

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of the Middle Class Tax Relief and Job Creation Act of 2012)	CG Docket No. 12-129
)	
Establishment of a Public Safety Answering Point Do-Not-Call Registry)	
)	
Enhancing Security of Public Safety Answering Point Communications)	PS Docket No. 21-343
)	

Comments of the Alliance for Telecommunications Industry Solutions

The Alliance for Telecommunications Industry Solutions (ATIS) hereby submits these comments in response to the *Further Notice of Proposed Rulemaking (FNPRM)*, released October 1, 2021, in the above-referenced dockets. In the *FNPRM*, the Federal Communications Commission (Commission) proposes to require voice service providers to block autodialed calls made to Public Safety Answering Point (PSAP) telephone numbers registered on the PSAP Do-Not-Call Registry. ATIS supports the Commission’s efforts to protect the integrity and availability of emergency communications systems but believes that the proposed registry has significant drawbacks and creates vulnerabilities. ATIS notes that some of the alternative proposals appear to have fewer drawbacks and vulnerabilities.

I. Background

ATIS is a global standards development and technical planning organization that develops and promotes worldwide technical and operations standards for information, entertainment, and communications technologies. ATIS' diverse membership includes key stakeholders from the Information and Communications Technologies (ICT) industry – wireless, wireline, and VoIP service providers, equipment manufacturers, broadband providers, software developers, consumer electronics companies, public safety agencies, and internet service providers. ATIS is also a founding partner and the North American Organizational Partner of the Third Generation Partnership Project (3GPP), the global collaborative effort that has developed the 4G Long-Term Evolution (LTE) and 5G New Radio (NR) wireless specifications. Nearly 600 industry subject matter experts work collaboratively in ATIS' open industry committees.

ATIS and its members work closely with public safety stakeholders, including associations such as APCO and NENA, individual public safety agencies, and PSAPs to identify and resolve common challenges on a number of significant issues. This collaboration happens in many ATIS forums, including specifically those forums that constitute ATIS' IP Multimedia Services (IMS) Emergency Services IP Network (IMSESINET) initiative:

- Wireless Technologies and Systems Committee's Systems and Networks Subcommittee, which develops, maintains, amends, and enhances American National Standards and ATIS deliverables related to system aspects, networks, and terminals compliant with the 3GPP family of standards including circuit-switched services, packet-switched services, IMS, and future developments.
- Emergency Services Interconnection Forum's Next Generation Emergency Services Subcommittee, which coordinates emergency services needs and issues with and among standards development organizations and other industry forums and develops emergency services standards, and other documentation related to advanced (i.e., Next Generation 911) emergency services architectures, functions, and interfaces.
- Packet Technologies and Systems Committee, which develops standards related to services, architectures, signaling, network interfaces, next generation carrier interconnect, cybersecurity, lawful intercept, and government emergency telecommunications service within next generation networks.

II. Comments

A. PSAP Do Not Call Registry

In the *FNPRM*, the Commission proposes to require voice service providers to block autodialed calls made to PSAP telephone numbers on the PSAP Do-Not-Call Registry, noting that its rules require autodialers seeking access to the registry to provide all outbound telephone numbers used to place autodialed calls in the registry.¹ ATIS IMSESINET supports the Commission's efforts to mitigate the impact of robocalls on PSAPs. However, it does not believe that the proposed solution – a new dual registry containing both autodialer and PSAP numbers – will be effective in preventing PSAPs from unwanted autodialed calls because the solution depends on the willingness of autodialers to register in the database and provide information on telephone numbers used to make robocalls. ATIS IMSESINET believes that bad actors may attempt to avoid the entire registry process, which would make this solution effective only for those good actors that support the Commission's efforts on this matter and only if a sufficient number of these good actors choose to voluntarily register despite the challenges, which include:

- Narrowing of the definition of the Telephone Consumer Protection Act's (TCPA) definition of "automatic telephone dialing system" by the Supreme Court's April 2021 decision, which limits the number of callers that are subject to the restrictions on autodialing registered PSAP numbers;²
- Significant initial implementation effort and on-going efforts associated with the maintenance/syncing of data;
- The potential risk of liability for inaccuracies in data;
- Possible blocking of legitimate calls if a real-time situation results in a valid call from an autodialer number to a 10-digit PSAP number; and
- Concerns about possible future use(s) of the data supplied for the list in the case that the Commission expands the intended use of the registry.

¹ *FNPRM* at ¶15 (citing 47 CFR § 64.1202(d)).

² *Facebook, Inc. v. Duguid*, 141 S.Ct. 1163, 1168-73 (2021).

In addition, the proposed registry would raise security concerns. The Commission attempts to address these concerns and distinguish the proposed registry from the previously proposed registry in 2012 by limiting access to the registry data. While limiting registry access to only service providers would reduce the number of security concerns associated with the original proposal in 2012, it is well understood that any data is less secure when duplicated in multiple sites. The proposed registry would also create other vulnerabilities, including the possibility of misuse of the system (perhaps by exploiting the system by registering numbers for which the autodialer is not authorized) or by enabling reverse engineering PSAP numbers from blocked calls.

B. STIR/SHAKEN

The Commission seeks information on whether STIR/SHAKEN will help mitigate the impact to PSAPs. Input is sought as to whether the implementation of STIR/SHAKEN or the efforts of the Industry Traceback Group (ITG) will make it less likely that callers initiate denial-of-service attacks on PSAPs by making it easier to determine the source of a call.³ ATIS IMSESINET believes that STIR/SHAKEN is the most effective way to address the bad actors that fail to participate in the registry. The service provider identification in the STIR/SHAKEN call signature and the ORIG ID as well as the efforts of the ITG may be useful in identifying the sources of bad number sets.

The Commission also asks whether STIR/SHAKEN sufficiently mitigates the robocall threat to PSAPs by allowing service providers to screen illegitimate 911 calls.⁴ ATIS IMSESINET notes that, for both 911 and 10-digit calls, STIR/SHAKEN may mitigate some risks

³ FNPRM at ¶27.

⁴ FNPRM at ¶43.

to PSAPs by supplying information regarding the legitimacy of the calling number, allowing the call taker at the PSAP to apply appropriate operating procedures.

C. Alternate Proposals

i. Autodialer Indication Included in Call Signaling

The Commission seeks input on mechanisms other than the proposed registry that could reduce the likelihood of providing access to PSAP telephone numbers to bad actors.⁵ The *FNPRM* asks, for example, whether requiring every autodialed call to identify itself as an automated call using the caller ID information would allow PSAPs to block these calls more effectively.⁶ ATIS IMSESINET notes that this solution could alleviate many of the security concerns and administrative complexities associated with the proposed registry, including the potential for enacting a blocking decision based on potentially incomplete or inaccurate information. Moreover, this mechanism would offer the PSAPs the opportunity to filter calls, either by blocking them to prevent a denial-of-service attack or applying special handling defined by PSAP Best Practices. The mechanism could also offer other opportunities, such as the use of the identifiers for a post-event analysis, or specially defined prioritization. However, ATIS IMSESINET notes that this proposal would require significant standards development, testing, and implementation efforts, and may not be feasible for widescale deployment. Additionally, this solution carries a similar concern to the registry proposal -- it would only be effective if it is implemented by autodialers.

⁵ *FNPRM* at ¶28.

⁶ *FNPRM* at ¶34.

ii. Use of the Reassigned Numbers Database (RND)

As another alternative to the proposed registry, the Commission seeks input on the possible use of the Reassigned Numbers Database (RND) to prevent unwanted calls to PSAPs.⁷ ATIS IMSESINET believes use of the RND may encourage more participation from the autodialer community than the proposed registry because use of the RND would reduce autodialers' potential TCPA liability (although this alternative, like the Commission's proposed registry, remains dependent on the willingness of autodialers to implement it). Additionally, the effort and resources necessary to query the RND are expected to be significantly less than participating in the proposed registry, which is less likely to deter autodialer participation than the proposed registry.

In the *FNPRM*, the Commission asks how the recent Supreme Court decision addressing the TCPA's definition of "automatic telephone dialing system" may impact the efficacy of the proposed registry.⁸ ATIS IMSESINET notes that use of the RND would minimize the Commission's concern regarding the impacts of the Supreme Court's decision narrowing the definition of autodialers.⁹ This alternative -- adding PSAP numbers to the RND --- would apply to a wider range of autodialers and would not be limited to just those that qualify under the narrowed definition.

Use of the RND also offers an additional benefit in that the PSAP direct dial list would be anonymized by making it part of a larger set of numbers in the RND. Additionally, as recognized by the Commission, because the query methodology of the RND does not include telephone numbers in its response, it would further protect PSAP numbers from reverse engineering.¹⁰

⁷ *FNPRM* at ¶38.

⁸ *FNPRM* at ¶14.

⁹ *FNPRM* at ¶14.

¹⁰ *FNPRM* at ¶38.

Expansion of the use of the RND to prevent unwanted autodialer calls to PSAPs appears to address each of the three weaknesses of the originally proposed PSAP Do-Not-Call Registry.¹¹ As noted in the *FNPRM*, the original registry did not permit the Commission to (1) verify whether a party seeking access to registered PSAP numbers is a good faith autodialer operator seeking to comply with its rules; (2) prevent misuse of registry data; or (3) ensure registry data is secure.¹² The RND makes it unnecessary to verify autodialer operators' good faith effort to comply with the Commission's rules when requesting access to the PSAP numbers because it removes the need for direct access. It also prevents the misuse of the registry data, and ensures the data is secure.

iii. Call Signaling and RND Alternatives

An added benefit of both of these alternative proposals is the granular control on a call-by-call basis of whether to apply the actions described. In the first alternative, that control is based on the ability to not include an autodialer indication in the call signaling. In the latter, that control is gained through the decision as to whether or not the RND is to be queried prior to placing the call. In either case, the decision does not rely on data placed in a registry (e.g., possibly stale, or out of date). These call-by-call controls provide flexibility to allow legitimate calls between autodialer and PSAP telephone numbers to proceed.

Education of the autodialer community may be required to facilitate legitimate calls to PSAP telephone numbers.

¹¹ *FNPRM* at ¶9.

¹² *Id.*

D. Dual-Registry Proposal Considerations

i. Single Registry vs Multiple Registries

Should the Commission nonetheless seek to establish the proposed registry, ATIS IMSESINET recommends that, to enhance the registry's security and reduce its burden, the Commission should limit the number of sites where data could be accessed. ATIS IMSESINET recommends that the registry be centralized to minimize the security risks because duplication of the PSAP number list, even to one additional site, would negatively impact the security of the list.

A centralized approach, with a single database of both the autodialer and PSAP numbers, would allow a single owner to be able to track and validate data. A service provider would send a query to the centralized database, the database would check the called number against the PSAP list and the calling number against the autodialer list, and the provider would receive a response indicating whether the call should be blocked or allowed to proceed.

A centralized registry would also reduce the burdens associated with implementation and maintenance of the registry to levels that are achievable and sustainable by both the PSAPs and the autodialers. ATIS IMSSINET believes that neither autodialers nor PSAPs would favor supporting the implementation and maintenance of multiple registries. Moreover, the establishment of multiple registries would introduce an increased risk that the registries could become out of sync.

While ATIS IMSESINET believes that a centralized approach is preferable to the establishment of multiple registries, it does acknowledge that a centralized approach may impact call latency as a query/response would be needed for each call.

ii. Policy and Liability Concerns


ATIS IMSESINET notes that policy and liability concerns must be addressed in order to implement the registry. For example, appropriate policies must be in place to encourage autodialers to register, as the operator of the registry will not have the authority to require registrations. ATIS IMSESINET is concerned that the Commission's rules pertaining to the use of the registry or the penalties for using automatic dialing equipment to contact numbers on the registry would not be sufficient to encourage participation by bad actors, some of which may be located outside of the U.S.

In addition, ATIS IMSESINET believes that the operator of the registry and the service providers that block calls based on the registry should be afforded protection against liability associated with the use of the registry. Neither the registry operator nor service providers should be liable for damages associated with calls that may be blocked (or in the case of autodialer calls, not blocked) in good faith reliance on information in the registry. ATIS IMSESINET therefore would support the establishment of a safe harbor from liability associated with the implementation and use of the registry.

III. Conclusion

ATIS is pleased to have the opportunity to provide its input to the issues raised in the *FNPRM*. As noted in these comments, ATIS does not believe that the proposed registry of both autodialer and PSAP numbers will be effective in preventing PSAPs from receiving unwanted autodialed calls due to the drawbacks and vulnerabilities described herein. ATIS believes the two alternative proposals addressed in this filing present significantly fewer drawbacks. If the Commission nonetheless decides to move forward with the proposed registry, ATIS recommends that the Commission create a single, centralized registry to reduce complexity and security concerns. ATIS also believes that appropriate policies must be in place to encourage autodialers to register and protect the operator of the registry and the service providers that block calls based on the registry against liability associated with the use of the registry.

Respectfully submitted,



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