

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

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

**PARTIAL OPPOSITION AND COMMENTS OF THE AMERICAN BANKERS  
ASSOCIATION, ACA INTERNATIONAL, AMERICAN ASSOCIATION OF  
HEALTHCARE ADMINISTRATIVE MANAGEMENT, AMERICAN FINANCIAL  
SERVICES ASSOCIATION, CREDIT UNION NATIONAL ASSOCIATION,  
MORTGAGE BANKERS ASSOCIATION, NATIONAL ASSOCIATION OF  
FEDERALLY-INSURED CREDIT UNIONS, NATIONAL COUNCIL OF HIGHER  
EDUCATION RESOURCES, NATIONAL RETAIL FEDERATION, AND STUDENT  
LOAN SERVICING ALLIANCE TO THE PETITION FOR RECONSIDERATION AND  
REQUEST FOR CLARIFICATION OF USTELECOM – THE BROADBAND  
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June 4, 2021

## INTRODUCTION AND SUMMARY

The Associations<sup>1</sup> appreciate the opportunity to comment on the Petition for Reconsideration and Request for Clarification (*Petition*) submitted by USTelecom – The Broadband Coalition (USTelecom) in the above-captioned proceeding. In its *Fourth Report and Order*, the Federal Communications Commission (Commission) required telephone companies that block calls and their analytics engines (collectively, Voice Service Providers or Providers) to use specific Session Initiation Protocol (SIP) codes to notify the caller that its call has been blocked on an Internet Protocol (IP) network and a specific Integrated Services Digital Network User Part (ISUP) code to notify the caller that its call has been blocked on a time-division multiplexing (TDM) network.<sup>2</sup> In the *Petition*, USTelecom requests that the Commission give Voice Service Providers the “flexibility to select the appropriate code or tool to notify callers that their calls have been blocked,” among other requests.<sup>3</sup>

Consumers are harmed when lawful calls placed by the companies with whom they do business are blocked. These calls include, for example, safety alerts, fraud alerts, data security breach notifications, product safety recall notices, healthcare and prescription reminders, power outage updates, and other necessary account updates and reminders needed to maintain financial health and well-being.

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<sup>1</sup> “The Associations” collectively refer to the signatories to these comments. A description of each Association is provided in the Appendix.

<sup>2</sup> *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Fourth Report and Order, FCC 20-187, CG Docket No. 17-59, ¶¶ 56-57 (2020) [hereinafter, *Fourth Report and Order*]. The Commission required terminating Voice Service Providers that block calls on an IP network to use SIP Code 607 or 608, and for Providers to use ISUP code 21 when blocking calls on a TDM network. *Id.*

<sup>3</sup> *Petition*, at 2. The Associations do not comment on USTelecom’s other requests.

For these reasons, Congress expressly required in the TRACED Act that the Commission “ensure [that] robocall blocking services . . . are provided with transparency and effective redress options for . . . callers.”<sup>4</sup> Consistent with its mandate to provide “effective” redress, the Commission required Voice Service Providers to notify a caller immediately when its call has been blocked utilizing notification mechanisms specifically designed to address the call blocking that the Commission has authorized.<sup>5</sup>

Although we appreciate the good-faith efforts of Voice Service Providers to design systems to provide notification of blocking, we oppose USTelecom’s request to eliminate the requirement to utilize the notification methods prescribed by the Commission. To ensure that notification is transparent and effective for callers, as required by the TRACED Act:

- The Commission should continue to require Voice Service Providers to use SIP Codes 607 and 608, and ISUP Code 21.
- Should the Commission conclude that Voice Service Providers need additional time to implement the SIP Codes and map them to ISUP Code 21, the Commission should identify one or more alternative standardized notification mechanisms that may be used pending implementation of the SIP Codes. The alternative mechanism should provide immediate notification and inform the caller which entity is blocking the call.

## ARGUMENT

### I. THE COMMISSION SHOULD CONTINUE TO REQUIRE USE OF SIP CODE 607 OR 608 AND ISUP CODE 21

In the *Fourth Report and Order*, the Commission directed Voice Service Providers and other entities that block calls to notify callers when their calls are blocked, by utilizing specifications approved by the Internet Engineering Task Force (IETF), which is the leading

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<sup>4</sup> Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, § 10(b) (2019) [hereinafter, TRACED Act].

<sup>5</sup> *Fourth Report and Order*, ¶¶ 56-57.

Internet standards body. Specifically, the Commission required Providers, by January 1, 2022, to use SIP Code 607 or 608 (for blocking on IP networks) or ISUP Code 21 (for blocking on TDM networks) to provide immediate notification.<sup>6</sup> In the *Petition*, USTelecom states that the standard on which the Commission relied to require use of SIP Code 607 or 608 or ISUP Code 21 “was not fully vetted and had not been approved by the IP-NNI task force” (the task force established to promulgate standards to allow Voice Service Providers to provide interconnection between their networks).<sup>7</sup>

The *Petition* has not demonstrated that the Commission should remove the requirement that Voice Service Providers use these codes to notify callers. As the IETF states, SIP Codes 607 and 608 “represent[] the consensus of the IETF community,” have received public review, and have been approved for publication by the Internet Engineering Steering Group.<sup>8</sup> Each SIP code performs a specific function. SIP Code 607 informs the caller that the call is unwanted and that the caller should not try to call that number again.<sup>9</sup> SIP Code 608 informs the caller “that an intermediary blocked the call and provides a redress mechanism that allows callers to contact the operator of the intermediary.”<sup>10</sup> The Commission required use of SIP and ISUP Codes “because [these codes] are in standard use throughout the network” and are “the best solution for

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<sup>6</sup> *Fourth Report and Order*, ¶¶ 56-57.

<sup>7</sup> *Petition*, at 3; see also ATIS, IP-NNI Task Force, <https://www.atis.org/industry-collaboration/ip-nni-task-force/> (last visited June 1, 2021) (describing the IP-NNI task force).

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

<sup>9</sup> *SIP Code 607 Specification*, at 2; see also *SIP Code 608 Specification*, at 4-5 (describing benefits of the 607 SIP Code and noting its importance as an indicator that a caller is source of unwanted calls and that the caller will “learn the user is not interested in receiving calls from that sender”).

<sup>10</sup> *SIP Code 608 Specification*, at 4.

immediate notification at this time.”<sup>11</sup> Many of our members are equipped to receive and process SIP codes and anticipate making any necessary software upgrades to utilize the specific codes prescribed by the Commission. The *Petition* proffers no compelling reason to remove the Commission’s existing requirements that these SIP and ISUP Codes be used, particularly in the absence of a superior alternative approach for providing notification. To the extent that the IP-NNI task force has not approved these codes, the Commission should direct the task force to approve the codes expeditiously.

The *Petition* raises two specific technical concerns with the SIP Codes. First, the *Petition* expresses concern about the Codes’ interoperability with TDM networks and the ability to map the SIP Codes to the ISUP 21 Code, which signifies on a TDM network that the call has been rejected.<sup>12</sup> The Commission, however, specifically addressed that concern by noting there is an existing specification that maps ISUP Code 21 with SIP Code 603, which signifies that a call has been declined and signals to the caller that it should investigate the rejection.<sup>13</sup> The Commission specifically granted Voice Service Providers flexibility to map ISUP Code 21 to SIP Code 603.<sup>14</sup> The *Petition* does not address why the Commission’s solution is not sufficient until a specific mapping standard for SIP Codes 607 and 608 is finalized.

The second technical issue raised by the *Petition* is that the SIP Code 608 specification enables the insertion in the SIP “header” of information on how to contact the blocking entity

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<sup>11</sup> *Fourth Report and Order*, ¶ 60.

<sup>12</sup> *Petition*, at 5.

<sup>13</sup> *See Fourth Report and Order*, ¶ 57 n.135.

<sup>14</sup> *See id.* (“IETF documentation currently recommends that ISUP code 21 be mapped to either SIP code 403 ‘Forbidden’ or, where the cause location is ‘user,’ SIP code 603 ‘Decline.’ . . . Because the IETF recommends code 603, we encourage voice service providers to continue using this approach . . .”).

using a “jCard.”<sup>15</sup> The information provided by the jCard is critical for callers whose call is blocked. As explained in the SIP Code 608 specification, the jCard uses “existing SIP protocol mechanisms” and is “the mechanism used by STIR” (the protocol that, in combination with the SHAKEN framework, allows originating service providers to attest to the veracity of the telephone number appearing in caller ID).<sup>16</sup> Without the jCard, callers will lack information on how to contact the entity that blocked the call. This lack of information undermines the Commission’s goals of facilitating prompt access to redress mechanisms and alerting callers of the block, so that they may use alternative forms of communication to reach the consumer.<sup>17</sup> Given that jCards utilize standard SIP mechanisms that are used in STIR, the Commission should require further explanation from USTelecom regarding the technical impediments to using jCards to provide contact information that quickly enables callers to contact the blocking entity and initiate the redress process.

The *Petition* also raises more general policy concerns regarding use of these standardized notification mechanisms. These concerns already have been addressed by the Commission or can be accommodated by using interim methods, as described below. The *Petition* claims that use of standard-based notifications will tip off “bad actors.”<sup>18</sup> However, the Commission already has concluded that the “potential harm from providing notifications to bad actors is more than offset by the significant benefit to legitimate callers, which otherwise may not know why their calls are

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<sup>15</sup> *Petition*, at 5.

<sup>16</sup> *SIP Code 608 Specification*, at 7; Fed. Commc’ns Comm’n, *Combating Spoofed Robocalls with Caller ID Authentication*, <https://www.fcc.gov/call-authentication> (last visited June 3, 2021).

<sup>17</sup> See *Fourth Report and Order*, ¶ 53 (“Immediate notification also allows callers to access redress more rapidly and, potentially, use alternative means to contact the consumer with important information.”).

<sup>18</sup> *Petition*, at 6.

not reaching the intended recipient and therefore may be unable to access redress.”<sup>19</sup> The IETF also recognized security vulnerabilities with SIP Codes 607 and 608 and proposed mechanisms to address them.<sup>20</sup> In any event, the *Petition* does not explain how a different form of notification would be superior to use of the SIP Codes.

## **II. SHOULD THE COMMISSION DETERMINE THAT ADDITIONAL TIME IS NEEDED TO IMPLEMENT THE SIP CODES, IT SHOULD DESIGNATE ALTERNATIVE INTERIM FORMS OF NOTIFICATION**

If SIP Codes 607 and 608 and mapping to ISUP Code 21 cannot be finalized and implemented by the existing January 1, 2022 deadline, the Commission should require Voice Service Providers to use another standardized notification mechanism until the above-referenced codes are finalized. The *Petition*’s request<sup>21</sup> that Providers be allowed to utilize any notification mechanism they deem effective is unworkable and undermines the Commission’s conclusion that uniformity is an important aspect of notification.<sup>22</sup> Any interim notification should be specifically designated by the Commission, provide immediate notification, and inform the caller who is blocking the call. One or more alternative mechanisms can be used pending implementation of the SIP Codes. Finally, the Commission should require that compliance with any interim notification requirement is, like the notification methods adopted in the *Fourth Report and Order*, a condition of receiving protection under the safe harbor provided in the *Order* for Voice Service Providers that block calls that are highly likely to be illegal.<sup>23</sup>

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<sup>19</sup> *Fourth Report and Order*, ¶ 54.

<sup>20</sup> *SIP Code 607 Specification*, at 6-7; *SIP Code 608 Specification*, at 18-19.

<sup>21</sup> *Petition*, at 9 (“[T]he Commission should require that providers give effective notice – whether through an industry standardized return code, an intercept announcement, or other notification mechanism later deemed sufficient.”).

<sup>22</sup> *Fourth Report and Order*, ¶ 58 (“By establishing requirements for specific SIP and ISUP codes, we ensure, to the extent possible, that callers receive uniform responses.”).

<sup>23</sup> See 47 C.F.R. §§ 64.1200(k)(9) & (k)(11)(vii); *Fourth Report and Order*, ¶¶ 39 & 41 n.98.

Requiring use of a standardized notification is necessary for the Commission to comply with the TRACED Act. As stated above, the TRACED Act requires the Commission to promulgate rules to ensure that redress for blocked calls is “transparent[t]” and “effective.”<sup>24</sup> Without a preapproved set of standardized notifications, some Voice Service Providers may deliver notifications that provide inadequate information, such that a caller is not able to determine whether its call was blocked, by whom, and how to take steps to redress the improper block. A Commission-approved standardized notification, or set of notifications, ensures that notification is transparent and effective for callers.

A defined set of standardized notifications also is necessary to ensure compliance with the TRACED Act’s requirement that callers incur “no additional charge . . . for resolving complaints related to erroneously blocked calls.”<sup>25</sup> It is not practicable for callers (especially smaller, non-institutional callers that have limited resources) to configure calling systems to respond to an undefined number of notification approaches.

## CONCLUSION

To implement the TRACED Act’s requirement that redress for blocked calls be transparent and effective, the Commission should continue to require Voice Service Providers to

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<sup>24</sup> TRACED Act, § 10(b). Underscoring the importance of timely and adequate notification, the Commission’s Hospital Robocall Protection Group (a Federal Advisory Committee of which USTelecom, several Voice Service Providers, and healthcare stakeholders including the American Association of Healthcare Administrative Management are members) have jointly recommended that Voice Service Providers establish a method to ensure that hospitals can “expeditiously” notify Voice Service Providers about outgoing phone calls being blocked, unauthenticated, or misidentified. See Hospital Robocall Protection Group, *Best Practices Report on Preventing Unlawful Calls*, at 15 (Dec. 14, 2020), [https://www.fcc.gov/sites/default/files/hrpg\\_report.pdf](https://www.fcc.gov/sites/default/files/hrpg_report.pdf).

<sup>25</sup> TRACED Act, § 10(b).

use SIP Codes 607 and 608 and ISUP Code 21. If these codes cannot be finalized by the January 1, 2022 deadline, the Commission should require Voice Service Providers to use another standardized notification approach until the above-referenced codes are finalized.

Respectfully submitted,

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## **APPENDIX**

The American Bankers Association is the voice of the nation's \$22.5 trillion banking industry, which is composed of small, regional and large banks that together employ more than 2 million people, safeguard \$18 trillion in deposits and extend nearly \$11 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 3,000 members, including credit grantors, third-party collection agencies, asset buyers, attorneys, and vendor affiliates in an industry that employs more than 230,000 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.

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 Mortgage Bankers Association (MBA) is the national association representing the real estate finance industry that works to ensure the continued strength of the nation's residential and commercial real estate markets, to expand homeownership, and to extend access to affordable housing to all Americans.

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.

The National Retail Federation, the world's largest retail trade association, passionately advocates for the people, brands, policies and ideas that help retail thrive. From its headquarters in Washington, D.C., NRF empowers the industry that powers the economy. Retail is the nation's largest private-sector employer, contributing \$3.9 trillion to annual GDP and supporting one in four U.S. jobs – 52 million working Americans. For over a century, NRF has been a voice for every retailer and every retail job, educating, inspiring and communicating the powerful impact retail has on local communities and global economies.

The Student Loan Servicing Alliance (SLSA) is the nonprofit trade association that focuses exclusively on student loan servicing issues. Our membership is responsible for servicing over 95% of all federal student loans and the vast majority of private loans, and our membership is a mix of companies, state agencies, non-profits and their service partners. Our servicer members and affiliate members provide the full range of student loan servicing operations, repayment support, customer service, payment processing, and claims processing for tens of millions of federal and private loan borrowers across the country.