

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

In the Matter of)
)
Rules and Regulations Implementing the Truth) WC Docket No. 11-39
in Caller ID Act of 2009)

COMMENTS

The Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Next Generation Interconnection Interoperability Forum (NGIIF) and Ordering and Billing Forum (OBF), hereby submits these comments in response to the Federal Communications Commission’s (Commission) *Notice of Proposed Rulemaking (NPRM)* to implement the Truth in Caller ID Act of 2009.¹ ATIS supports the government’s efforts to prohibit the transmission of misleading or inaccurate caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value. In these comments, ATIS provides information pertaining to the verification of Calling Party Numbers (CPN), supports the Department of Justice’s (DoJ) recommendation regarding the definition “IP-enabled voice service,” urges the Commission not to explicitly reference the Jurisdiction Information Parameter in its definitions of “Caller Identification Information” or “Caller Identification Service” and supports the proposed exemption for carriers that transmit Caller ID information that it receives from another.

¹ Truth in Caller ID Act of 2009, Pub. L. No. 111-331, 47 USC §227(e) (enacted Dec. 22, 2010).

I. Background

ATIS is a global standards development and technical planning organization that leads, develops and promotes worldwide technical and operations standards for information, entertainment and communications technologies. ATIS's diverse membership includes key stakeholders from the information and communications technologies industry, including wireless and wireline service providers, equipment manufacturers, providers of commercial mobile radio services, broadband providers, consumer electronics companies, public safety agencies, and internet service providers.

More than 200 companies actively participate in ATIS' committees and forums, which develop standards, specifications, best practices, and guidelines essential to communications networks' operation and continued evolution. Both the ATIS NGIIF and OBF are comprised of industry subject matter experts on issues related to the operation, billing and interconnection of legacy and next generation networks, including unbillable traffic. These groups create, maintain, and update key industry guidelines pertaining to billing and operational issues, which are developed using ATIS' open, equitable and consensus-based processes.

The ATIS NGIIF provides an open forum to encourage the discussion and resolution of industry-wide issues associated with telecommunications network interconnection and interoperability, and the exchange of information concerning relevant topics, such as network architecture, management, testing and operations, and facilities. This input addresses, and is used to develop, operational procedures associated with these emerging technologies as well as next-generation network interconnection and interoperability issues that involve architecture, disaster preparedness, installation, maintenance, management, reliability, routing, security, and testing between network operators.

The ATIS OBF is an open telecommunications industry forum that identifies and resolves national issues affecting the ordering, billing, provisioning and exchange of information about access services, connectivity and related matters. The OBF encourages participation from all segments of the communications industry and includes as members a variety of wireless and wireline service providers, including Competitive Local Exchange Carriers, Incumbent Local Exchange Carriers and cable companies.

II. Discussion

In the *NPRM*, the Commission seeks comment on proposed rules to implement the Truth in Caller ID Act of 2009 (TICI), which prohibits a person from causing any caller identification service to knowingly transmit misleading or inaccurate Caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value.² ATIS strongly supports the goals of the TICI and the Commission's efforts to promulgate effective rules to implement this important legislation.³ In fact, much of the work of ATIS' committees, particularly its NGIIF and OBF, are aimed at fostering accuracy and efficiency in the transmission of data.

While ATIS supports the TICI and the proposed rules and believes that the Commission's actions will significantly diminish harmful or fraudulent spoofing of caller identification services, it notes that no regulations can be 100% effective in preventing bad actors from misusing communications services. Service providers, individually and through industry organizations such as ATIS, work diligently to address known problems and ensure the reliable transmission of accurate information, but there are limitations on what service providers can do.

² 47 USC §227(e)(1) .

³ ATIS notes that it has been a strong supporter of legislative efforts to prohibit the intentional misuse of Caller ID services. See e.g., Letter from ATIS' Telecommunications Fraud Prevention Committee to U.S. Senators Rockefeller and Hutchison Expressing Support for S.30, "Truth in Caller ID Act of 2009" (dated June 9, 2009); Letter from ATIS' Telecommunications Fraud Prevention Committee to U.S. House of Representatives Henry A. Waxman, Joe Barton, John Conyers, Jr., and Lamar Smith Expressing Support for HR. 1110, the "Preventing Harassment through Outbound Number Enforcement Act of 2009" (June 22, 2009).

For instance, service providers cannot independently verify CPNs. Service providers offering terminating services can only relay to the consumer that information the service providers themselves receive from the originating caller.

Because the TICI's prohibitions against the misuse of Caller ID services apply to both telecommunications and IP-enabled voice services, the Commission seeks comment on how to define "IP-enabled voice service."⁴ The Commission proposes to replace this term with "interconnected VoIP service" (iVoIP) and to use the Commission's established definition of iVoIP⁵ for the purposes of implementing the TICI. The Commission seeks comment on this proposal. ATIS supports DoJ's recommendation regarding this matter, namely that the Commission should instead use the term "IP-enabled voice service" and apply the definition of this term from 18 U.S.C. §1309(h)(4). For the purposes of implementing the TICI, the definition of "IP-enabled voice service" recommended by DoJ is superior to the Commission's definition of iVoIP in that it: (1) is more closely aligned with the actual language used by Congress in the TICI; and (2) would allow the TICI's prohibition on the misuse of Caller ID to be more broadly applied to persons that do not have a broadband connection and to persons that do not both originate and terminate traffic.⁶

Another issue on which the Commission seeks comment is how to appropriately define the terms "Caller Identification Information" and "Caller Identification Service" for the purposes of implementing TICI. The Commission asks, for example, whether it should explicitly reference information transmitted in the SS7 Jurisdiction Information Parameter (JIP).⁷ ATIS

⁴ *NPRM* at ¶15

⁵ *See* 47 C.F.R. §9.3.

⁶ ATIS supports the use of this definition for the limited purpose of implementing the TICI. ATIS' comments should not be understood as broad support for use of this definition in other contexts or for other Commission rules.

⁷ *NPRM* at ¶19.

urges the Commission not to explicitly reference JIP in its rules. While JIP is used to identify the jurisdiction of the traffic based upon the originating local routing number, its use in this context would not be beneficial and, in fact, may cause confusion. For example, while JIP is populated by many carriers, it is not populated by all carriers, nor it is technically feasible to do so in all situations. Even if populated, JIP would not necessarily provide specific call location information. For instance, because JIP could only identify the originating switch or mobile switching center (MSC), it does not necessarily reflect the rate center, LATA, or even state of the calling party.

Finally, ATIS supports the proposed exemption for those carriers that transmit Caller ID information that they receive from another carrier even if the information turns out to be inaccurate.⁸ As noted above, terminating and transiting service providers are limited in their ability to verify CPN. Moreover, in such cases, it seems clear that there would be no intent to defraud, cause harm, or wrongfully obtain anything of value.

⁸ *NPRM* at ¶23.

III. Conclusion

ATIS supports the Commission's efforts to prohibit the transmission of misleading or inaccurate Caller ID information for the purposes of causing harm to consumers and appreciates the opportunity to provide its comments in response to the *NPRM*.

Respectfully submitted,

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