



Federal Communications Commission
Washington, D.C. 20554

October 6, 2020

Mr. Alexander Hunt
Chief, Information Policy Branch
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, D.C. 20503

Dear Mr. Hunt:

To allow it to comply in a timely manner with the deadlines that Congress established in the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act,¹ the Federal Communications Commission (Commission) requests Office of Management and Budget (OMB) approval to submit the information collection described herein under the “emergency processing” provisions of the Paperwork Reduction Act (PRA) of 1995, 5 CFR § 1320.13. The Commission is requesting clearance for a new information collection entitled: 3060-XXXX, Certification of Eligibility for Exemption from Caller ID Authentication Implementation Mandate. We respectfully request OMB approval for this new information collection no later than November 6, 2020.

Background

On December 30, 2019, Congress enacted the TRACED Act. Among other provisions, the TRACED Act directs the Commission to require, no later than 18 months from enactment, all voice service providers to implement STIR/SHAKEN in the IP portions of their networks and implement an effective caller ID authentication framework in the non-IP portions of their networks.² Section 4(b)(2) of the TRACED Act requires the Commission to free a voice service provider from this obligation if the Commission determines, by December 30, 2020, that the provider: (A) in its IP networks (i) “has adopted the STIR/SHAKEN authentication framework for calls on the [IP] networks of the provider of voice service; (ii) has agreed voluntarily to participate with other providers of voice service in the STIR/SHAKEN authentication framework; (iii) has begun to implement the STIR/SHAKEN authentication framework; and (iv) will be capable of fully implementing the STIR/SHAKEN authentication framework not later than [June 30, 2021]”; and (B) in its non-IP networks (i) “has taken reasonable measures to implement an effective call authentication framework; and (ii) will be capable of fully implementing an effective call authentication framework not later than [June 30, 2021].”³

¹ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, Pub. L. No. 116-105, 133 Stat. 3274 (2019) (TRACED Act).

² *See id.* § 4(b)(1)(A)-(B).

³ *Id.* § 4(b)(2).

On March 31, 2020, the Commission adopted its *Call Authentication Trust Anchor, Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources Report and Order and Further Notice of Proposed Rulemaking*. In the *Further Notice*, the Commission sought comment on its proposed rules implementing section 4(b)(2) of the TRACED Act which would allow voice service providers which meet certain criteria to receive a voluntary STIR/SHAKEN implementation exemption. The Commission proposed using a certification process to implement this section of the TRACED Act, and sought comment on that approach.⁴ The Commission proposed concluding that “a certification process is necessary to allow us to meet Congress’s deadline for completion of exemption determinations by December 30, 2020.”⁵ On September 29, 2020, the Commission adopted its *Call Authentication Trust Anchor Second Report and Order*. The *Report and Order* implemented section 4(b)(2) of the TRACED Act by establishing two exemptions: one exemption for a voice service provider’s IP networks if it meets all four statutory criteria for all calls it originates or terminates in SIP,⁶ and one exemption for a voice service provider’s non-IP networks if it meets both statutory criteria for all non-SIP calls it originates or terminates.⁷ The *Report and Order* also established the certification process that the Commission proposed in the *Further Notice*, reiterating its necessity in permitting the Commission to meet the TRACED Act’s statutory deadline.⁸

Under the newly adopted rules, for a voice service provider to receive the IP exemption, it must certify to the Commission that it (i) has undertaken the network preparations necessary to deploy the STIR/SHAKEN protocols on its network, including, but not limited to, participation in test beds and lab testing, or completion of commensurate network adjustments to enable the authentication and validation of calls on its network consistent with the STIR/SHAKEN framework; (ii) has completed formal registration (including payment) and testing with the Secure Telephone Identity Policy Administrator (STI-PA); (iii) has completed the necessary network upgrades to at least one network element to enable the authentication and verification of caller ID information consistent with the STIR/SHAKEN standards; and (iv) reasonably foresees that it will have completed all necessary network upgrades to its network infrastructure to be able to authenticate and verify caller ID information for all SIP calls exchanged with STIR/SHAKEN-enabled partners by June 30, 2021.⁹

For a voice service provider to receive the non-IP exemption, it must certify to the Commission that it (i) is working to develop a non-IP authentication solution; and (ii) reasonably foresees that it will have completed all necessary network upgrades to its infrastructure to be able to authenticate and verify caller ID information for all non-IP calls originating or terminating on its network as provided by a standardized caller ID authentication framework for non-IP networks.¹⁰

⁴ *Call Authentication Trust Anchor, Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources Report and Order and Further Notice of Proposed Rulemaking*, WC Docket Nos. 17-97, 20-67; 35 FCC Rcd 3241, 3288, paras. 112-114 (2020).

⁵ *Id.* at 3288, para. 112.

⁶ See TRACED Act §§ 4(b)(2)(A)(i)-(iv).

⁷ See TRACED Act §§ 4(b)(2)(B)(i)-(ii).

⁸ See *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, FCC 20-136, at 58-59, paras. 117-120 (Oct. 1, 2020).

⁹ See *id.* at 54-57, paras. 106-113.

¹⁰ See *id.* at 57-58, paras. 114-116.

The Commission requires certifying voice service providers to have an officer, as an agent of the voice service provider, sign a compliance certificate stating that the officer has personal knowledge that the company meets each of the stated criteria.¹¹ The Commission also requires the certifying voice service provider to submit an accompanying statement explaining, in detail, how the company has accomplished or is working to accomplish the prongs of the desired exemption.¹² Finally, the Commission requires voice service providers to file such certifications no later than December 1, 2020 in WC Docket No. 20-68, Exemption from Caller ID Authentication Requirements, in the Commission's Electronic Comment Filing System (ECFS).¹³ The Commission directs the Wireline Competition Bureau (the Bureau) to review the certifications and accompanying documents for completeness and to determine whether the certifying party has met the standards established, and to issue a list of parties that have filed complete compliance certifications and which will thus receive the exemption(s) on or before the TRACED Act's statutory deadline of December 30, 2020.¹⁴

Request for Emergency Processing

Shortly after the TRACED Act's enactment in December of 2019, the Commission issued its *Further Notice* in March of 2020 seeking comment on, among other things, the voluntary implementation exemption provision. The Commission, bound by the Administrative Procedure Act,¹⁵ was obligated to give interested parties time to file comments on its proposed implementation of this provision, and to then review and respond to those comments in the resulting *Report and Order*. The Commission was then able to make a determination on how to implement the provision, after weighing the record, in the resulting *Report and Order* adopted September 29, 2020. It determined that a certification process would most expediently permit the Commission to determine which voice service providers meet the criteria for the exemption. Because the rule implementing the TRACED Act's provision was only finalized on September 29, 2020, the Commission could not seek approval for the rule until that date. The Commission thus requests emergency processing because of the insufficient period of time between the adoption of the *Report and Order* and the TRACED Act's statutory deadline of December 30, 2020 to engage in the standard PRA process. The standard PRA process timeline of 120 days to notify the public and potential interested parties formally of our intent to collect information would delay receiving clearance for the information collection until January 28, 2021 at the earliest, and thus cause the Commission to miss the statutorily mandated deadline of December 30, 2020. As noted above, Congress provided in the TRACED Act that voluntary implementation exemption determinations must be made no later than December 30, 2020.¹⁶ In order to make those determinations, the Commission has set a deadline of December 1, 2020 for interested parties to file certifications. 120 days until receiving PRA clearance does not allow the Commission to have approval by that date, let alone approval with enough advance notice to inform parties of the approved collection with time to prepare their filings by a December 1, 2020 deadline. For these reasons, there is good cause to grant emergency processing of this collection.

¹¹ See *id.* at 58-59, para. 118.

¹² See *id.*

¹³ See *id.* at 59, para. 119.

¹⁴ See *id.*; TRACED Act § 4(b)(2).

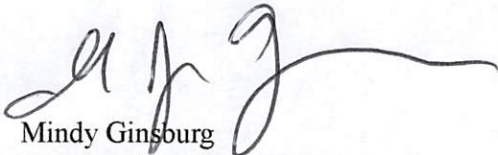
¹⁵ See 5 U.S.C. § 500 et seq.

¹⁶ See TRACED Act § 4(b)(2).

Due to the emergency nature of this request, the Commission is requesting a waiver of the requirement to publish a 60-day notice in the Federal Register. However, the Commission will publish a 21-day notice in the Federal Register concerning this new information collection under the emergency processing procedures to give the public an opportunity to comment on this emergency submission. The Commission will conduct all the necessary regular submission requirements under the PRA after approval of this emergency request.

The Commission's staff is ready to work with your PRA Desk Officer Nicholas Fraser to provide immediately any additional information needed to facilitate OMB's approval of this emergency request to this new information collection no later than November 6, 2020. Please have him contact Nicole Ongele at (202) 418-2991, or nicole.ongele@fcc.gov, if there are any questions or any additional information that may be needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Ginsburg', with a long horizontal flourish extending to the right.

Mindy Ginsburg
Deputy Managing Director
Office of Managing Director
Federal Communications Commission