

**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)

**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,
AND STUDENT LOAN SERVICING ALLIANCE TO THE SIXTH FURTHER NOTICE
OF PROPOSED RULEMAKING**

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January 31, 2022

INTRODUCTION AND SUMMARY

The Associations¹ appreciate the opportunity to comment on the Sixth Further Notice of Proposed Rulemaking (Sixth Further Notice) in the above-captioned proceeding.² In its Order on Reconsideration, issued simultaneously with the Sixth Further Notice, the Federal Communications Commission (Commission) permitted telephone companies that block calls and their analytics providers (collectively, Voice Service Providers or Providers) to use Session Initiation Protocol (SIP) Code 603 to notify the caller that its call has been blocked.³ Although the Commission had previously required Voice Service Providers to use only SIP Codes 607 or 608 to provide this notification as part of its earlier Fourth Report and Order,⁴ the Commission determined in the Order on Reconsideration (Order) that implementing SIP Codes 607 and 608 by the original January 1, 2022, deadline “appears infeasible” at this time.⁵

Although implementation of SIP Codes 607 and 608 “require[s] additional time,”⁶ the Commission proposed in the Sixth Further Notice “that terminating voice service providers ultimately use only SIP Codes 607 or 608” to provide immediate notification of blocking.⁷ We agree. SIP Codes 607 and 608 represent a standardized, uniform set of response codes that are

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

² *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Sixth Further Notice of Proposed Rulemaking, FCC 21-126, CG Docket No. 17-59, 86 Fed. Reg. 74,399 (Dec. 30, 2021) [hereinafter, *Sixth Further Notice*].

³ *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Order on Reconsideration, FCC 21-126, CG Docket No. 17-59, 86 Fed. Reg. 74,373 (Dec. 30, 2021) [hereinafter, *Order on Reconsideration*].

⁴ *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Fourth Report and Order, FCC 20-187, CG Docket No. 17-59, ¶¶ 56-57, 86 Fed. Reg. 17,726 (Apr. 6, 2021) [hereinafter, *Fourth Report and Order*].

⁵ *Order on Reconsideration*, ¶ 15.

⁶ *Id.*

⁷ *Sixth Further Notice*, ¶ 43.

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 To facilitate the timely transition to SIP Codes 607 and 608 and ensure compliance with the TRACED Act, the Commission should request that the Alliance for Telecommunications Industry Solutions (ATIS) submit a projected time for finalization of operational standards for these codes and request that ATIS and Voice Service Providers provide regular status reports on the finalization and implementation of the codes. In addition, the Commission should set a firm deadline for mandatory use of SIP Codes 607 and 608 to provide immediate notification of blocking.

ARGUMENT

I. THE COMMISSION SHOULD REQUIRE VOICE SERVICE PROVIDERS TO TRANSITION TO USE OF SIP CODES 607 AND 608

The TRACED Act requires the Commission to “ensure . . . robocall blocking services . . . are provided with transparency and effective redress options for both— (i) consumers; and (ii) callers.”⁹ SIP Codes 607 and 608 were “designed to be used for call blocking,” as the Commission observed in its Fourth Report and Order.¹⁰ They remain the appropriate codes for Voice Service Providers to use to provide immediate notification to the caller that its call has been blocked.

SIP Code 607 “indicate[s] that the call or message was unwanted” and that the caller should not try to call that number again.¹¹ SIP Code 608 advises callers that “an intermediary

⁸ See footnotes 11-13 and accompanying text.

⁹ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, § 10(b) (2019) [hereinafter, TRACED Act].

¹⁰ *Fourth Report and Order*, ¶ 56.

¹¹ Internet Engineering Task Force, RFC 8197, *A SIP Response Code for Unwanted Calls 1* (2017), <https://tools.ietf.org/html/rfc8197> [hereinafter, *SIP Code 607 Specification*].

rejected their call attempt” and includes a “remediation mechanism . . . to address false positives” — i.e., circumstances where the call was blocked in error.¹² Significantly, the “initial use case driving the need for the 608 response code is when the intermediary is an analytics engine.”¹³ Therefore, the primary use cases for which SIP Codes 607 and 608 were designed — notification of blocking by an analytics engine or where a call is believed to be unwanted — are precisely the circumstances that the Commission seeks to address through its immediate notification requirement.

As the record demonstrates, many time-sensitive calls have been wrongly blocked through Voice Service Providers’ use of analytics engines.¹⁴ 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.¹⁵

In these circumstances, the caller cannot obtain the “transparency” and “effective redress” required by the TRACED Act unless it first learns that its call has been blocked. SIP Codes 607 and 608 “provide important information that enables callers to contact blocking entities and initiate the redress process,” as the Commission concluded.¹⁶ Notably, this redress

¹² 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> [hereinafter, *SIP Code 608 Specification*].

¹³ *Id.*

¹⁴ See *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Reply Comments of Credit Union Nat’l Ass’n *et al.* 4-5 (Sept. 29, 2020), <https://ecfsapi.fcc.gov/file/109290198927157/Safe%20Harbor%20Reply%20Comments.pdf> (summarizing evidence in the record of erroneous call blocking).

¹⁵ See *id.*

¹⁶ *Sixth Further Notice*, ¶ 43.

information “is not contained in SIP Code 603.”¹⁷ Importantly, Voice Service Providers have not offered an equivalent alternative solution to provide callers with this critical information.

SIP Codes 607 and 608 “represent[] the consensus” of the Internet Engineering Task Force (IETF), which develops SIP standards; have received public review; and have been approved for publication by the IETF’s leadership, the Internet Engineering Steering Group.¹⁸ Indeed, as the Commission concluded in the Sixth Further Notice, “these codes present the best long-term solution for immediate notification.”¹⁹

II. SIP CODE 603 DOES NOT PROVIDE ADEQUATE INFORMATION FOR CALLERS TO SEEK REDRESS FOR ERRONEOUSLY BLOCKED CALLS

In the Sixth Further Notice, the Commission asks whether “SIP Code 603 provide[s] adequate information” to enable callers to determine the reason their call was not completed.²⁰ SIP Code 603 does not provide this information. It was initially designed to signal that the recipient “decline[d]” the call.²¹ After release of the Order on Reconsideration, SIP Code 603 is now being used for all of the following purposes: (1) the recipient declined the call; (2) the call was unwanted; *or* (3) the call was subject to network-level blocking. However, SIP Code 603 does not include information that would allow the caller to recognize immediately which of these three circumstances is signaled by the code.

The immediate notification requirement is not effective until January 31, 2022.²² Therefore, the Associations are not yet in a position to provide further data regarding the

¹⁷ *Id.*

¹⁸ *SIP Code 607 Specification*, at 1; *SIP Code 608 Specification*, at 1.

¹⁹ *Sixth Further Notice*, ¶ 43.

²⁰ *Id.*, ¶ 44.

²¹ Internet Engineering Task Force, *SIP: Session Initiation Protocol* 191 (2002), <https://datatracker.ietf.org/doc/html/rfc3261#page-192>.

²² Public Notice, Consumer and Governmental Affairs Bureau Announces Effective Date for Amended Notification Requirements for Call Blocking, CG Docket No. 17-59 (Jan. 4, 2022).

effectiveness of using SIP Code 603 to provide an actionable blocking notification. However, the record in this proceeding provides compelling reasons to believe that widespread adoption of SIP Code 603 will be inadequate to advise the caller that its call was subject to network-level blocking. For example, one large bank 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.²³ It is not feasible, even for a large bank, to sift through each of these responses to determine the nature of the call failure, particularly because Voice Service Providers do not provide a SIP Code 603 response in a uniform manner.²⁴ Smaller financial institutions, health care providers, retail outlets, and others will have even less capacity to sort out the basis for a SIP Code 603 response.

It has been suggested that SIP Code 603 could be enhanced by inserting additional or different information in its header fields, including information that indicates the 603 response code does not indicate a recipient's declination of the call, but instead indicates network-level

²³ Letter from Jonathan Thessin, Am. Bankers Ass'n, to Marlene H. Dortch, Sec., Fed. Commc'ns Comm'n 2 (Dec. 13, 2021), https://ecfsapi.fcc.gov/file/12140767420745/ABA_JointTrades_ExParteLetter_USTelecomPetition_2021_12_13.pdf; Letter from Elizabeth LaBerge, Credit Union Nat'l Ass'n, to Marlene H. Dortch, Sec., Fed. Commc'ns Comm'n 4 (Oct. 26, 2021), <https://ecfsapi.fcc.gov/file/1026017570726/Trades%20notification%20ex%20parte.pdf> [hereinafter, Oct. 26, 2021 Joint Trades' Letter].

²⁴ Another stakeholder described the difficulties experienced by callers who receive SIP Code 486 when their calls are blocked. SIP Code 486 is intended to signal "Busy Here." That purpose is "wholly unrelated to blocking, which dramatically increases the difficulty of determining whether receipt of SIP Code 486 is justified." Letter from Jesse Bird, TCN, Inc. to Marlene H. Dortch, Sec., Fed. Commc'ns Comm'n, CG Docket No. 17-59, at 3-4 (filed Nov. 30, 2021), <https://ecfsapi.fcc.gov/file/1130384827731/TCN%20Response%20to%20USTelecom%20-%2011.30.21.pdf>.

blocking.²⁵ But not all Voice Service Providers have committed to undertake efforts to enhance SIP Code 603 in this way. In addition, although changes to SIP Code 603 could potentially make the code more actionable in the future, the more SIP Code 603 is altered, the less interoperable and standardized it becomes. A modification to SIP Code 603's header may require further work by ATIS to ensure continued interoperability. Inserting information in header fields, for example, may prevent mapping between IP and TDM networks because network equipment like session border controllers are not equipped to read such information. These modifications would require substantial work and likely consume at least as much time as finalizing and implementing SIP Codes 607 and 608. Moreover, the end result would be inferior to a finalized version of SIP Codes 607 and 608.

Importantly, 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” for callers.²⁶ Finalization and implementation of SIP Codes 607 and 608 best fulfills the Commission's statutory obligations under the TRACED Act.

²⁵ See Letter from Joshua M. Bercu, USTelecom, to Marlene Dortch, Sec., Fed. Comm'n (Sept. 13, 2021), <https://ecfsapi.fcc.gov/file/1091365986226/USTelecom%20Ex%20Parte%20Notice%20re%209-10-21%20CGB%20Meeting%20re%20Blocking%20Notification%20Petition%20-%20FINAL.pdf>.

²⁶ TRACED Act, §10(b).

III. THE COMMISSION SHOULD SET A SPECIFIC DATE BY WHICH VOICE SERVICE PROVIDERS MUST USE SIP CODE 607 OR 608 TO PROVIDE IMMEDIATE NOTIFICATION OF BLOCKING

The Commission seeks comment on the appropriate deadline for required use of SIP Codes 607 and 608.²⁷ Initially, the Commission provided one full year — from December 30, 2020, to January 1, 2022 — for SIP Codes 607 and 608 to be implemented.²⁸ Then, by the Order, the Commission allowed SIP Code 603 also to be used for notification of blocking, but expressed its belief that SIP Codes 607 and 608 should be finalized and implemented.²⁹ Through the Order, the Voice Service Providers remain subject to an indefinite extension lasting through the present date.

In the Sixth Further Notice, the Commission stated that “the current record is inconclusive regarding the amount of time [that] finalization” of SIP Codes 607 and 608 “will take.”³⁰ In an earlier *ex parte* letter,³¹ the Associations proposed a six-month extension of the then-deadline of January 1, 2022, for required implementation of SIP Codes 607 and 608, but the Commission declined to adopt that proposal.³² Voice Service Providers and ATIS, along with the IP-NNI Task Force,³³ are in the best position to suggest an appropriate timeline for the implementation of SIP Codes 607 and 608, but they have not done so to date.

In order to identify an appropriate timeline for finalization of the work necessary to implement SIP Codes 607 and 608, the Commission should request that ATIS provide a

²⁷ *Sixth Further Notice*, ¶ 45.

²⁸ *Fourth Report and Order*, ¶ 61.

²⁹ *Sixth Further Notice*, ¶ 43.

³⁰ *Id.*, ¶ 45.

³¹ *See* Oct. 26, 2021 Joint Trades’ Letter, *supra* note 23, at 2.

³² *Sixth Further Notice*, ¶ 45.

³³ The IP-NNI Task Force, a joint task force of ATIS and the SIP Forum (an industry association of IP communications companies), has been engaged in developing standards for SIP Codes 607 and 608.

projected timeline to complete standard setting work. With this information, the Commission should set a firm deadline for required use of SIP Codes 607 and 608. Given the extent of delays since the Commission issued the Fourth Report and Order on December 30, 2020, the Commission should request that ATIS and Voice Service Providers submit progress reports at reasonable intervals on their work to finalize and implement SIP Codes 607 and 608. The submission of progress reports would ensure that ATIS and the Voice Service Providers expend appropriate effort toward finalization and implementation of these critically important codes. ATIS's procedures require the development of a timeline when it takes up an issue.³⁴ The Commission should ensure not only that ATIS is actively working on the standards but that they provide their projected timeline to the Commission.

Moreover, the deadline that the Commission ultimately adopts should recognize that Voice Service Providers are *currently* subject to an ongoing "extension" to implement SIP Codes 607 and 608. Accordingly, the amount of time needed for the Commission to resolve this rulemaking should be reflected in the Commission's deadline. Voice Service Providers should be expected to continue working on implementing SIP Codes 607 and 608 *today*, even while SIP Code 603 is the current standard and this rulemaking remains ongoing. That expectation will help ensure that SIP Codes 607 and 608 are implemented as soon as practicable.

CONCLUSION

The Commission should require Voice Service Providers to transition to SIP Codes 607 and 608, request ATIS to share an outline of anticipated progress toward finalization of these codes, and set a firm deadline for required use of these codes to provide immediate notification

³⁴ ATIS, *Operating Procedures for ATIS Forums and Committees*, Version 5.6, § 5 (Nov. 16, 2020) (requiring development of project timeline), <https://www.atis.org/wp-content/uploads/2021/03/ATIS-OP-clean.pdf>.

of blocking. SIP Codes 607 and 608 represent a standardized, uniform set of response codes that are specifically designed to address end-user blocking of unwanted calls or blocking in the network based on reasonable analytics. SIP Codes 607 and 608 are superior to SIP Code 603, which does not include information that would allow the caller to recognize immediately that its call has been subject to network-level blocking. Modifications to make SIP Code 603 actionable to callers would require substantial work, require approval of a modified header from a standards setting body, and likely consume at least as much time as finalizing and implementing SIP Codes 607 and 608.

Respectfully submitted,

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APPENDIX

The American Bankers Association is the voice of the nation's \$23.3 trillion banking industry, which is composed of small, regional and large banks that together employ more than 2 million people, safeguard \$19.2 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 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 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 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.