

SPECIAL UPDATE
May 25, 2021

APPROACHING DEADLINE:
Voice Service Providers Must File Certifications
in Robocall Mitigation Database by June 30, 2021

Earlier this spring, the FCC's Wireline Competition Bureau released a [Public Notice](#) announcing the opening of the Robocall Mitigation Database and establishing a **June 30, 2021** deadline for voice service providers to submit the required certifications in the Database.

All voice service providers, including interconnected Voice Over IP (VoIP) providers, must file certifications. There is no exemption for small providers. Moreover, all voice service providers subject to an extension (see below) must also implement a robocall mitigation program.

Background. In December 2019, Congress passed, and then-President Trump signed into law the "Telephone Robocall Abuse Criminal Enforcement and Deterrence Act" ([TRACED Act](#)). Among other provisions, the TRACED Act directed the FCC to require, no later than 18 months from enactment, all voice service providers to implement STIR/SHAKEN in the IP portions of their networks and implement an effective caller ID authentication framework in the non-IP portions of their networks. The TRACED Act also gave the FCC authority to grant extensions of this deadline for certain providers or class of providers upon a finding of undue hardship so long as any carrier receiving an extension adopted a reasonable robocall mitigation program in the interim.

In October 2020, the FCC released its [Second Report and Order](#) on the TRACED Act, building upon many of the proposals made in its First Report and Order and Further Notice. In addition, the FCC granted (i) voice service providers with 100,000 voice lines or fewer two additional years – until June 20, 2023 – to implement STIR/SHAKEN in the IP networks, and (ii) all voice providers an indefinite extension of the deadline to implement call authentication technology in the non-IP networks until such time as a non-IP call authentication technology solution becomes "reasonably available."

With the extensions, the FCC required that all voice service providers certify what methods they are using to combat the origination of illegal robocalls and announced that it would establish a database for these certifications. All voice service providers must therefore submit filings in the robocall mitigation database certifying that the provider has either deployed STIR/SHAKEN or implemented a robocall mitigation program. As outlined above, this certification must be filed by June 30, 2021.

Certification Requirements. All voice service providers, including interconnected VoIP providers, must certify that their traffic is either signed with STIR/SHAKEN or subject to a robocall mitigation program. Voice service providers will have three options upon logging into the [database](#):

- Complete STIR/SHAKEN Implementation
- Partial STIR/SHAKEN Implementation – Performing Robocall Mitigation.

- No STIR/SHAKEN Implementation – Performing Robocall Mitigation.

The certification must be signed electronically by an officer of the company and submitted under penalty of perjury.

Moreover, voice service providers must also submit contact and identification information when filing their certifications. Such information must include: (i) the business name(s) and primary address of the voice service provider; (ii) other business names in use by the voice service provider; (iii) all business names previously used by the voice service provider; (iv) whether the voice service provider is a foreign voice service provider; and (v) the name, title, department, business address, telephone number, and email address of one person within the company responsible for addressing robocall mitigation-related issues.

Once a certification is filed, all providers must submit any necessary updates (e.g., changes to the certification, identification information or contact information) within 10 business days of the change.

Penalties for Non-Certifiers. 90 days after the June 30, 2021 certification deadline, FCC rules will prohibit an intermediate provider or terminating provider from accepting voice traffic directly from a voice provider whose certification does not appear in the database. In other words, the calls of a provider that has not filed a certification will be blocked. Non-certifying providers may also be subject to forfeitures and other penalties.

Robocall Mitigation Programs. FCC rules contain three robocall mitigation program requirements:

- (i) The provider must take reasonable steps to avoid originating illegal robocall traffic;
- (ii) The provider must commit to respond to requests from the Industry Traceback Group to trace suspect calls for mitigation efforts; and
- (iii) The provider must cooperate in investigating and stopping any illegal robocallers.

All voice service providers subject to an exemption should immediately begin work on their robocall mitigation programs. Depending on the provider's service offerings and customer base, these programs likely need to be customized. Providers that use a third-party provider (e.g., Momentum) should also contact their third-party provider as soon as possible to coordinate on what steps are being taken and how it affects your mitigation program.

If you have any questions about the TRACED Act, robocall mitigation programs or the certification filing requirements, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com or Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com.

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