

July 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 July 5, 2022, Jonathan Thessin with the American Bankers Association; Leah Dempsey with ACA International; Celia Winslow with the American Financial Services Association; Elizabeth Sullivan with the Credit Union National Association (CUNA); Michael Pryor, outside counsel to CUNA; Ann Petros with the National Association of Federally-Insured Credit Unions; and Shelly Repp with the National Council of Higher Education Resources¹ (the Associations) met by Zoom with Priscilla Argeris, Chief Legal Advisor to Chairwoman Jessica Rosenworcel, and David Strickland, Chairwoman Rosenworcel's Legal Advisor for Consumer, Enforcement, and International issues. The purpose of the meeting was to discuss how the Federal Communications Commission (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 During the meeting, the Associations explained that many 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>; *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).

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 During the meeting, the Associations emphasized our continued support for the adoption of SIP Code 608 — which was “designed to be used for call blocking”⁸ — to provide immediate notification of analytics-based blocking, and that SIP Code 608 could be implemented without the need to encrypt information regarding the blocking entity through the “J-Card.”

At the same time, we have been informed that the standards-setting body ATIS/SIP Forum NNI Task Force (Task Force) is advancing an enhanced SIP Code 603 (603+ Code) and has prioritized completion of the standard for this code ahead of the standard for SIP Code 608. While we oppose any effort to delay development of the 608 standard, we have nevertheless initiated a dialogue with the Task Force to provide constructive feedback, including input on the functionalities necessary to produce a potentially actionable standard for the 603+ Code. Among those functionalities and features are that 603+ must: (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.⁹ We also emphasized the need for the Task Force to work with our members and others to test SIP Code 603+ prior to its implementation, and to do so as soon as possible.

Without these functionalities and features, 603+ Code notifications will only cause confusion and perpetuate the inappropriate blocking of calls that benefit consumers. Any standard for the 603+ Code that would impose undue or excessive costs on callers to replace, reprogram, or retrofit equipment wholesale would impermissibly shift costs onto small

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 *Id.*, Fourth Report and Order, CG Docket No. 17-59, 35 FCC Rcd 15221, 15240 ¶ 56 (2020).

⁹ See *id.*, 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).

businesses in violation of the TRACED Act and would prolong the timeframe for operational viability.¹⁰

We understand that the standard for SIP Code 603+ is projected to be published as early as this month.¹¹ We encourage the Task Force to continue their development work as quickly and efficiently as possible. We urge these bodies — and their members in the voice service provider industry — to announce the expected date for completing the relevant notification standard, to work with appropriate entities to ensure robust testing of the standard, and to identify deadlines by which any new code could be widely operationalized.

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

¹⁰ 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”).

¹¹ See *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Ex Parte Letter of USTelecom, CG Docket No. 17-59, at 2 (Jun. 23, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/106233009422122>.

APPENDIX

The American Bankers Association is the voice of the nation's \$24 trillion banking industry, which is composed of small, regional and large banks that together employ more than 2 million people, safeguard \$19.9 trillion in deposits and extend \$11.4 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 Financial Services Association (AFSA) is the national trade association for the consumer credit industry, protecting access to credit and consumer choice. AFSA members provide consumers with closed-end and open-end credit products including traditional installment loans, mortgages, direct and indirect vehicle financing, payment cards, and retail sales finance.

The Credit Union National Association, Inc. (CUNA) is the largest trade association in the United States serving America's credit unions and the only national association representing the entire credit union movement. CUNA represents nearly 5,500 federal and state credit unions, which collectively serve 120 million members nationwide. CUNA's mission in part is to advocate for responsible regulation of credit unions to ensure market stability, while eliminating needless regulatory burden that interferes with the efficient and effective administration of financial services to credit union members.

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.