

June 17, 2022

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VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L St. NE
Washington, DC 20554

RE: Notice of *Ex Parte* Meeting in CG Docket No. 17-59

Dear Ms. Dortch:

On June 16, 2022, Jonathan Thessin of the American Bankers Association; Gary Brind of American Express; Arpan Sura, outside counsel for the American Association of Healthcare Administrative Management; Leah Dempsey, outside counsel for ACA International; Elizabeth Sullivan of the Credit Union National Association (“CUNA”) and Michael Pryor, outside counsel to CUNA; Shelly Repp of the National Council of Higher Education Resources; and Dale Baker of the National Association of Federally-Insured Credit Unions (collectively the “Associations”), met with the following members of Consumer and Governmental Affairs Bureau: Jerusha Burnett, Kristi Thornton, Karen Schroeder, Aaron Garza and Jesse Goodwin.

During the meeting, the Associations emphasized their continuing support for the adoption of SIP Code 608 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.” The Commission should encourage the prompt development of a SIP Code 608 standard without the J-Card. The Associations also updated Commission staff on our ongoing communications with ATIS and the SIP Forum NNI Task Force (“Task Force”) as they work toward developing standards for immediate notification of callers that their calls are being blocked.

Those communications with the Task Force included the attached letter that identified criteria for any enhancement of SIP Code 603. In sum, to the extent the Commission continues to allow use of SIP Code 603 to provide immediate notification of blocking, we requested that the Commission require terminating providers that block calls in the network using analytics to transmit an enhanced version of SIP Code 603 (“SIP Code 603+”) that conforms to the criteria the Associations have identified in the attached letter sent to the Task Force. Implementation of this criteria would better ensure that transmission of the 603 code provides actionable, real-time automated notifications to

callers that their calls are being blocked in the network through the use of analytics.¹ We urged the Commission to condition any adoption of SIP Code 603+ on the implementation of the criteria set forth in the attached letter and on real-world testing to ensure that the standard can be reasonably implemented.

The Commission initially required terminating providers to provide notification of analytics blocking through use of SIP Code 608 as defined in documentation issued by the standards-setting body Internet Engineering Task Force (“IETF”).² The requirement to use that code responded to the Associations’ and others’ concerns³ and was consistent with the requirements of the TRACED Act that blocking entities provide transparent and effective redress.⁴ Following concerns that SIP Code 608 could not be implemented by the Commission’s January 1, 2022 deadline, the Commission allowed providers the flexibility to use SIP Code 603 as an interim solution “during the finalization of and transition to SIP Codes 607 and 608.”⁵

Importantly, in the *Sixth Further Notice of Proposed Rulemaking* (“*Sixth Further Notice*”), the Commission continued to recognize the importance of uniform and standardized notifications. In seeking comment on finalizing and implementing notification standards, the Commission expressed its belief that SIP Code 608 remains “the best long-term solution for immediate notification.”⁶ The Commission “encourage[d] standards-setting bodies to finalize their work and provide time for voice service providers to implement, test, and refine internal systems needed to return codes 607 and 608.”⁷

¹ See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Comments of the Am. Bankers Ass’n et al. (Jan. 31, 2022), https://www.fcc.gov/ecfs/file/download/DOC-5face6279f800000-A.pdf?file_name=ABA_JointTrades_Comment_SixthFurtherNPRM_2022_01_31_final.pdf. (hereinafter, American Bankers Association et al. Comments to Sixth Further Notice)..

² *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, 35 FCC Rcd 15221, 15240, para. 56 (2020) (*Call Blocking Fourth Report and Order*); Internet Engineering Task Force, *A Session Initiation Protocol (SIP) Response Code for Rejected Calls* (Dec. 2019), <https://tools.ietf.org/html/rfc8688> (*SIP Code 608 Specification*). As noted, the Associations support a requirement that SIP Code 608 include contact information for the entity engaged in blocking but that such information need not be encrypted and digitally signed as contemplated by use of the J-card.

³ See, e.g., Comments of the Am. Bankers Ass’n et al., *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 (Aug. 31, 2020), <https://www.fcc.gov/ecfs/search/search-filings/filing/1090100863346>.

⁴ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, § 10(b) (2019) (codified at 47 U.S.C. § 227(j)). (TRACED Act). (requiring robocall blocking services “are provided with transparency and effective redress options for . . . callers.”)

⁵ *Advanced Methods to Target and Eliminate Unlawful Robocalls – Petition for Reconsideration and Request for Clarification of USTelecom- The Broadband Association*, CG Docket No. 17-59, Order on Reconsideration, Sixth Further Notice of Proposed Rulemaking, and Waiver Order, FCC 21-126, para. 13 (rel. Dec. 14, 2021) (*Notification Reconsideration Order and Sixth Further Notice*).

⁶ *Id.* at para. 43.

⁷ *Id.*

Comments in response to the *Sixth Further Notice* expressed concerns that simply sending a 603 response code would create confusion because that code is defined in the IETF documentation to indicate that the call recipient declined the call, not that the call was blocked in the network using analytics.⁸ These concerns persist. Without additional functionality, SIP Code 603 does not provide “clear[] and distinct” notification of analytics-based call blocking.⁹ That concern appears to be broadly shared, as reflected by the Task Force’s efforts to develop an interim SIP Code 603+ standard that would specifically indicate network-based analytics blocking and identify the blocking entity.¹⁰

The Associations continue to believe that it is premature to abandon work on developing a 608 operational standard. At the same time, we have been informed that standards-setting bodies are advancing a 603+ standard and have prioritized its completion ahead of the 608 standard—even though the Commission has not approved 603+ as a permanent solution, and despite the Commission’s expectation that development of 608 proceed with all deliberate speed. While we oppose any effort to delay development of 608, we have nevertheless initiated a dialogue with ATIS and the SIP Forum to provide constructive feedback, including input on the functionalities necessary to produce a potentially actionable 603+ standard.

Accordingly, on May 16, 2022, the Associations sent to the Task Force the attached letter identifying eight specific functionalities or features that are critical to providing an effective 603+ notification. 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.

Despite productive conversations to date with key stakeholders, the Associations continue to harbor serious questions whether the 603+ specification will satisfy the criteria outlined in our attached letter. For example, the National Opinion Research Center (“NORC”) recently highlighted the difficulty of meeting the fourth condition described above. NORC observed that its equipment is not programmed to read the additional SIP Code header information that NORC understands is contemplated in the 603+ standard.¹¹ Without these functionalities and features, 603+ notifications will only cause confusion and perpetuate the inappropriate blocking of calls that benefit consumers. Any 603+ specification that requires callers to replace, reprogram, or retrofit equipment wholesale

⁸ See, e.g., American Bankers Association et al. Comments to Sixth Further Notice, *supra* note 1.

⁹ *Notification Reconsideration Order* at para. 17.

¹⁰ Letter from Joshua Bercu, V.P. Policy & Advocacy, USTelecom, to Marlene Dortch, Secretary, FCC, CG Docket No. 17-59, filed June 6, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/1060622725662>.

¹¹ Letter from Laura Phillips, Counsel for NORC, to Marlene Dortch, Secretary, FCC, CG Docket No. 17-59, filed June 6, 2022, <https://www.fcc.gov/ecfs/search/search-filings/filing/10606033878835>.

Marlene H. Dortch

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would impermissibly shift costs onto small businesses in violation of the TRACED Act and would prolong the timeframe for operational viability.

To avoid any misinterpretation, the Associations continue to believe, consistent with past submissions, that SIP Code 608 remains the most effective means to provide timely, actionable notification of analytics-based blocking consistent with the TRACED Act and the Commission's previously articulated priorities. Nevertheless, without prejudice to our longstanding position of record, we intend to continue working with the standard-setting bodies to ensure that whichever code is ultimately adopted for analytics blocking, 603+ or 608, the code provides actionable information and that it can be implemented in the networks of both providers and callers in a reasonably prompt fashion. We encourage ATIS and the SIP Forum to continue their development work as quickly and efficiently as possible. And 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 by voice service providers at little to no cost.

Respectfully submitted,

_____/s/_____
Michael H. Pryor

Attachment

ATTACHMENT A – LETTER TO ATIS/SIP FORUM NNI TASK FORCE

Marlene H. Dortch

June 17, 2022

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May 16, 2022

ATIS/SIP Forum NNI Task Force
733 Turnpike Street, Suite 192
North Andover, MA 01845

Dear Members of the ATIS/SIP Forum NNI Task Force,

The American Bankers Association, ACA International, 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 (collectively, the Associations)¹² appreciate the opportunity to provide feedback on the standard that the ATIS/SIP Forum NNI Task Force (Task Force) is developing for 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.

As you know, SIP Code 603 was initially designed to signal that the recipient “decline[d]” the call.¹³ In the Federal Communications Commission’s (Commission) Order on Reconsideration issued on December 30, 2021,¹⁴ 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 promulgated in 2020 that a Provider immediately notify callers when it has blocked the caller’s call.¹⁵ We have expressed concern

¹² A description of each Association is provided in the Appendix.

¹³ Internet Engineering Task Force, *SIP: Session Initiation Protocol* 191 (2002),

<https://datatracker.ietf.org/doc/html/rfc3261#page-192> [hereinafter, IETF Session Initiation Protocols].

¹⁴ *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Order on Reconsideration, CG Docket No. 17-59, 86 Fed. Reg. 74,373 (2021).

¹⁵ *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Fourth Report and Order, CG Docket No. 17-59, 86 Fed. Reg. 17,726, 17,729-30 (2021).

to the Commission that, under the Order, 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.¹⁶

We understand that the Task Force is developing an enhanced version of SIP Code 603 (SIP Code 603+) that would allow the caller to distinguish between a 603+ Code that indicates the called party declined the call from the receipt of a 603+ Code that signals that the Voice Service Provider blocked the call. In response to your suggestion that the Associations identify issues important to the calling community when receiving blocking notification, we provide the following:

1. SIP Code 603+ must utilize a uniform, standard word or phrase in the header of the code that clearly indicates that the call has been blocked in the network based on the use of analytics. The current iteration of the Task Force's base document for the standard for SIP Code 603+ suggests using the reason phrase "Network Blocked" for this purpose.¹⁷ It should be made clear, including through a revision of documentation for SIP Code 603 maintained by the Internet Engineering Task Force (IETF) (the body that sets generic standards for internet protocols) that Providers blocking calls in the network based on analytics shall use only a standardized uniform reason phrase.
2. The standard for a 603+ Code must enable the code to be read using automated, machine-readable technology.
3. It should be clear that a 603+ Code without a reason header signifies the called party has declined the call, per existing IETF documentation.¹⁸ A 603+ Code with the uniform standard reason phrase shall signify network blocking by analytics. A 603+ Code should not be used for any other purpose.
4. The reason header must include, in standardized formats, the name and contact information for the blocking entity.
5. The standard for SIP Code 603+ should address, to the extent practicable, the transmission of the 603+ Code across international boundaries. Specifically, SIP Code 603+ must be able

¹⁶ 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>.

¹⁷ Alliance for Telecommunications Industry Solutions, *Draft ATIS Standard on Robocall Call Blocking Notification*, 2, § 4.1 (last visited May 16, 2022), https://access.atis.org/apps/group_public/download.php/64561/IPNNI-2022-00033R002.docx.

¹⁸ See IETF Session Initiation Protocols, *supra* note 2, at 191.

to provide effective notification in the following instances: (1) where the caller is located in the United States, and the call recipient is located outside the U.S.; (2) where a U.S. company caller placed the call from a location outside of the U.S. to a recipient outside the U.S.; (3) where a U.S. company caller placed the call from a location outside of the U.S. to a recipient inside the U.S.; (4) where a U.S. company caller placed the call from a location within the U.S. to a recipient within the U.S., but the call was blocked by an intermediary provider that is located outside of the U.S.; and (5) where the subsidiary of an international Voice Service Provider that is providing services in the U.S. blocks a call.

6. The standard for SIP Code 603+ should address which entity should receive notification where a third party initiates the call on behalf of a customer, for example, where a call center it utilized.
7. To the extent practicable, the standard for SIP Code 603+ should consider cost of deployment and implementation by small carriers and both large and small enterprise callers.
8. The standard for SIP Code 603+ should ensure that callers' calling applications are able to interrogate the header on the 603+ Code. Currently, the response codes that callers receive (SIP "call traces") are cumbersome for callers to examine, and callers' calling applications will need to be re-programmed so that they interrogate the header of the response codes.

Thank you for consideration of these views. We look forward to continued discussion of the standards for SIP Code 603+.

Sincerely,

American Bankers Association
ACA International
American Financial Services Association
Credit Union National Association
Mortgage Bankers Association
National Association of Federally-Insured Credit Unions
National Council of Higher Education Resources
Student Loan Servicing Alliance

APPENDIX

The American Bankers Association is the voice of the nation's \$23.7 trillion banking industry, which is composed of small, regional and large banks that together employ more than 2 million people, safeguard \$19.7 trillion in deposits and extend \$11.2 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 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.