

September 19, 2024

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

RE: Draft Eighth Report and Order in CG Docket No. 17-59 and Third Report and Order in CG Docket No. 21-402, FCC-CIRC2409-02

Dear Ms. Dortch,

The American Bankers Association, ACA International, America’s Credit Unions, American Financial Services Association, National Council of Higher Education Resources, and the Student Loan Servicing Alliance (“Associations”) submit this letter to address the Federal Communications Commission’s (Commission) determination to adopt 603+ as the single Session Initiation Protocol (SIP) code to notify callers when their call has been blocked through use of analytics-based blocking.¹ The Associations applaud the Commission’s resolution of this issue but respectfully request that the Commission require implementation of the 603+ code within six months rather than one year as included in the Draft Order.

The TRACED Act requires the Commission to “ensure . . . robocall blocking services . . . are provided with transparency and effective redress options for . . . callers”² We appreciate the Commission’s efforts to ensure that calls placed by legitimate businesses – such as emergency calls from public safety organizations, fraud alerts, and account-servicing calls – are not blocked and, when they are, that businesses are notified immediately of the blocking.³

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Targeting and Eliminating Unlawful Text Messages*, CG Docket No. 21-402, Eight Report and Order in CG Docket No. 17-59 and Third Report and Order in CG Docket No. 21-402, FCC CIRC2409-02 (Draft Order). SIP codes are three-digit numerical messages that contain information about the status of a call. See The Daily Egg, *The Beginners’ Guide to SIP Codes: Common Errors and Fixes* (Dec. 11, 2023), <https://www.crazyegg.com/blog/sip-codes/#:~:text=SIP%20Codes%20Groups.the%20outcome%20of%20the%20request>.

² Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, § 10(b) (2019).

³ The Associations have documented how time-sensitive calls have been wrongly blocked by voice service providers’ use of analytics engines. 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. See *Advanced Methods To Target and Eliminate Unlawful Robocalls*, Comments of Am. Bankers Ass’n *et al.*, CG Docket No. 17-59, at 5 (Jan. 31, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/1020198841674>; *id.*, Reply Comments of Credit Union Nat’l Ass’n *et al.*, (Sept. 29, 2020) at 4-5 (Sept. 29, 2020), <https://www.fcc.gov/ecfs/search/search-filings/filing/109290198927157> (summarizing evidence in the record of erroneous call blocking).

Almost four years ago, the Commission adopted an order requiring entities that block calls using reasonable analytics to notify callers using a new SIP code tailored specifically for this circumstance, SIP code 608.⁴ While there was no disagreement regarding the critical importance of this notification requirement, segments of the telecommunications industry expressed concern that SIP code 608 would be too difficult to implement. The Commission thus revised its rule to allow, as an interim measure, use of the existing SIP code 603, which indicates the call was declined, but not necessarily blocked. Recognizing the drawbacks of using SIP code 603, the industry developed 603+, which specifically notifies callers that their call was blocked by analytics and by whom.

The Draft Order appropriately concludes that resolution of this issue has taken too long and that “providers should adopt and implement a code quickly” and no longer than “absolutely necessary.”⁵ We agree. But delaying implementation of SIP Code 603+ by another year is longer than necessary. The standard for 603+ was promulgated by the standards setting body ATIS more than two years ago⁶ and ATIS opened its test bed for 603+ interoperability testing in November 2022.⁷ There has thus been ample opportunity to test the standard.

Those advocating for 603+ repeatedly emphasized that it could be implemented “quickly” and “easily.”⁸ They should be taken at their word. Callers have waited too long for a uniform notification code that provides the key information – that a call has been blocked

⁴ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, 35 FCC Rcd 15211, 15240, para. 56 (2020) (*December 2020 Call Blocking Order*).

⁵ Draft Order para. 35.

⁶ Draft Order n. 104.

⁷ See [ATIS Robocalling Testbed Expands Feature Set to Enhance Call Authentication Interoperability – ATIS](#).

⁸ See, e.g., Letter from by Joshua M. Bercu, Vice President, Policy & Advocacy of USTelecom-The Broadband Association, to Marlene Dortch, Secretary, FCC, (Docket No. 17-59, CG Docket No. 23-362, WC Docket No. 17-97, WC Docket No. 07-243, WC Docket No. 20-67, IB Docket No. 16-155) at 2 (filed Jan. 31, 2024) (603+ “can be deployed across the ecosystem more quickly than alternatives”); Letter from Mark Collier, Chief Technology Officer of SecureLogix, to Marlene Dortch, Secretary, FCC, (CG Docket No. 17-59, WC Docket No. 17-97) at Slide 4 (filed Oct. 24, 2023) (603+ is “easily implemented.”); USTelecom-The Broadband Association Sept. 8, 2023 Reply Comments at 15-16 (603+ is quick to deploy because “networks are already designed to receive SIP Code 603 responses, which will reduce the timeline for 603+ deployment.”); USTelecom-The Broadband Association Aug. 9, 2023 Comments at 14 (603+ is “relatively simple to deploy”); Transaction Network Services, Inc. Aug. 9, 2023 Comments at 2-3 (603+ is quick to deploy and [Transaction Network Services, Inc.] “is already aligned for supporting SIP Code 603+ so, like others, it will be able to transition to the SIP Code without much delay.”); *Id.* at 1 (603+ “specifies a more streamlined set of information necessary to facilitate redress [making] it much easier to develop and deploy software to generate SIP 603+”); Letter from Joshua M. Bercu, Vice President, Policy and Advocacy for USTelecom-The Broadband Association, to Marlene Dortch, Secretary, FCC, (filed Sept. 14, 2023) at 2 (“we expect modest software updates will be needed”); Verizon Feb. 14, 2022 Reply Comments at 5 (in contrast to 608, “alteration of the encoding rules associated with an existing response code like 603 to allow inclusion of a header that is itself standardized is anticipated to be much less work.”)

based on reasonable analytics and information on who performed the blocking. This information will enable callers to quickly trigger the Commission's redress requirements for erroneously blocked calls, and finally implement the TRACED Act's requirement that blocking services provide "effective redress options" for callers.⁹ Moreover, a standardized notification sent every time a call is blocked based on reasonable analytics will provide real data on the efficacy of such blocking and the incidence of erroneous blocking of legitimate calls.

Consistent with the Associations' previous advocacy recommending a six-month implementation period, the Commission should revise the Draft Order and require implementation of the 603+ code within six months of the order's publication in the Federal Register.¹⁰

Sincerely,

_____/s/
Jonathan Thessin
Vice President/Senior Counsel
American Bankers Association
1333 New Hampshire Avenue, NW
Washington, DC 20036
(202) 663-5016

_____/s/
Leah Dempsey
ACA International
Brownstein Hyatt Farber Schreck, LLP
1155 F Street, NW, Suite 1200
Washington, DC 20004
(410) 627-3899
Counsel for ACA International

_____/s/
James Akin
Regulatory Advocacy Senior Counsel
America's Credit Unions
3138 10th Street, N.
Arlington, VA 22201
(703) 842-2212

⁹ See 47 C.F.R. 64.1200(k)(8).

¹⁰ Letter from Jonathan Thessin, Vice President/Senior Counsel, Consumer & Regulatory Compliance, Regulatory Compliance and Policy of ABA, et al. (the Associations), to Marlene Dortch, Secretary, FCC, (October 7, 2022) at 3.

/s/

Celia Winslow
Senior Vice President
American Financial Services Association
919 18th Street, NW
Washington, DC 20006
(202) 776-7300

/s/

James P. Bergeron, President
National Council of Higher Education Resources
1050 Connecticut Avenue, NW, #65793
Washington, DC 20035
(202) 494-0948

/s/

Scott Buchanan
Executive Director
Student Loan Servicing Alliance
(202)262-8348