code with our members. Voice service providers have expressed openness to testing, but have not provided a timeline or specific next steps for callers to engage in testing.

We thus urge the Commission to establish a deadline to complete testing and, assuming testing confirms that SIP Code 603+ is workable, deploy the code in IP networks. We believe six months is a reasonable period of time to complete testing and implementation. It is also important to ensure that the 603+ SIP Code does not impose undue or excessive burdens on callers that eventually are passed on to consumers either through cost increases or fewer services, particularly smaller companies. Replacing, reprogramming, or retrofitting equipment is a major resource drain on small entities, and new requirements in this area should not underestimate the impact of these changes. The 603+ Code should not enable providers to impermissibly shift costs

¹¹ Robocall Call Blocking Notification, *supra* note 9, at 1.

¹² *Id.*, at 2.

¹³ Letter from Joshua M. Bercu, Vice President, Policy and Advocacy, USTelecom, to Marlene H. Dorth, Sec., Fed. Comm’n, filed in CG Docket No. 17-59 (Sept. 13, 2022).

¹⁴ *Id.* at 2.

onto small businesses in violation of the TRACED Act.¹⁵ Robust testing will also help assess potential caller implementation costs.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Thessin". The signature is written in a cursive, flowing style.

Jonathan Thessin
Vice President/Senior Counsel
Consumer & Regulatory Compliance
Regulatory Compliance and Policy

¹⁵ See TRACED Act, *supra* note 2, § 10 (requiring voice service providers to impose “no additional charge to callers for resolving complaints related to erroneously blocked calls”).

APPENDIX

The American Bankers Association is the voice of the nation's \$23.7 trillion banking industry, which is composed of small, regional and large banks that together employ more than 2 million people, safeguard \$19.6 trillion in deposits and extend \$11.8 trillion in loans.

ACA International is the leading trade association for credit and collection professionals. Founded in 1939, and with offices in Washington, D.C. and Minneapolis, Minnesota, ACA represents approximately 1,800 members, including credit grantors, third-party collection agencies, asset buyers, attorneys, and vendor affiliates in an industry that employs more than 124,000 employees worldwide. As part of the process of attempting to recover outstanding payments, ACA members are an extension of every community's businesses. Without an effective collection process, businesses and, by extension, the American economy in general, is threatened. Recovering rightfully-owed consumer debt enables organizations to survive, helps prevent job losses, keeps credit, goods, and services available, and reduces the need for tax increases to cover governmental budget shortfalls.

The American Association of Healthcare Administrative Management (AAHAM) is the premier professional organization in healthcare administrative management focused on education and advocacy in the areas of reimbursement, admitting and registration, data management, medical records, and patient relations. AAHAM was founded in 1968 as the American Guild of Patient Account Management. Initially formed to serve the interests of hospital patient account managers, AAHAM has evolved into a national membership association that represents a broad-based constituency of healthcare professionals. Professional development of its members is one of the primary goals of the association. Publications, conferences and seminars, benchmarking, professional certification and networking offer numerous opportunities for increasing the skills and knowledge that are necessary to function effectively in today's health care environment. AAHAM actively represents the interests of healthcare administrative management professionals through a comprehensive program of legislative and regulatory monitoring and its participation in industry groups. AAHAM is a major force in shaping the future of health care administrative management, and one of its main focuses has been on efforts to ensure that stakeholders in the healthcare ecosystem can place calls that consumers expect.

The Credit Union National Association (CUNA) is the only national association that advocates on behalf of all of America's credit unions, which are owned by 130 million consumer members. CUNA, along with its network of affiliated state credit union leagues, delivers unwavering advocacy, continuous professional growth and operational confidence to protect the best interests of all credit unions.

The National Association of Federally-Insured Credit Unions (NAFCU) advocates for all federally-insured not-for-profit credit unions that, in turn, serve nearly 124 million consumers with personal and small business financial service products. NAFCU provides its credit union members with representation, information, education, and assistance to meet the constant challenges that cooperative financial institutions face in today's economic environment. NAFCU

proudly represents many smaller credit unions with relatively limited operations, as well as many of the largest and most sophisticated credit unions in the nation. NAFCU represents 77 percent of total federal credit union assets, 56 percent of all federally-insured credit union assets, and 74 percent of all federal credit union member-owners.

The National Council of Higher Education Resources' mission is to provide superior advocacy, communications, regulatory analysis and engagement, and operational support to its members so they may effectively help students and families develop, pay for, and achieve their career, training, and postsecondary educational goals.