

September 19, 2024

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

Re: *Advanced Methods to Target and Eliminated Unlawful Robocalls*, CG Docket No. 17-59  
*Targeting and Eliminating Unlawful Text Messages*, CG Docket No. 21-402

Dear Ms. Dortch:

On September 19, the undersigned of USTelecom – The Broadband Association (“USTelecom”) spoke separately by phone with Arpan Sura of Commissioner Carr’s Office, Hannah Lepow of Commissioner Stark’s Office, and Edyael Casaperalta of Commissioner Gomez’s Office. Consistent with USTelecom’s advocacy in the proceeding, USTelecom believes that extending the do-not-originate (“DNO”) requirement is unnecessary and potentially counterproductive.<sup>1</sup> During the calls, I urged that the Commission refrain from making the changes to the DNO requirement in the Draft Eighth Report and Order in CG Docket No. 17-59 and Third Report and Order in CG Docket No. 21-40 (“Draft Order”)<sup>2</sup> that have been requested by Somos,<sup>3</sup> which could result in the blocking of legitimate calls and other unintended consequences.

As I explained, providers from across the industry already block calls from invalid, unallocated, and unused numbers, as well as from numbers on a DNO list including the one managed by the USTelecom-led Industry Traceback Group (“ITG”).<sup>4</sup> A mandate that would remove provider flexibility and instead require blocking of all invalid numbers, all numbers in area codes not assigned, all numbers in blocks not yet assigned, and numbers for which the subscriber has requested call origination blocking poses substantial risks to the completion of

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<sup>1</sup> See Notice of Ex Parte Presentation of USTelecom – The Broadband Association, CG Docket No. 17-59, at 1-2 (filed Mar. 19, 2024) (“USTelecom Mar. 2024 Ex Parte”); Comments of USTelecom – The Broadband Association, CG Docket No. 17-59, WC Docket No.17-97, at 8-9 (filed Aug. 9, 2023); Reply Comments of USTelecom – The Broadband Association, CG Docket No. 17-59, WC Docket No. 17-97, at 11-12 (filed Sept. 8, 2023).

<sup>2</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls, Targeting and Eliminating Unlawful Text Messages*, Eighth Report and Order in CG Docket No. 17-59 and Third Report and Order in CG Docket No. 21-40, FCC Circ (rel. Sept. 4, 2024).

<sup>3</sup> Notice of Ex Parte Presentation of Somos, CG Docket No. 17-59, CG Docket No. 21-402 (filed Sept. 18, 2024).

<sup>4</sup> Also, as USTelecom has previously explained, since implementation of the STIR/SHAKEN call authentication framework, there has been a shift in some illegal calling campaigns away from number spoofing. See USTelecom Mar. 2024 Ex Parte at 1-2.

lawful calls, including emergency calls. This concern is based on USTelecom members' real-world experience. Providers have had to troubleshoot routing of lawful, emergency calls with the invalid "911" as the calling number when Public Safety Answering Points have forwarded calls to each other. Routing of "988" calls has created similar issues and troubleshooting needs. Number blocks in service but not yet assigned change dynamically such that a blocking mandate could lead providers to block formerly unassigned numbers that are now assigned to legitimate callers, or otherwise force them to rely on specific vendor services that account for the dynamic nature of number assignment. And with respect to numbers for which the subscriber has requested call origination blocking, the ITG's DNO request onboarding process intentionally takes great care to ensure the request is validly authorized and that the number is not, in fact, used for some outbound calling.<sup>5</sup> Indeed, USTelecom members have had experiences where unbeknownst to the organization requesting the DNO, some satellite offices of the organization used the number for outbound calls, resulting in those calls being blocked once the DNO was implemented. Further, once a number is on a DNO list, and that DNO list is broadly distributed, there is some risk that calls from that number will be blocked even if the subscriber later wishes to remove the number from DNO treatment. Flexibility allows providers to adapt to these scenarios in a manner that a broad mandate would not.

For these reasons, the Commission should reject Somos's proposed changes in favor of the DNO requirement in the Draft Order. Please contact the undersigned with any questions.

Sincerely,

/s/ Joshua M. Bercu  
Joshua M. Bercu  
Vice President, Policy & Advocacy

CC (via email):

Edyael Casaperalta  
Hannah Lepow  
Carmen Scurato  
Arpan Sura  
Michael Sweeney

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<sup>5</sup> Without guidance about how to vet and accept DNO requests, nor a uniform process or mechanism to do so, providers may not be able to avoid noncompliance. To and from whom is a valid DNO request? Must the request be made directly from the entity who is authorized to use the number or can it be made from enterprise-side vendors or service providers that offer DNO list services? Is a request to one DNO list provider sufficient to trigger all voice service providers' obligations across all DNO lists? If so, what is the mechanism for sharing across DNO lists? Or must the request be made individually to each or via a yet-to-be-established standardized process? Under what circumstances would a provider or DNO list provider reject a DNO request? For example, should the provider condition acceptance of a DNO request on sufficient evidence that the organization is authorized to use the number and does not use it for outbound calling? None of these questions have been sufficiently vetted in the record such that the Commission could change its reasonable DNO requirement to what would in effect be an absolute DNO requirement.