

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Numbering Policies for Modern)	WC Docket No. 13-97
Communications)	
)	
Telephone Number Requirements for IP-)	WC Docket No. 07-243
Enabled Service Providers)	
)	
)	
Implementation of TRACED Act)	
Section 6(a) –)	WC Docket No. 20-67
Knowledge of Customers by)	
Entities with Access to Numbering)	
Resources)	

**Relating to the Second Report and Order and Second Further Notice of Proposed
Rulemaking Issued September 22, 2023**

Reply Comments of

National Consumer Law Center
On behalf of its low-income consumers

and

Consumer Action
Consumer Federation of America
Electronic Privacy Information Center
National Association of Consumer Advocates
National Consumers League
U.S. PIRG

Reply Comments

These Reply Comments are filed in response to the Federal Communication Commission’s (FCC or Commission) Second Report and Order and Second Further Notice of Proposed Rulemaking (FNPRM) regarding “Numbering Policies for Modern Communications” issued on September 22, 2023,¹ by the **National Consumer Law Center (NCLC)** on behalf of NCLC’s low-income clients and the following national, state, and regional consumer and privacy advocacy organizations: **Consumer Action, Consumer Federation of America, Electronic Privacy Information Center, National Association of Consumer Advocates, National Consumers League, and U.S. PIRG.**

We support the Commission’s proposals in this FNPRM to deal with the numbering issues, as required by the TRACED Act,² but we submit those proposals do not go far enough. In addition to supporting the suggestions in the comments filed by the Electronic Privacy Information Center (EPIC) and Consumer Action,³ and the comments filed by ZipDX,⁴ we urge the Commission to take unambiguous action to address the problems caused by service providers who rent telephone numbers to robocallers on a temporary basis.

Specifically, we urge the Commission to take one or both of the following actions:

1. Explicitly prohibit the temporary rental of outward dialing telephone numbers, and as suggested by EPIC and Consumer Action, “hold the direct access authorized VoIP providers liable for downstream misuse of their numbering resources, and revoke authorization where appropriate,”⁵ and/or

¹ *In re* Numbering Policies for Modern Communications, Telephone Number Requirements for IP-Enabled Service Providers, Implementation of TRACED Act Section 6(a) – Knowledge of Customers by Entities with Access to Numbering Resources, Second Report and Order and Second Further Notice of Proposed Rulemaking, WC Dkt. Nos. 13-97, 07-243, 20-67 (Rel. Sept. 22, 2023), <https://docs.fcc.gov/public/attachments/FCC-23-75A1.pdf> [hereinafter FNPRM]. The Proposed Rule was published in the Federal Register at 88 Fed. Reg. 74,098 (Oct. 30, 2023) and is available at <https://www.federalregister.gov/documents/2023/10/30/2023-23903/numbering-policiesfor-modern-communications>.

² See TRACED Act, § 6(a).

³ Comment of Electronic Privacy Information Center and Consumer Action, WC Dockets 13-97, 07-243, 20-67 (Nov. 24, 2023), available at <https://www.fcc.gov/ecfs/document/1130061407794/1> (hereafter EPIC comments).

⁴ Comment of ZipDX, WC Dockets 13-97, 07-243, 20-67 (Nov. 24, 2023), available at <https://www.fcc.gov/ecfs/search/search-filings/filing/1124070626041> (hereafter ZipDX comments).

⁵ [EPIC comments](#) at 3.

2. State unequivocally that service providers that engage in the practice of renting outward dialing telephone numbers on a temporary basis are violating existing regulations designed to combat illegal robocalls.

As explained in the comments submitted by EPIC and ZipDX, there is no legitimate need for the temporary rental of *outward dialing numbers*.⁶ None of the other comments filed in this docket offer any justification for continuing to allow this practice.

Allowing the temporary rental of outward dialing numbers directly undermines the TRACED Act.

Telephone service providers that rent outward dialing telephone numbers appear to do so specifically for the purpose of allowing callers to choose how their caller ID will appear to called-parties. The industry sometimes refers to this practice as “dynamic caller ID.” (It is also sometimes referred to as “Direct Inward Dialing numbers (DIDs)” even though it relates almost exclusively to the rental of *outward dialing numbers*.)

Rented numbers are made available to callers just for the purpose of facilitating the deliberate evasion of the FCC’s requirements for callers to identify themselves properly. Callers use bulk rented numbers for the primary purpose of deceiving the called party into believing the caller is local, and the secondary purpose of masking the caller’s actual identity. They also use these rented numbers to avoid the “scam likely” analytics of terminating providers.

A primary goal of the TRACED Act⁷ was to facilitate the identification of callers so that illegal and unwanted calls can be blocked by either subscribers or downstream providers.⁸ Yet, the practice of renting outward dialing numbers on a short-term basis undermines the effectiveness of even the most robustly enforced caller ID authentication methodologies. The identity and the real telephone number of the caller are functionally obscured when a caller’s caller ID is based a disposable number that is rented for a short period of time and is not even related to the actual location of the caller. That obfuscation of the true identity and location of the caller is designed to evade the TRACED Act’s goals of ensuring the truthful identity of the caller in the caller ID displayed on each call.

⁶ See ZipDX comments at 3-5.

⁷ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, Pub. L. No. 116-105, § 4(b), 133 Stat. 3274 (2019) [hereinafter “TRACED Act”].

⁸ TRACED Act at § 7(b)(2).

For example, one telephone service provider—CallHub—advertises that its service can be deliberately manipulated to make calls appear to be from local numbers⁹—which they are clearly not, or this service would not be necessary:

Dynamic Caller ID

Achieve higher answer rates and increase your engagement by 20% with local numbers. Call center automatically calls from a phone number to match the contact's local area codes.

- Flick a button & dialer picks the right number automatically for every call made.
- No additional phone lines needed
- All area codes supported across major geographies

<https://callhub.io/dynamic-caller-id/>

Some VoIP providers openly advertise how effective these services are in displaying fake caller IDs, emphasizing that even calls from international numbers will appear like they are from a local business:

Is it possible to change an outgoing caller ID? **Yes, with the VoIP feature, dynamic caller ID, your business can display a local or toll free number instead of a long-distance or international number.**¹⁰

The use of rented telephone numbers just for the purpose of displaying a caller ID that matches the area code to which the calls are directed, rather than matching the actual geographic source of the call, conflicts with several specific requirements imposed by Congress and the Commission designed to give called parties reliable and truthful information about the identity of callers. A fraudulent or scam caller that rents telephone numbers on a temporary basis for the purpose of displaying a deceptive caller ID would seem to violate 47 U.S.C. § 227(e)(1)'s prohibition against using a misleading caller ID.

When the calls are telemarketing calls, the use of rented numbers or dynamic caller ID also conflicts with 47 CFR § 64.1601(e), which requires telemarketers to transmit specific caller identification information regarding the seller or the telemarketer. This regulation is completely undermined if callers are permitted to rent telephone numbers that provide no information about

⁹ <https://callhub.io/dynamic-caller-id/> (emphasis added) (last visited December 13, 2023).

¹⁰ <https://www.unitedworldtelecom.com/learn/what-is-a-dynamic-caller-id-for-voip/> (emphasis added) (last visited December 13, 2023).

the caller or seller whose product is subject to the call. This dynamic is illustrated by the advertisement elsewhere on the same website, as shown below.¹¹

Why Does Your Business Need a Dynamic Caller ID?

The main reason why businesses use or should consider using a dynamic caller ID is so they can increase the chances of calls being answered. Individuals are less likely to answer calls from “unknown” numbers or numbers they do not recognize as toll free or local.

With a customizable caller ID, you can choose which number to display. When calling specific local areas, you can display that area’s local number or toll free number. In fact, this even increases the chances of receiving a call back because callers will be dialing a local or toll free number which does not incur high calling rates.

Contact centers, customer service teams, as well as sales and marketing teams can use this feature to reach more customers locally and internationally. The logic here is the customer will assume your business is local and will feel more comfortable doing business with you due to your location.

The proliferation of misleading caller IDs accompanying scam and telemarketing calls demonstrates flagrant disregard for both the letter and the spirit of the Commission’s requirements for callers to identify themselves.¹² As the Commission has recognized, use of fake caller IDs is routine.¹³ Scam and telemarketing callers deliberately use false caller IDs to make subscribers believe the calls are from local businesses or individuals, to encourage people to answer the calls.¹⁴ Simply applying a different caller ID to the calls—spoofing—is one way this is done.¹⁵ But applying

¹¹ *Id.* See also outboundANI, <https://www.outboundani.com/services> (“outboundANI's machine learning algorithms automatically change out problematic phone numbers to give them time to rest.”) (last visited Nov. 28, 2023) DeNovoLab, YouTube, <https://www.youtube.com/watch?v=7cmrZDfcpLA> (Nov. 8, 2022) (“This tutorial demonstrates how to use DNL Class 4 Fusion switch to assign random ANI to outbound calls.”).

¹² These requirements include 47 CFR §§ 64.1200(b)(3) and (d)(4), and 47 CFR § 64.1601(e), requiring the identification of telemarketing callers to called parties, during the telephone call, and in the caller-ID.

¹³ See, e.g., Fed. Commc’ns Comm’n, Robocall Response Team: Combating Scam Robocalls & Robotexts, <https://www.fcc.gov/spoofed-robocalls> (“Unfortunately, advancements in technology make it cheap and easy to make massive numbers of robocalls and to “spooof” caller ID information to hide a caller's true identity.”).

¹⁴ See, e.g., Be Alert for “Spoofed” Local Phone Numbers, Office of Minnesota Attorney General Keith Ellison, <https://www.ag.state.mn.us/consumer/publications/SpoofingLocalNumbers.asp>.

¹⁵ See Robocall Response Team: Combating Scam Robocalls & Robotexts, <https://www.fcc.gov/spoofed-robocalls>.

meaningless caller IDs to telemarketing calls is also routinely done through the renting of telephone numbers and the use of “dynamic caller ID.”

As detailed in the Second Report and Order issued in this proceeding, the Commission has worked diligently to strengthen and expand “the STIR/SHAKEN caller ID authentication framework, which protects consumers from illegally spoofed robocalls by verifying that the caller ID information transmitted with a particular call matches the caller’s telephone number.”¹⁶ But applying the STIR/SHAKEN authentication closes one door to falsifying caller IDs, while leaving another one wide open—the continued allowance of temporary rental of outward bound telephone numbers. While considerable progress on the spoofing front has been made,¹⁷ the problem continues. Quoting from previous findings, the Commission has recently noted that it has received—“hundreds of comments from consumers...stating that they no longer answer their phone when it rings,” and has concluded that “[i]t is obvious that the volume of unwanted calls is reducing the value of telephony to anyone who makes or receives calls. . . . Unwanted robocalls, for example, often are either delivered with inaccurate caller ID information deliberately designed to trick the called party into answering the telephone”¹⁸

Even the most perfect and robust use of STIR/SHAKEN will not stop callers from hiding their real name, location, and telephone number unless the use of short-term rental of outward telephone numbers is also eliminated. Failing to eliminate this abuse of telephone numbers while requiring strict compliance with STIR/SHAKEN requirements is like adding a deadbolt to a closed door to keep the flies out, while leaving a window wide open.

The Commission can remedy this problem.

For these reasons, we urge the Commission to take the following actions:

1. Prohibit voice service providers from renting outbound numbers for short-term temporary use, with specific—articulated—exceptions permitted for appropriate

¹⁶ FNPRM at 2.

¹⁷ See e.g. FCC Closes Gap in Caller ID Authentication Regime (Mar. 17, 2023), <https://www.fcc.gov/document/fcc-closes-gap-caller-id-authentication-regime-0>.

¹⁸ *In re* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, ACA International, the Edison Electric Institute, the Cargo Airline Association, and the American Association of Healthcare Administrative Management Petition for Partial Reconsideration, Enterprise Communications Advocacy Coalition Petition for Reconsideration, Order on Reconsideration and Declaratory Ruling, CG Docket No. 02-278 at ¶ 33 (Dec. 22, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/12271082616240>.

business reasons.

2. Clearly state that service providers that engage in the practice of renting *outward dialing* telephone numbers on a temporary basis are violating existing regulations issued by the Commission. These regulations include 47 CFR § 64.1200(n)(3), which mandates that each provider “Take affirmative, effective measures to prevent new and renewing customers from using its network to originate illegal calls, including knowing its customers and exercising due diligence in ensuring that its services are not used to originate illegal traffic.” These practices also appear to violate 47 CFR § 64.1604 prohibiting a person from causing—with intent to defraud, cause harm, or wrongfully obtain anything of value—“any caller identification service to transmit or display misleading or inaccurate caller identification”

We look forward to engaging with staff at the Commission to discuss these issues further.

Respectfully submitted:

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