

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Advanced Methods to Target and Eliminate Unlawful Robocalls	)	CG Docket No. 17-59
	)	
Call Authentication Trust Anchor	)	WC Docket No. 17-97

**COMMENTS OF THE VOICE ON THE NET COALITION**

The Voice on the Net Coalition (“VON”)<sup>1</sup> hereby submits these comments in response to the Further Notice of Proposed Rulemaking and Notice of Inquiry in the above-captioned proceedings.<sup>2</sup> VON appreciates and supports the Commission’s commitment to restoring trust in the U.S. calling ecosystems. In the past five years, the Commission has mandated the adoption and deployment of STIR/SHAKEN, created the Robocall Mitigation Database and increased the number of providers who must register, and imposed significant penalties on those that continue to originate illegal calls. While commendable progress has been made in enhancing transparency within the PSTN, the challenge of combating illegal and unwanted calls remains prevalent. VON takes this opportunity to underscore the critical role that IP interconnection plays in the success of SHAKEN and advocates for the widespread deployment of existing technologies aimed at mitigating fraud and fostering trust in the PSTN, notably Rich Call Data (RCD). VON continues to encourage the FCC to explore avenues for promoting widespread adoption of IP interconnection throughout the industry as the best option to combat the proliferation of robocalls.

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<sup>1</sup>The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP-enabled communications, including interconnected Voice over Internet Protocol (“VoIP”). For more information, see [www.von.org](http://www.von.org).

<sup>2</sup>See *Eighth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Third Notice of Inquiry in CG Docket No. 17-59* (rel. May 19, 2023) (“FNPRM/NOI”); see also 88 Fed. Reg 43489 (July 10, 2023), establishing a comment deadline of August 9, 2023.

## DISCUSSION

**SIP Codes for Notification of Blocked Calls.** The Commission is actively seeking additional input on the utilization of SIP Code 608 or 603+ to notify originating providers about blocked calls with potential fraudulent attributes.<sup>3</sup> As previously conveyed in VON's comments, VON supports the adoption of SIP Code 608.<sup>4</sup> SIP Code 608 is already in use by major terminating providers and has proven to be highly effective for originating providers due to its ease of identification and integration.

Importantly, VON urges the Commission to provide the industry with at least one year to implement the new code before mandating any sort of blocking by terminating providers. Blocking without a consistent return code causes confusion within the industry. Originating providers rely on this code to detect automatically when calls are blocked based on reasonable analytics and which provider implemented the block. Based on this information, originating providers can determine whether the block was in error or whether they should take action against suspicious traffic on its network.

Without an adequate implementation period, there is a risk of erroneous call blocking, leaving originating providers and their customers without the means to be notified and the opportunity to seek appropriate resolution.

**Caller Name Information.** The Commission proposes new rules that would allow originating providers to provide accurate caller name information to call recipients, specifically when the call is signed with A-level attestation.<sup>5</sup> VON supports the Commission's proposal to provide end customers with information that instills trust in incoming calls. However, VON

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<sup>3</sup> FNPRM/NOI at para. 90.

<sup>4</sup> See, e.g., Joint Reply Comments of the Voice on the Net Coalition, INCOMPAS and the Cloud Communications Alliance, CG Docket No. 17-59 (Feb. 14, 2022).

<sup>5</sup> FNPRM/NOI at para. 95.

advises caution to the Commission in terms of the chosen approach and advises the Commission against any mandatory attestation of caller name identification until IP interconnection is complete.

Currently, there exist three potential solutions for delivering caller ID to end users: CNAM, Branded Calling, and RCD. Among these options, VON advocates for a reasonable timeline for the industry-wide adoption of RCD and for the adoption of industry-wide best practices for the use of CNAM databases. RCD is the wave of the future due to its utilization of flexible IP technology, its ability to facilitate wider IP interconnection adoption, and its potential to offer affordable caller ID solutions for call originators. In addition, RCD can provide the called party with more information on the caller and purpose of the call than the information that is currently available in the CNAM databases. However, RCD can only be passed through IP, meaning that any RCD in the SIP header may be stripped if it passes through TDM. To restore trust in the PSTN, therefore, the Commission must continue to urge adoption of IP interconnection so that the industry and called parties can realize the full benefits of STIR/SHAKEN and RCD.

In addition, until IP interconnection is more advanced, VON requests that the FCC mandate that terminating providers dip into the CNAM databases and develop best practices for database updates. Currently, while all voice providers today can leverage CNAM databases, there is not an industry-wide consensus on use of the databases, which are not uniformly updated and maintained.

VON members have encountered notable difficulties while utilizing CNAM databases. First, the presence of multiple databases necessitates updating them individually, leading to the creation of multiple sources of truth that often conflict with one another. Second, terminating providers access these databases to display accurate caller ID for incoming calls. Unfortunately, when originating providers update CNAM information for a specific number, there are frequent instances where the database fails to update, or the terminating provider does not appropriately access the database. Consequently, this results in either no CNAM information being displayed, or

incorrect information being shown, potentially leading to unanswered calls. Third, as the Commission notes, mobile phones do not routinely display information from CNAM databases.<sup>6</sup> Fourth, terminating carriers may charge their customers a monthly fee to view calling name information, which can be a serious disincentive for consumers to take advantage of a feature that would provide another important piece of information that could help them decide whether to answer a call.

Based on the above, VON strongly recommends that the Commission impose industry-wide best practices for updating and accessing the databases, require the database providers to ensure that the databases are working correctly, and require that CNAM be displayed to called parties free of charge. These changes would benefit both callers and call recipients, not unduly increase the cost of making a phone call, be technology neutral, and ultimately help restore trust in the PSTN.

Branded calling represents another option available to call originators for identifying themselves to end customers.<sup>7</sup> As it exists today, branded calling involves the registration of originating callers and their respective business telephone numbers with the three major analytics engines serving the largest terminating providers. These analytics providers vet the customers and then pass the branded calling information through direct connections they have with the terminating provider or to a specific app on the called parties' device. As we understand it, this system is functionally the same as CNAM except that there is paid vetting by a small group of companies approved by terminating carriers. The companies essentially create an alternative database that either the companies dip and pass information directly to terminating carriers or the terminating carriers can dip themselves, even in the cases when RCD would not make it through the entire call path due to TDM in legacy networks.

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<sup>6</sup> Id.

<sup>7</sup> Id. at para. 98.

This would not be an unreasonable alternative if offered in a competitive neutral manner. For instance, vetting should be allowed by a larger group of companies. In addition, all providers should be able to connect customers to existing branded calling databases on commercially reasonable terms or there should be alternative databases that all terminating providers can connect to via an API.

However, currently, branded calling hinders competition and is expensive. Customers must contract separately with the branded calling provider and pay these providers substantial fees, which can be multiple times more than the cost of the call. This arrangement presents challenges as many businesses prefer partnering with VON members to avoid the complexities of contracting with multiple entities to support inbound and outbound calling and this limits the ability of competitive carriers to offer a seamless solution to their customers.

Notwithstanding these costs and certain carriers control over the branded calling system, branded calling is often suggested as a remedy for call mislabeling and inappropriate blocking. This means that the same analytics providers and terminating service providers responsible for the mislabeling and inappropriate blocking, as discussed below, are the ones profiting from this service. This stifles competition and ignores the fact that the voice network is intended not only to serve end customers receiving calls but must also protect those making calls from unreasonable charges and anti-competitive behavior.

With this in mind, VON strongly urges the Commission to further investigate blocking and labeling practices, prioritize the adoption of IP interconnection<sup>8</sup> to further promote SHAKEN's full potential in preventing fraudulent calls from reaching consumers,<sup>9</sup> and embrace RCD with a

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<sup>8</sup> See, e.g., Comments of the Voice on the Net Coalition, CG Docket No. 17-87 (Dec. 12, 2022).

<sup>9</sup> According to one VON member, only about 25% of the calls it terminate have been authenticated,

realistic timeline of at least one year to require all providers to accept and pass along RCD that is attached to the SIP header. Requiring a solution that operates within the confines of a trust anchor framework is in the best interest for legitimate business and carriers, and any solution must be fair, balanced and supported by all players in the ecosystem.

Finally, VON emphasizes that calls with an A-level attestation should not be blocked or labeled as SPAM simply because the calling party elects not to include their calling name identification. There are legitimate reasons why a caller may not want to use CNAM or have its name displayed on a call, such as if the caller is a domestic violence shelter, crisis center, or government agency.<sup>10</sup> None of these calls are per se illegal and many may be wanted. The Commission should not allow carriers or their analytics engines to block or label any call attested with an A- or B- simply because CNAM is not included. Such blocking would undercut the purpose of signing the call and the entire STIR/SHAKEN architecture.

**Base Forfeitures.** The Commission has put forth a proposal suggesting an \$11,000 base forfeiture for service providers who neglect “to take affirmative, effective measures to prevent new and renewing customers from using their network to originate illegal calls, including knowing its customers and exercising due diligence in ensuring that its services are not used to originate illegal traffic.”<sup>11</sup> VON strongly recommends modifying this language to ensure that the service provider in question possessed knowledge that their network was inappropriately exploited for illegal robocalling and failed to undertake appropriate corrective actions.

While the Commission has mandated service providers to establish know your customer (“KYC”) measures and implement processes to mitigate fraudulent activity, specific measures for

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suggesting that the majority of calls are not IP-IP, but subject to a TDM conversion at some point in the call path and not delivered with any attestation.

<sup>10</sup> Id. at para. 95, fn. 190.

<sup>11</sup> Id. at para. 101.

ensuring compliance have not been outlined. In declining to adopt specific guidelines, the Commission recognized the necessity for flexibility in response to robocall mitigation plans, given the diverse legitimate use cases that service providers accommodate on their networks.

Any fines imposed on originating service providers should be grounded in evidence demonstrating that the provider was aware that its network was involved in facilitating illegal calls and failed to take remedial measures. Unaddressed multiple traceback requests concerning the same customer or ignoring complaints from the FCC, FTC, or state attorneys general could serve as such evidence.

**Call Labeling.** Within the NOI, the Commission seeks comment on how to improve the availability and accuracy of call labeling.<sup>12</sup> VON members have experienced excessive call labeling issues that are based on a lack of analytics (instead of reasonable analytics) and allow large carriers and analytics providers to promote branded calling solutions for their own financial benefit. For instance, some carriers and their analytics engines label as SPAM any call received on their network from a telephone number for which they have no data within the last 90 days for that number. This includes numbers that were recently issued by the numbering administrator or that are included in the reassigned numbers database. The potential solutions are either to register the number, which is a manual process through Free Caller Registry; contract as a branded calling customer; or wait out the labeling period, meaning the caller is forced to endure inappropriate labeling on their new number until they make enough calls for the carrier and the analytics engine to deem it appropriate to remove the tag. This ecosystem stifles competition. It promotes a “guilty until proven innocent” concept that is harming competition for smaller voice service providers whose new number blocks are inappropriately mislabeled with no reasonable explanation for such

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<sup>12</sup> Id. at para. 111.

labeling. And, as discussed above, it allows the largest carriers and their analytics providers to promote branded calling for their own financial benefit and competitive advantage

The Commission should require carriers and analytics engines providing labeling services to base a decision to label a call a call as SPAM on actual analytics, which indicate that such calls are likely to be spam or fraudulent in nature, and not just the lack of analytics as is currently the case.

The Commission should also require terminating carriers and their analytics engines to provide reports at no charge to originating service providers detailing which telephone numbers have been labeled as SPAM or SPAM LIKELY. This would allow originating service providers to further analyze customer behavior to remove bad actors as well as update their own fraud and spam protection systems to mitigate future unwanted or illegal calls.

## CONCLUSION

The VON Coalition respectfully requests the Commission to act consistent with the recommendations herein.

Respectfully submitted,

**VOICE ON THE NET COALITION**

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