

December 13, 2021

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 December 9, 2021, representatives of the American Bankers Association (ABA), ACA International, American Association of Healthcare Administrative Management (AAHAM), Credit Union National Association (CUNA), Mortgage Bankers Association (MBA), and National Association of Federally-Insured Credit Unions met telephonically with Adam Cassady, Media Advisor for Commissioner Nathan Simington. On December 10, 2021, representatives of ABA, ACA International, AAHAM, American Financial Services Association, CUNA, MBA, National Council of Higher Education Resources, and Student Loan Servicing Alliance (collectively, the Associations) met telephonically with David Strickland, Acting Legal Advisor, Consumer, Enforcement, and International, for Chairwoman Jessica Rosenworcel.¹ During the meetings, the Associations discussed USTelecom's Petition for Reconsideration² and recent *ex parte* communications regarding the requirement in the Fourth Report and Order that voice service providers that block calls (Voice Service Providers) must notify callers of the block using SIP Codes 607 and 608 and, for TDM networks, ISUP Code 21 beginning on January 1, 2022.³

¹ The names of attendees of the two meetings are listed in the Appendix. The meetings build on the efforts of 10 caller-side industry trade associations, including all of the Associations, which previously submitted comments to the Commission opposing USTelecom's request to eliminate the requirement that voice service providers use SIP Codes 607 and 608 and, for TDM networks, ISUP Code 21, to provide notification of blocking. See *Ex Parte* Letter of Credit Union Nat'l Ass'n *et al.*, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket 17-59 (filed Oct. 26, 2021), <https://ecfsapi.fcc.gov/file/1026017570726/Trades%20notification%20ex%20parte.pdf> [hereinafter, Oct. 26 Joint Trades' *Ex Parte* Letter]; Comments of Am. Bankers Ass'n *et al.*, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket 17-59 (filed Jun. 4, 2021), https://ecfsapi.fcc.gov/file/1060525288384/ABA_JointTrades_Comment_USTelecomPetition_2021_06_04_final_clean.pdf.

² Petition for Reconsideration and Request for Clarification of USTelecom – the Broadband Association, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket 17-59 (filed May 6, 2021).

³ Fourth Report and Order, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, 35 FCC Rcd 15221, 15239-42, ¶¶ 52-61 (2020).

During the meetings, the Associations respectfully urged the Commission to retain the specific notification mechanisms required by the Fourth Report and Order and listed above, and not replace those requirements with a requirement to use SIP Code 603 to signal network-level blocked calls.⁴ Should the Commission allow use of SIP Code 603 for this purpose, it should specify a date certain by which the telecommunications industry must finalize operational standards for SIP Codes 607 and 608, require periodic status reports on industry’s progress toward developing those standards, and sunset use of SIP Code 603 for network-level blocking concurrently with implementation of SIP Codes 607 and 608.

As the record demonstrates, SIP Code 603 does not provide “actionable” information — that is, information that the recipient of the code (the company making the call or its telecommunications provider) recognizes immediately as requiring the caller to take action to address the blocking. SIP Code 603 signals that the recipient declined the call, not that the call was subject to blocking, which is the intended purpose of SIP Codes 607 and 608.⁵ One large bank has reported that, based on a sample of phone numbers dialed, the bank receives 300-500 SIP 603 response codes per hour when making outbound calls using different calling line identification (CLI) numbers from the bank’s U.S.-based voice platforms to its customers.⁶ It is not feasible, even for a large bank, to sift through each of these responses to determine the nature of the call failure – especially because Voice Service Providers do not use the SIP Code 603 response uniformly. Smaller financial institutions, health care providers, retail outlets, and others will have even less capacity to sort out the basis for a SIP 603 response. Because SIP Code 603 does not provide sufficient information to alert the caller to the reason for the uncompleted call, it does not provide adequate notice to callers that their call has been blocked by the Voice Service Provider. As such, SIP Code 603 does not satisfy the notification standard mandated by the TRACED Act, which requires that call blocking services provide “transparency and effective redress options for . . . callers”⁷

In light of concerns raised by certain Voice Service Providers that SIP Codes 607 and 608 will not be ready to be implemented by the January 1, 2022 deadline, eight trade associations representing a wide range of financial and healthcare companies, including the Associations,

⁴ The Associations have no objection, at his time, to clarifying that blocking notifications are not required when blocking calls from Do Not Originate numbers or from invalid numbers, because we are not aware of adverse impacts to lawful calls from this blocking.

⁵ See Internet Engineering Task Force, *SIP: Session Initiation Protocol* (2002), <https://datatracker.ietf.org/doc/html/rfc3261#page-192> (defining SIP Code 603 as the caller “decline[d]” the call); Internet Engineering Task Force, RFC 8197, *A SIP Response Code for Unwanted Calls* (2017), <https://tools.ietf.org/html/rfc8197> (defining SIP Code 607 “to indicate that the call or message was unwanted”); Internet Engineering Task Force, RFC 8688, *A Session Initiation Protocol (SIP) Response Code for Rejected Calls* (2019), <https://standards.globalspec.com/std/14226466/ietf-rfc-8688> (defining SIP Code 608 to “enable[] calling parties to learn that an intermediary rejected their call attempt. . . . The initial use case driving the need for the 608 response code is when the intermediary is an analytics engine.”).

⁶ Oct. 26 Joint Trades’ *Ex Parte* Letter, *supra* note 1, at 4.

⁷ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act), §10(b) (codified at 47 U.S.C. 227(j)).

proposed a six-month extension of the deadline, provided that the Commission receive status reports at reasonable intervals to track Voice Service Providers' progress in implementing SIP Codes 607 and 608.⁸ However, if the Commission determines to permit Voice Service Providers to use SIP Code 603 to provide notification of blocking, the Commission should continue to maintain the January 1, 2022 deadline for Voice Service Providers to provide immediate notification. The Commission also should make clear that the only appropriate response codes for blocking are SIP Codes 603, 607, and 608.

Over the longer term, SIP Code 603 is not an adequate substitute for SIP Codes 607 and 608, for the reasons stated above. If the Commission permits use of SIP Code 603 in the interim to satisfy the immediate notification requirement, we urge the Commission to require that Voice Service Providers implement SIP Codes 607 and 608 by a date certain, and provide periodic status reports stating the progress that Providers have made toward adopting operational standards.

Thank you for your consideration of these views.

Sincerely,



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

⁸ Oct. 26 Joint Trades' *Ex Parte* Letter, *supra* note 1, at 5; *Ex Parte* Letter of Am. Bankers Ass'n *et al.*, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket 17-59, at 2 (filed Nov. 2, 2021), https://ecfsapi.fcc.gov/file/110378982192/ABA_JointTrades_ExParteLetter_DavidStrickland_USTelecomPetition_2021_11_02_final.pdf.

APPENDIX

The following trade association representatives attended the meeting on December 9, 2021, with Adam Cassady, Media Advisor for Commissioner Nathan Simington:

- Jonathan Thessin, American Bankers Association
- Elizabeth LaBerge, Credit Union National Association
- Michael Pryor, Brownstein Hyatt Farber Schreck, LLP (on behalf of Credit Union National Association)
- Arpan Sura, Hogan Lovells LLP (on behalf of American Association of Healthcare Administrative Management)
- Leah Dempsey, ACA International
- Blake Chavis, Mortgage Bankers Association
- Dale Baker, National Association of Federally-Insured Credit Unions

The following trade association representatives attended the meeting on December 10, 2021, with David Strickland, Acting Legal Advisor, Consumer, Enforcement, and International, for Chairwoman Jessica Rosenworcel:

- Jonathan Thessin, American Bankers Association
- Elizabeth LaBerge, Credit Union National Association
- Arpan Sura, Hogan Lovells LLP (on behalf of American Association of Healthcare Administrative Management and ACA International)
- Blake Chavis, Mortgage Bankers Association
- Shelly Repp, National Council of Higher Education Resources
- David Androphy, American Financial Services Association
- Scott Buchanan, Student Loan Servicing Alliance