



March 9, 2023

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

Re: Letter from Professional Associations for Customer Engagement, In the Matter of Targeting and Eliminating Unlawful Text Messages, CG Docket No. 21-402; In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278; In the Matter of Call Authentication Trust Anchor, WC Docket No. 17-97

Dear Ms. Dortch:

The Professional Associations for Customer Engagement (“PACE”)¹ submits this letter in advance of the Commission’s open meeting on March 16, 2023 at which the Commission will consider its (1) proposed rule requiring mobile wireless providers (“MWP”) to block text messages purporting to be from numbers on a reasonable Do Not Originate (“DNO”) list² and (2) a proposed rule to adopt a two-step expedited procedure for removing a voice service provider (“VSP”) from the Robocall Mitigation Database³.

I. Proposal Requiring MWPs To Block Text Messages Purporting To Be From Numbers on a DNO List

Overall, PACE supports the DNO framework as proposed, and agrees that blocking text messages that are highly likely to be illegal will reduce consumer annoyance and fraud. Further,

¹ PACE is a trade organization consisting of Fortune 500 companies, contact centers, business process outsourcing, economic development organizations, and technology suppliers that enable companies to engage with their customers. Customer engagement is at the heart of every business, whether online, in-store, or over the phone. PACE advocates for and promotes best practices, emerging technology, and thought leadership to and by its customer engagement professionals to enable customer service, business growth and personal development.

² In the Matter of Targeting and Eliminating Unlawful Text Messages, CG Docket No. 21-402, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278, FCC-CIRC2303-04, para. 16.

³ In the Matter of Call Authentication Trust Anchor, WC Docket No. 17-97, FCC-CIRC2303-03, para. 62.

PACE supports the proposed requirement that MWP's maintain a single point of contact to enable text senders to resolve issues arising from unwarranted text message blocking.⁴ The blocking resolution process will also be valuable for business subscribers who elect to repurpose numbers previously placed on a DNO list.

PACE asks that the Commission further consider the process to prevent blocking of texts from a telephone number once that telephone number has been reassigned or reallocated to a subsequent subscriber. The current DNO framework does not address the procedure for reassigned or reallocated numbers. Texts from a reassigned or reallocated number on a DNO list will still be blocked even where the number is reassigned or reallocated to a new subscriber who may not be sending a highly likely to be illegal text. Even more concerning, the new subscriber of the reassigned or reallocated number may not be aware that the number was previously placed on a DNO list. This may inhibit the new subscriber from effectively sending important or urgent and wanted texts to consumers. MWP's already have response systems in place to notify texters when a text fails to send thereby prompting texters to contact the MWP to initiate the blocking resolution process.⁵ In light of the Commission's current election not to set time limits on resolving blocking error complaints⁶, however, both the consumer and the texter could face hardship trying to communicate critical information as a result.

Moreover, the Commission only directs that MWP's block texts purporting to be from numbers on a "reasonable DNO list," but the Commission does not define who is responsible for maintaining such list. Given the lack of specificity, the blocking resolution process will be all the more cumbersome, especially if each carrier maintains its own DNO list. The results include that a desired (and perhaps critical) text from a reassigned or reallocated number could be blocked by several MWP's thereby forcing the texter to initiate the blocking resolution process with multiple MWP's before reaching the consumer.

To remedy these issues, PACE first suggests that the Commission clarify who is responsible maintaining a DNO list. PACE urges the Commission to adopt a centralized DNO list maintained by a single body. If a centralized DNO is established, the Commission should also require the administrator of the centralized DNO list to maintain a public point of contact for requests to remove numbers from the DNO list and for MWP's to work together with the administrator to keep DNO lists updated and accurate.⁷ Second, PACE suggests the Commission require each MWP or the body managing the DNO list to scrub a DNO list against the FCC's Reassigned Numbers Database ("RND") and promptly remove reassigned numbers appearing in the RND from that DNO list. At minimum, MWP's or the body managing the DNO list should be

⁴ PACE urges the Commission to work with industry on implementing a standard indicator returned to a message sender if their message has been blocked similar to the unique SIP code used to indicate a blocked telephone call.

⁵ FCC-CIRC2303-04, para. 31.

⁶ *Id.* at para. 30.

⁷ The Commission should also require MWP's and/or the DNO list administrator to implement reasonable policies and procedures for verifying a person requesting to add a number to the DNO list is duly authorized to make such request by the subscriber of the number. PACE members are concerned that bad actors could maliciously add numbers to the DNO without an authorization verification process.

required to scrub any portion of a DNO list that includes numbers for which the previous subscriber to the number requested that texts purporting to originate from that number be blocked. This scrubbing could occur as frequently as the RND is updated (monthly), but even quarterly scrubbing would be beneficial.

This solution is reasonable to ensure consumers receive wanted and critical texts from subscribers of reassigned numbers. Further, it serves to reduce the burden on the blocking resolution process from complaints of blocking arising from subscriber changes.

II. Proposed Rule To Adopt a Two-Step Expedited Procedure For Removing a VSP From The Robocall Mitigation Database (“RMD”)

PACE also is concerned about the Fifth Amendment due process implications of the Commission’s proposed expedited processes for removing a VSP’s “facially deficient” certification from the RMD. The expedited process requires the Commission to give the VSP notice of the filing deficiency and requires the VSP to cure the deficiency (or explain why the filing is not deficient) within a 10-day period.⁸ The Commission may then remove the filing, without notice, if the VSP fails to cure or does not adequately address why the filing is deficient.⁹ However, the Commission declines to provide an exhaustive list of reasons why a filing would be considered “facially deficient” as to warrant removal from the RMD, instead offering only offers four examples.¹⁰ Without specifying any and all reasons that the Commission could remove a filing, VSPs would have few resources to determine if its cure or explanation of why the filing is not deficient is sufficient to remain on the RMD.

PACE requests that the Commission be sensitive to these due process concerns. Because downstream VSPs are prohibited from carrying the traffic of a VSP whose certification is removed from the RMD; the consequence of removal is extreme: the VSP will be out of business. The summary removal process, which could have severe consequences and create far-reaching problems for businesses and consumers, should not replace the Commission’s more protective procedure in standard practice. Additionally, the Commission should ensure that VSPs have exhaustive standards for what constitutes a facially deficient filing, and for what cure or explanation of why the filing is not deficient is sufficient to prevent removal from the RMD.

Respectfully submitted,



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⁸ FCC-CIRC2303-04, para. 62.

⁹ *Id.*

¹⁰ *Id.* at para. 61.

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