

May 24, 2023

Loyaan Egal
Chief, Enforcement Bureau
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

**Re: Enforcement Bureau Requests Comments on Selection of
Registered Traceback Consortium, EB Docket No. 20-22**

Dear Mr. Egal:

USTelecom – The Broadband Association (“USTelecom”)¹ and its members are committed to achieving the Federal Communications Commission’s (“FCC” or “Commission”) goal of protecting American consumers from illegal robocalls. As part of this commitment, in 2015 USTelecom established the Industry Traceback Group (“ITG”). In collaboration with its government partners, the ITG plays a central role in combatting illegal robocalls. The ITG applies its advanced systems and deep expertise to enhance industry efforts and government investigations. The ITG operates pursuant to published Policies and Procedures,² and it receives support and direction from a broad cross-section of the communications industry, including wireline, wireless, cable, and VoIP providers.³ USTelecom hereby submits this letter to support the continued designation of the ITG as the registered traceback consortium by the Commission’s Enforcement Bureau (“Bureau”).⁴

¹ USTelecom is the premier trade association representing service providers and suppliers for the communications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks. Its diverse membership ranges from international publicly traded corporations to local and regional companies and cooperatives, serving consumers and businesses in every corner of the country and around the world.

² See Industry Traceback Group, *Policies and Procedures*, <https://tracebacks.org/wp-content/uploads/2022/04/ITG-Policies-and-Procedures-Updated-Apr-2022.pdf> (Apr. 2022).

³ See Industry Traceback Group, Supporting Partners, <https://tracebacks.org/supporting-partners/> (last visited May 24, 2023).

⁴ See *Enforcement Bureau Requests Letters of Intent to Become the Registered Industry Consortium for Tracebacks*, Public Notice, DA 23-347 (rel. Apr. 24, 2023).

I. The ITG Is Helping to Stem the Tide of Illegal Robocalls.

Although the ITG's work predated its designation as the registered traceback consortium, the designation, in addition to cooperation with and aggressive enforcement by the FCC and other government partners, has enhanced the ITG's impact. Today, the ITG relies on a dedicated, experienced team of directors, operations staff, and developers, as well as data science consultants. This team ensures that traceback efforts are consistent, fair, and predictable. It also works to improve and adapt as quickly as the bad actors that the ITG is combatting. ITG tracebacks aid in the ongoing fight against fraudulent, abusive, and unlawful robocalls in several ways, including by disrupting illegal call campaigns directly. Nearly three quarters of completed tracebacks result in the originating provider reporting that it has terminated its customer in 2023 so far, up from about half the year before. Traceback also enables enforcers to develop data to identify targets and pursue action against those responsible.⁵

While far from done, the collective work of the ITG, industry, and government is having a significant impact. As Chairwoman Rosenworcel recently stated, "in the last two years we have stopped more big robocall schemes than at any point in our history."⁶ For example, as a result of FCC and state law enforcement action based on ITG tracebacks, the estimated number of auto warranty robocalls went from over one billion per month in January of 2022 to a minimal amount by the end of the year.⁷ Similarly, FCC action that relied on ITG traceback data resulted in an eight-fold decline in the number of student loan robocalls over the course of 2022.⁸

Trends in consumer complaints filed with federal regulators regarding unwanted calls suggest that these and other efforts are making a difference. The number of informal complaints regarding unwanted calls that consumers have filed with the FCC has been declining for several years and, recently, the monthly pace of complaints regarding unwanted calls has been less than half of its former peak.⁹

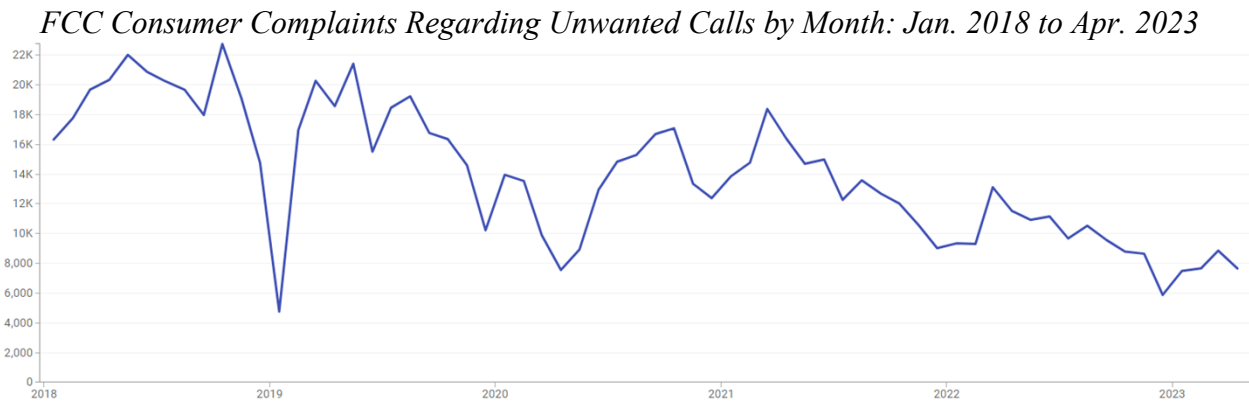
⁵ The traceback process and operation has enabled more state law enforcers to more easily and efficiently join the fight against illegal robocalls. See FCC, FCC-State Robocall Investigation Partnerships, <https://www.fcc.gov/fcc-state-robocall-investigation-partnerships> (updated Feb. 17, 2023) (listing memoranda of understandings for robocall investigation partnerships with 44 states, the District of Columbia, and Guam).

⁶ *Advanced Methods to Target and Eliminate Unlawful Robocalls et al.*, Seventh Report and Order in CG Docket 17-59 and WC Docket 17-97, Eighth Further Notice of Proposed Rulemaking in CG Docket 17-59, and Third Notice of Inquiry in CG Docket 17-59, FCC 23-37, Statement of Chairwoman Jessica Rosenworcel (rel. May 19, 2023) ("*Seventh Report and Order*") ("*Rosenworcel Statement*").

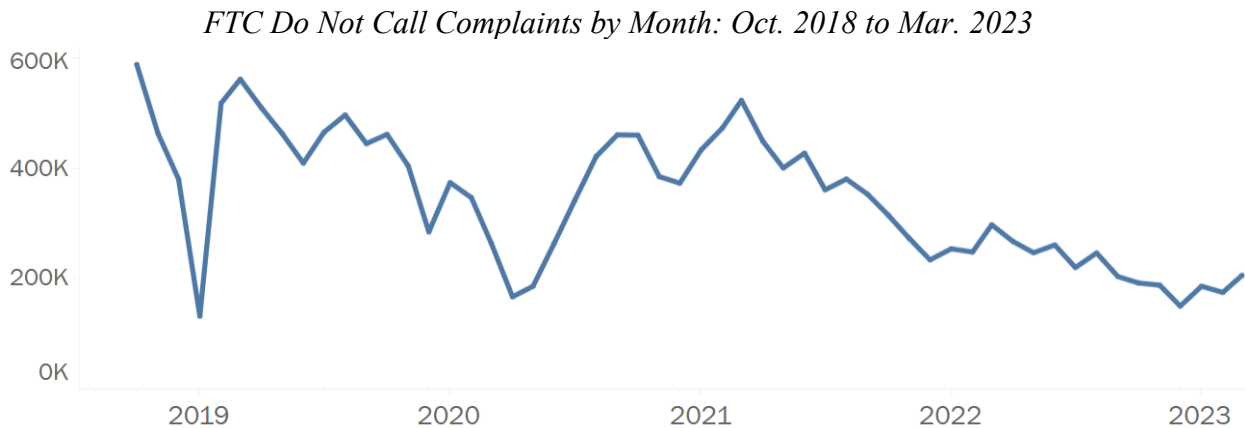
⁷ Industry Traceback Group, *ITG 2022 Year-in-Review: State of Industry Traceback* (2023), <https://r01986.a2cdn1.secureserver.net/wp-content/uploads/2023/03/ITG-2022-Year-in-Review-State-of-Industry-Traceback.pdf>.

⁸ *Id.*

⁹ FCC, Consumer Complaints Data, <https://opendata.fcc.gov/Consumer/CGB-Consumer-Complaints-Data/3xyp-aqkj> (last visited May 24, 2023).



Similarly, the number of Do Not Call complaints that consumers have filed with the Federal Trade Commission (“FTC”) generally has been declining for several years from a recent peak in early 2021.¹⁰



At the same time, despite our collective efforts, illegal robocallers remain determined. As Chairwoman Rosenworcel recently explained, “scam artists are creative. Whenever we shut down one calling fraud scheme, another can always pop up somewhere else.”¹¹ Illegal robocallers are developing more complex and sophisticated strategies to evade detection and law enforcement, for instance by creating shell companies and imposter providers. Despite the challenges posed by determined fraudsters, the ITG is committed to continuing to apply its experience and expertise in partnership with law enforcement officials, including the Commission, to track down and stop bad actors.

¹⁰ FTC, Do Not Call Complaints, <https://public.tableau.com/app/profile/federal.trade.commission/viz/DoNotCallComplaints/Maps> (last visited May 24, 2023) (chart displays maximum time period available in “Complaints Over Time” feature).

¹¹ Rosenworcel Statement.

To that end, to keep pace with the expanding variety of fraudulent, abusive, and unlawful calls, the ITG's work addresses an ever-growing range of illegal activity, such as fraud, deceptive and illegal telemarketing, voice phishing (i.e., vishing), criminal threats, and swatting.¹² As just one example of the ITG's positive impact beyond high-volume illegal robocalls, in January 2023, the ITG team initiated a traceback of a swatting call in which an individual called the Valparaiso, Indiana Police Department falsely claiming to be an FBI agent with a tip that a student from the Valparaiso High School shot and killed the student's mother. According to a detective from the Valparaiso Police Department, there was evidence to link this swatting call to a series of spoofed calls that included bomb and mass shooting threats to the high school—calls which the ITG had traced back in the preceding weeks. Through the ITG, the Valparaiso Police Department was able to receive actionable information quickly that otherwise would have taken weeks or months to obtain. The Valparaiso Police Department was able to identify and arrest the suspect.¹³

But despite the expanded focus of ITG tracebacks, the ITG has remained committed to stopping high-volume illegal robocalls, and ITG data is powering government efforts that are helping to turn the tide against such calls, including when they originate abroad. For instance, in August 2022, state officials announced the formation of a nationwide Anti-Robocall Litigation Task Force created by 50 Attorneys General and issued civil investigative demands to 20 gateway providers and other entities that were allegedly responsible for a majority of foreign robocall traffic.¹⁴ In December 2022, Florida's Attorney General took action against a Miami-based gateway provider that reportedly brought millions of foreign-originated illegal robocalls into the U.S.¹⁵ In April 2023, the FTC announced its Project Point of No Entry initiative, which the agency has indicated has significantly curbed or altogether stopped the flow of illegal robocalls entering the country over 22 networks.¹⁶ And weeks ago, the

¹² Swatting is the practice of making a false threat to induce authorities to send a police response, particularly a SWAT team, to an address. See Heather Hollingsworth, *How 'swatting' calls spread as schools face real threats*, AP News (Mar. 30, 2023), <https://apnews.com/article/hoax-school-shootings-explainer-swatting-439046152b9c3db45bfbfd8c10321c28> (noting that swatting calls "have proven dangerous and even outright deadly").

¹³ See *Ohio teen arrested in connection with school threats in Hobart, Portage, Valparaiso*, ABC7 Chicago (Jan. 27, 2023), <https://abc7chicago.com/school-threats-portage-police-valparaiso-fbi/12741483/>.

¹⁴ News Release, N.C. Attorney General Josh Stein, *Attorney General Josh Stein Leads New Nationwide Anti-Robocall Litigation Task Force* (Aug. 2, 2022), <https://ncdoj.gov/attorney-general-josh-stein-leads-new-nationwide-anti-robocall-litigation-task-force/>.

¹⁵ News Release, Office of Attorney General Ashley Moody, *Court Action Against Company Sending Robocalls* (Dec. 5, 2022), <https://www.myfloridalegal.com/newsrelease/court-action-against-company-sending-robocalls> (describing the Attorney General's work with the ITG).

¹⁶ Press Release, Federal Trade Commission, *FTC Ramps Up Fight to Close the Door on Illegal Robocalls Originating from Overseas Scammers and Imposters* (Apr. 11, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/04/ftc-ramps-fight-close-door-illegal-robocalls-originating-overseas-scammers-imposters>.

Commission issued its first-ever Final Determination Order against gateway provider One Eye.¹⁷

II. The ITG Continues to Improve and Adapt.

Over the last year, the ITG has continued to undertake a number of initiatives and investments to build on its strong infrastructure and extensive experience to stay a step ahead of bad actors. These steps include enhancing the data available to fight illegal robocalls, improving the traceback portal and alerting processes, and making other improvements on an ongoing basis. By way of example:

Enhancing the Data Available to Fight Illegal Robocalls

- ***Incorporating STIR/SHAKEN Data.*** The ITG system now collects STIR/SHAKEN information regarding calls the ITG traces back. This integration enhances the information available to the ITG and law enforcement officials and allows tracebacks also to identify improper signing practices. The ITG expanded this feature to encompass the FCC’s new gateway provider requirements, and it will continue to update it as the Commission’s rules evolve.¹⁸
- ***Adding RRAPTOR and Other Third-Party Data.*** The ITG has supplemented its existing data partners, YouMail and Verizon,¹⁹ by sourcing data from RRAPTOR, ZipDX LLC’s automated robocall surveillance system. RRAPTOR receives thousands of calls daily, separating robocalls from those that are wrong numbers or callbacks.²⁰ Through its work with ZipDX and RRAPTOR, the ITG has been able to, among other things, trace back more examples of live fraud and illegal telemarketing calls. The ITG also is currently piloting data sourcing from an additional analytics partner.

¹⁷ *One Eye LLC*, Final Determination Order, DA 23-389 (EB rel. May 11, 2023).

¹⁸ See 47 C.F.R. § 64.1200(n)(4); *Seventh Report and Order* ¶¶ 49-51. The ITG continues to perform full call-path tracebacks even when it receives STIR/SHAKEN information. Over time, the ITG plans to use additional STIR/SHAKEN information for additional scale rather than to replace full call-path tracebacks, as full call-path tracebacks better align with the FCC’s “Know Your Upstream Provider” requirement and ensure provider accountability, among other reasons.

¹⁹ See Press Release, YouMail Inc., *Law Enforcement Groups Partnering With YouMail To Shut Down Robocallers* (Apr. 27, 2022), <https://www.prnewswire.com/news-releases/law-enforcement-groups-partnering-with-youmail-to-shut-down-robocallers-301534141.html> (“YouMail has historically served in a crucial technical role for US Telecom’s Industry Traceback Group, or ITG.”); Kate Jay, *Verizon works with wireless carriers in US to combat robocalls*, Verizon (Mar. 17, 2021), <https://www.verizon.com/about/news/verizon-carriers-combat-robocalls> (describing how Verizon’s honeypot supports the ITG).

²⁰ ZipDX, What is RRAPTOR?, <https://legalcallonly.org/what-is-rraptor/> (last visited May 24, 2023).

- ***Do Not Originate (“DNO”) Integration.*** The ITG incorporates its DNO Registry²¹ to the ITG portal, enabling providers more easily to download the latest list. The ITG also has incorporated Somos RealNumber DNO²² information to add as another indicator of why a call may be illegal.

Improving the Traceback Portal and Alerting Processes

- ***Alerting Providers Regarding Potential Compliance Issues.*** To complement its collection and use of STIR/SHAKEN and Robocall Mitigation Database (“RMD”) data in the traceback process, the ITG portal automatically alerts providers regarding potential STIR/SHAKEN and RMD compliance issues. The ITG’s STIR/SHAKEN alerts specifically notify providers regarding calls that apparently should have been signed but were not. They also notify providers regarding improperly signed calls, including in circumstances in which the originating provider does not match the signer. These alerting processes help to ensure that more providers comply with the FCC’s rules and promote transparency in the calling ecosystem.
- ***Law Enforcement Portal Access.*** Based on feedback from the law enforcement community and to supplement the data and analysis the ITG has long provided to law enforcement, the ITG team launched a new platform where law enforcement personnel can directly review real-time and historical traceback data, traceback trends, and other relevant information. The platform provides enforcers a more seamless way to sift through traceback results and identify targets of interest for further investigation.²³ The ITG collaborates closely with government users to make new features available and continually improve. As merely one example, the government portal now allows direct download of views and reports.
- ***Launching Accountability Process.*** Recently, the ITG launched a new feature through which providers receive a structured, specific explanation of why a traceback is being performed that lists each basis for suspected illegality identified by the ITG team with regard to a given campaign. Providers that identify themselves as the originating voice service provider have the opportunity, should they object to the ITG’s determination, to formally dispute one or more of the identified bases and to provide evidence to support the dispute, including proof of consent. This notice and objection process helps responsible providers identify and

²¹ ITG, The ITG’s Do Not Originate (DNO) Registry, <https://tracebacks.org/dno-registry> (last visited May 24, 2023).

²² Somos, RealNumber DNO: The Industry’s Most Comprehensive Database to Help Mitigate Fraud, <https://www.somos.com/realnumber-interest> (last visited May 24, 2023).

²³ Consistent with relevant laws and the ITG’s Policies and Procedures, the portal provides summary information regarding traceback results; legal process generally is required for detailed call records and call paths.

act to address problematic traffic and facilitates enforcement against bad actors by forcing providers to justify claims of, for instance, customer consent.²⁴

- ***Expanded Commenting Feature.*** The ITG expanded the existing comment feature within the ITG portal to enable providers to communicate with each other and with the ITG team. Providers can use this feature to communicate directly with each other to aid in, for instance, locating the traceback and identifying callers.

Innovating and Improving on an Ongoing Basis

- ***International Coordination.*** Working with the Commission, the ITG has begun a pilot program with the Canadian Radio-television and Telecommunications Commission to trace back illegal calls targeting Canadian customers that are delivered to a Canadian provider by a gateway provider in the United States.
- ***Provider Traceback Insights.*** The ITG has engaged a data science team to review ITG traceback data, identify additional sources of data that can enhance the traceback process, and ultimately develop insights that can then be leveraged by voice service providers when they conduct due diligence regarding whether or not to accept a new wholesale customer. The ITG team is dedicated to moving quickly on this project to help providers with their Know-Your-Upstream-Provider processes—but also taking the time needed to ensure that the program is reliable, fair, and trustworthy.
- ***Strengthening Cybersecurity and Privacy.*** As part of the ITG’s ongoing cybersecurity and privacy improvement efforts, it has implemented new privacy and data minimization-focused features to redact old personally identifiable information and call detail record information that is no longer needed, while maintaining that information when needed for law enforcement.

III. The ITG Continues to Meet the Statutory Requirements to Be the Registered Consortium for Industry-Led Tracebacks

The continued enhancements to the ITG’s technology, capabilities, and operation add to the ITG’s already established qualifications that meet and exceed the TRACED Act’s requirements. The registered consortium must (a) be a neutral third party; (b) be a competent manager; (c) maintain and conform to written best practices; and (d) focus on “fraudulent, abusive, or unlawful” traffic.²⁵ The ITG continues to meet and exceed these qualifications, as set forth below.

²⁴ The ITG’s portal maintains a record of every dispute, the dispute’s resolution, and all other related communications. Such information is included in the traceback record that is then shared with government agencies that make a lawful demand for information that includes the disputed traceback.

²⁵ See *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, Report and Order, DA 22-870, ¶ 3 (EB rel. Aug. 22, 2022) (“*Designation Order*”); Pallone-Thune TRACED Act, Pub. L. No. 116-105, § 13(d)(1)(A)-(D), 133 Stat.

(a) ***The ITG’s structure continues to ensure neutrality and reflect openness.*** The Bureau previously found that the “multi-member structure of the Traceback Group, and its widespread industry support, encourages neutrality and openness.”²⁶ Indeed, the ITG has a long track record of building and sustaining a broad and diverse industry coalition representing every part of the voice provider ecosystem to work together to stop illegal robocalls. As the Bureau has noted, the majority of members of the ITG’s Executive Committee, which oversees the operation and overall direction of the Traceback Group, are not USTelecom members.²⁷ The ITG’s record speaks for itself concerning neutrality through consistent and even-handed implementation. The Bureau also has identified that the ITG has “evinced a commitment to ensuring that its members are not the source of substantial amounts of unlawful robocalls” through several measures, including through (i) automatically suspending existing members that are the subject of pending government investigations and (ii) preventing companies from joining as new members if they have been identified as the source for multiple illegal calling campaigns unless they have sufficiently demonstrated compliance with ITG Policies and Procedures.²⁸

(b) ***The ITG continues to be a competent manager.*** The Bureau previously has found that the ITG has competently managed private-led traceback efforts.²⁹ The ITG has conducted tracebacks covering robocall campaigns affecting millions of Americans, and hundreds of domestic and foreign providers have cooperated with ITG tracebacks. As described above, law enforcement officials have relied on traceback results to identify and bring enforcement actions against those responsible for illegal robocalls, and more enforcers are bringing more robocall-related actions than ever before.³⁰ Moreover, as described above, the ITG continues to innovate, improve, and enhance the traceback effort in myriad ways without undermining the operation and process.

(c) ***The ITG continues to maintain and conform to written best practices.*** The Bureau previously has found the ITG “has a proven track record of compliance with its best practices.”³¹ The ITG routinely reviews and updates its Policies and Procedures as

3274, 3287-88 (2019) (“TRACED Act”).

²⁶ *Designation Order* ¶ 17; *see also id.* (“By ensuring participation from a variety of industry segments, the Traceback Group has signaled its commitment to unbiased, non-discriminatory, and technology-neutral administration of the consortium. The Traceback Group’s membership and the number of cooperating providers continues to expand, further evidencing its commitment to broad representation of industry.”).

²⁷ *Id.* ¶ 10.

²⁸ *Id.* ¶ 20; *see also id.* ¶ 18.

²⁹ *Id.* ¶ 30.

³⁰ *See also, e.g.,* Rosenworcel Statement (“in the last two years we have stopped more big robocall schemes than at any point in our history”).

³¹ *Designation Order* ¶ 34.

necessary to ensure that they adequately address applicable legal and policy considerations and accurately describe the ITG's operations.

(d) *The ITG continues to focus on “fraudulent, abusive, or unlawful traffic.”*

The Bureau previously found that the ITG is “committed to focusing on conducting tracebacks of fraudulent, abusive, or unlawful traffic” and “has a proven track record of focusing its activities on the most egregious, disruptive, or voluminous calling campaigns.”³² The ITG continues to focus on such traffic, judiciously reviewing both traceback requests and acquired call examples to ensure that all traffic traced back meets the criteria.³³ As noted above, the ITG also has expanded its traceback efforts with respect to potentially fraudulent, abusive, or unlawful traffic beyond high-volume campaigns, such as swatting and vishing attempts.

* * *

For the reasons above, the Commission should maintain the ITG's designation as the registered consortium. The ITG continues successfully to meet the criteria established in the TRACED Act for the registered consortium and the ITG's track record demonstrates that it remains the right entity for the role.

Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s Joshua M. Bercu/

Joshua M. Bercu

Vice President, Policy & Advocacy, USTelecom
Executive Director, Industry Traceback Group

³² *Id.* ¶ 39.

³³ In addition, as described above, the ITG has launched a formal dispute mechanism that enables providers to challenge whether a given traceback is in fact of fraudulent, abusive, or unlawful traceback.