FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Call Authentication and Trust Anchor	)	**WC Docket No. 17-97**
	)	
	)	
Advanced Methods to Target and Eliminate Unlawful Robocalls	)	**CG Docket No. 17-59**
	)	

Reply Comments of

National Consumer Law Center
on behalf of its low-income clients

National Consumers League

Electronic Privacy Information Center (EPIC)

and

Consumer Action

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Reply Comments

Introduction and Summary

These Reply Comments, submitted by the National Consumer Law Center (NCLC) on behalf of its low-income clients, and joined by the National Consumers League, the Electronic Privacy Information Center (EPIC), and Consumer Action are in response to the Further Notice of Proposed Rulemaking (FNPRM) released by the Federal Communications Commission (Commission or FCC) on May 21, 2026,[1] and published in the Federal Register on May 26, 2026.[2]

The Commission's proposals in the FNPRM represent an important step forward in combatting the epidemic of fraudulent and otherwise illegal calls that continue to plague consumers. Many providers profit from transmitting illegal calls, either directly by originating calls for fraudsters or indirectly by accepting illegal call traffic from upstream providers. The Commission's proposals, including strengthening Know-Your-Upstream-Provider (KYUP) regulations, codifying attestation levels, and clarifying definitions for various roles in the call path, will help to bring accountability to providers who directly or indirectly assist scammers.

These measures are more vital than ever before. Reported fraud losses arising from phone calls have increased every year at an accelerating rate since at least 2022.[3] A more prescriptive

[1] FCC, Further Notice of Proposed Rulemaking, In the Matter of Call Authentication and Trust Anchor, WC Docket No. 17-97, Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket 17-59 (adopted May 20, 2026, released May 21, 2026), https://www.fcc.gov/document/enhancing-know-your-upstream-provider-requirements-0.

[2] Enhancing Know-Your-Upstream-Provider Requirements and Strengthening STIR/SHAKEN, https://www.federalregister.gov/documents/2026/07/09/2026-13874/enhancing-know-your-upstream-provider-requirements-and-strengthening-stirshaken-call-authentication.

[3] FTC Consumer Sentinel Network, Payment & Contact Methods, Reports and Amount Lost by Contact Method. Available at: https://public.tableau.com/app/profile/federal.trade.commission/viz/FraudReports/FraudFacts. Fraud losses reported with a phone call as the contact method totaled $794 million in 2022, $851 million in 2023, $948 million in 2024, and $1,108 million in 2025. Fraud losses due to phone calls are on track to continue this growth in 2026, with losses totaling $665 million through the first two quarters of the year. These annual growth rates, 7% between 2022 and 2023, 11% between 2023

regulatory approach that requires basic procedures for vetting upstream providers and eliminates legal loopholes and uncertainty is much-needed, and we are pleased to support the Commission's effort in the FNPRM.

In **Section I** of these Reply Comments, we explain our support for the FCC's proposed KYUP regulation. The Commission's existing KYUP regulation has not been sufficient to stop the rapid increase of illegal calls bombarding consumers. Setting minimum KYUP procedures which all providers must observe will streamline enforcement efforts against bad actors that allow anonymous scammers to access their networks or who ignore evidence that their upstream providers are not who they claim to be. Minimum upstream provider vetting requirements will discourage providers from choosing profit over people by doing business with anonymous scammers and those who knowingly accept their illegal call traffic. Additionally, we suggest that the Commission incorporate into the new KYUP regulation an explicit requirement that providers request information about the call traffic their upstream providers intend to send. Also, we urge the Commission not to adopt regulatory safe harbors which will undercut the effectiveness of the proposed rule.

Next, in **Section II** we discuss our support for the Commission's efforts to strengthen the STIR/SHAKEN call authentication protocol. Codifying attestation levels and clarifying the definition of "origination" for purposes of the Commission's caller ID authentication rules will help to hold providers accountable when they put illegal calls on the network. Additionally, strengthening the call authentication rules will improve efforts to block or label illegal and unwanted calls by improving the trustworthiness of call attestations.

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and 2024, and 16.8% between 2024 and 2025, far outpace population growth and the increase in average household income reported by the Census Bureau. These figures strongly indicate that phone scams are becoming more prevalent and costly.

Lastly, in **Section III** we discuss the Commission's proposed clarifications for the definitions of foreign and domestic voice service providers and the related definition of a gateway provider. The Commission's proposed definitions rightly depart from relying on the location of the providers' transmission facilities. The location of transmission facilities is largely irrelevant to the identity of the provider using those facilities. The Commission's proposal to instead base the definitions on the jurisdiction where the provider was created, incorporated, or organized is a better approach because the definitions reflect the location in which the providers can be served with legal process and be subject to an enforcement action.

I. Strengthening KYUP Requirements Will Reduce Fraud.

a. The Commission's Proposed KYUP Regulation Will Keep Bad Actors Off the Network and Assist Enforcement Efforts.

The Commission's proposed amendments to its KYUP regulation, discussed in paragraphs 15-28 of the FNPRM, improve the existing version of 47 C.F.R. § 64.1200(n)(5)[4] by strengthening the general requirement to take effective steps to keep upstream providers from transmitting any illegal calls, not just high volumes of illegal calls, and by adding requirements that form a floor of reasonable upstream provider vetting procedures. Specifically, removing the limiting qualifier of a "high volume" of illegal traffic from the rule appropriately sets the expectation that providers must work to keep all illegal calls from reaching subscribers, including both high-volume robocall campaigns and lower-volume, more targeted scams. This improves the scope of the regulation, making it clear that providers must take effective measures to prevent their networks from being a conduit for all types of scams or otherwise illegal calls.

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[4] The existing rule states: "A voice service provider must: … Take reasonable and effective steps to ensure that any originating provider or intermediate provider, foreign or domestic, from which it directly receives traffic is not using the provider to carry or process a high volume of illegal traffic onto the U.S. network."

The addition of specific KYUP requirements to the rule will ensure that voice service providers must gather and retain basic vetting information, and most importantly, provides a clear pathway for enforcement proceedings should providers disregard these responsibilities. The specific requirements in the Commission's proposed amendments to section 64.1200(n)(5) are more detailed than the upstream provider vetting procedures set forth in the vast majority of robocall mitigation plans filed in the Commission's Robocall Mitigation Database (RMD). Mitigation plans in the RMD are often vague and are almost uniformly devoid of any commitment to maintain records of whatever vetting the provider does perform.

Thus, the proposed rule will improve both providers' substantive KYUP procedures and their record retention. This is helpful for enforcement efforts because when an intermediate or gateway provider demonstrates a history of transmitting illegal calls, enforcement authorities will be able to request specific evidence that that provider has taken reasonable steps to keep its upstream providers from sending illegal traffic. We expect that in numerous instances, providers who habitually transmit fraudulent or otherwise illegal calls will not collect or maintain such records, and therefore this rule will give enforcement authorities a straightforward mechanism to hold those providers accountable. In short, the rule will fight fraud by encouraging conscientious providers to do more to keep subscribers safe from illegal calls, and by providing a relatively straightforward path for enforcement actions against bad actors who do not follow the rule.

We support the Commission's proposed amendments to Section 64.1200(n)(5). However, the rule could be improved by clearly stating that providers should gather information about their upstream providers' intended call traffic. As written, the proposed rule would require providers to "monitor the upstream provider by … using call analytics on an ongoing basis to identify illegal or suspect calls or patterns," but it does not contain an explicit requirement that providers seek information about the call traffic that a new upstream provider intends to send. Particularly for new upstream providers that do not have an established history, providers will struggle to effectively monitor call traffic for suspicious patterns without establishing a baseline of what that call traffic looks like. For instance, if an upstream provider intends to send call traffic that consists primarily of conversational calls from consumers, the provider should expect to see highly variable call durations and an average duration of several minutes or more. However, if the upstream provider expects to send non-conversational calls, such as school closing alerts or other automated messages, then the provider should expect to see call durations tightly clustered around the length of the prerecorded alert or other message. In such circumstances, the provider must request evidence that the upstream provider's prerecorded message traffic is sent with the recipients' consent as required by the Telephone Consumer Protection Act.

Arguably the portion of the Commission's proposed rule that requires providers to "collect directly from the upstream provider general business information"[5] mandates collection of basic information about the upstream provider's intended traffic. However, the Commission should at least clarify that this is the case, and we believe the rule would be more effective if it explicitly required at the outset of a commercial relationship the collection of information about the type of call traffic an upstream provider intends to send.

b. The Commission Should Not Create Regulatory Safe Harbors.

We urge the Commission not to adopt a safe harbor for providers who obtain Service Provider Code (SPC) tokens or who follow best practices in vetting upstream providers as contemplated in paragraphs 39 and 40 of the FNPRM. Providers who know or should have known that their upstream provider is transmitting illegal calls through the network should be held liable for those calls. A legal safe harbor runs counter to this sound legal principle and encourages providers

[5] FNPRM at Appendix A, pg. 78, § 64.1200(n)(5).

to ignore illegal calls if they have complied with safe harbor provisions instead of protecting consumers from fraud.

Rather than a safe harbor, we encourage the Commission to set forth interpretive guidance that will assist providers in complying with their KYUP obligations. Interpretive guidance can provide regulatory surety without creating loopholes that can be exploited by bad actors, because providers who demonstrate that they fully comply with the Commission's guidance would be unlikely to face an enforcement action.

II. Strengthening and Clarifying STIR/SHAKEN Will Increase Accountability and Improve Analytics Based Call Blocking and Labeling.

We support the Commission's efforts to strengthen the STIR/SHAKEN call authentication protocol by codifying the attestation levels and specifying how the attestation-level criteria are satisfied.[6] STIR/SHAKEN information is an important tool for both industry efforts to appropriately block or label suspicious calls and for law enforcement efforts to identify providers who are responsible for putting illegal calls on the network. The Commission's efforts to clarify and codify STIR/SHAKEN requirements, including the criteria applicable to attestation levels, will increase the consistency and quality of caller ID authentication aiding both efforts.

Other parties are also supportive of codification of the attestation levels.[7] We agree with the American Bankers et al (the Associations) that the Commission has identified a critical vulnerability whereby originating providers are not required to take specific steps to verify a call actually qualifies

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[6] FNPRM ¶¶59-70.

[7] The Associations Comment at p. 11 ("Imposing requirements for granting these attestation levels will hold providers accountable for the calls that originate on their networks.") (available at: https://www.fcc.gov/ecfs/document/26110070348/1); INCOMPAS and the Cloud Communications Alliance Comment at p. 17 ("To increase the effectiveness of STIR/SHAKEN, INCOMPAS and Alliance support the Commission's proposal to codify the three attestation levels and the criteria to apply to each.") (available at: https://www.fcc.gov/ecfs/document/26110070300/1).

for A-level or B-level attestation, which allows providers to skirt their attestation responsibilities.[8] Codifying the criteria for assigning attestation levels will help to address this issue. We also support INCOMPAS and the Cloud Communications Alliance's recommendation for the Commission "to provide additional interpretive guidance on how the attestation criteria apply to common call-path configurations."[9]

Although some industry commenters dispute the need to codify STIR/SHAKEN attestation standards, the current ATIS standards are not being faithfully applied by all providers and a stronger regulatory approach is justified. CTIA acknowledges that "not all stakeholders are applying STIR/SHAKEN consistently, which threatens to erode the framework's value and trust."[10] The Commission's proposed codification of the attestation level and specification of the criteria to apply to each level is responsive to this very problem. Additionally, CTIA expresses concern that codification of the attestation levels would require Commission action to update the standards and that could lead to outdated standards. CTIA promotes reliance on the ATIS standards approval process as more nimble.[11] Reliance solely on ATIS standards has not been sufficient to ensure adequate compliance. Even ATIS has expressed the view that "[s]tandards are not a proxy for regulations."[12]

INCOMPAS and Cloud Communications Alliance point out that the current attestation process needs strengthening as 48% of illegal robocalls are A-attested.[13] Codification of the attestation levels and clarifying the definition of "origination" for purposes of the Commission's caller ID authentication rules will help to hold providers accountable when they put illegal calls on

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[8] The Associations Comment at pp. 9-10.
[9] INCOMPAS and the Cloud Communications Alliance Comment at p.18.
[10] Comments of CTIA at p. 20 (available at: https://www.fcc.gov/ecfs/document/26110070305/1).
[11] CTIA p.21.
[12] FNPRM ¶59.
[13] INCOMPAS and the Cloud Communications Alliance Comment at p.18.

the network. Additionally, strengthening the call authentication rules will improve efforts to block or label illegal and unwanted calls by improving the trustworthiness of call attestations. Attestations, if they are uniformly accurate, provide valuable information about what provider is responsible for putting the call on the network. Downstream providers should treat calls differently based on whether an upstream provider has assumed legal responsibility for originating the call. Calls with a C level attestation should be blocked or at least labeled as untrustworthy unless there is evidence that the call is not illegal. When no originator is willing to assume responsibility for putting the call on the network, as signified by a C level attestation, the call should be presumptively blocked or at least labeled as untrustworthy absent additional information about the call's provenance. Strengthening STIR/SHAKEN regulations by codifying the criteria for applying attestation levels, and subsequent enforcement of those criteria, will improve the trustworthiness of attestations and thereby improve call blocking and labeling efforts.

T-Mobile seeks clarity that A-level or B-level attestation not "become a safe passage mechanism for illegal calls" and provides the example of scammers running fraud campaigns through account takeovers of legitimate telephone numbers.[14] T-Mobile would like providers to be able to block or label such calls, even if they have an A-level or B-level attestation. We agree that an attestation level is merely one piece of information that is available to inform call blocking and labeling decisions. Providers should make decisions about whether to deliver and how to label calls based on all available information about the call itself and the provider who originated the call. However, codifying the criteria for attestation levels in enforceable regulations and imposing penalties on providers who disregard those regulations will increase the reliability of asserted

[14] T-Mobile p. 17 (available at: https://www.fcc.gov/ecfs/document/26110070310/1).

attestation levels. We support clarifying and codifying STIR/SHAKEN attestation criteria to achieve this goal.

III. Amending the Definitions of Providers' Roles in the Call Path Gives Needed Clarity.

We applaud the Commission's effort to clarify the definitions in its regulations. Any lack of clarity in the rules can lead providers astray even when they are doing their best to comply with the Commission's requirements. Of even greater concern, bad actors can exploit ambiguities and gaps as ways to evade the Commission's protections against scam calls.

a. *The Commission's harmonization of the two definitions of "voice service" is appropriate and consistent with the statutory definitions.*

In paragraphs 74 to 77 of the proposal, the Commission proposes to harmonize its two different interpretations of the definitions of "voice service" in its rules. The definition at 47 C.F.R. § 64.6300(o) is based on the 2020 TRACED Act, 47 U.S.C. § 227b(a)(2), and the Commission has not interpreted it as covering intermediate providers. The definition at 47 C.F.R. § 64.1600(r) is based on the 2018 RAY BAUM's Act, which is codified at 47 U.S.C. § 227(e)(8)(E), and the Commission has interpreted it as covering intermediate providers. The Commission proposes to clarify that both definitions of "voice service" include intermediate providers, noting that the statutory predicates of both definitions are nearly identical in language and have the same scope, neither requires that a covered provider directly furnish voice services to an end user, and that Congress intended "voice service" include the services offered by intermediate providers. We believe that the Commission's analysis is correct and that harmonizing its interpretations to include intermediate providers is appropriate.

We agree that the additional clause in the statutory definition of "voice service" added by the TRACED Act does not expand or limit the scope of the earlier statutory definition. The 2018 definition defines the term "voice service," and then adds, in a separate clause, that the definition "includes" certain fax transmissions. The 2020 TRACED Act merely adds another example of what the general definition "includes." As structured in both statutes, everything after the word "includes" is merely illustrative, without expanding or narrowing the substantive scope of the definition. Therefore, it is clear that Congress did not intend the TRACED Act to substantively alter the definition of "voice service."

We also agree that intermediate providers are properly considered as providing "voice service" under either statutory definition. The operative language, which is shared by all of the statutory and regulatory definitions, is "any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan…". Intermediate providers plainly satisfy this requirement. They are an indispensable link in the chain of service providers that furnish voice communication between end users on the originating and terminating sides of the call. There is no requirement that the entity providing voice service have a direct contractual relationship with one of the end users, and excluding intermediate providers from the definition would arbitrarily insert such a requirement without any textual justification.

Additionally, courts have found that intermediate providers offer voice service. Specifically, the Southern District of Florida has explicitly considered whether an intermediate carrier provided voice service and held that it did, stating:

> The second element of Plaintiff's Truth in Caller ID Act violation claim is that Defendant acted in connection with any Voice Service. Voice Service is defined as "any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan." 47 U.S.C. § 227(e)(8)(E)(i). This element is clearly satisfied because Defendant routes voice telephone calls using United States' phone numbers conforming to the North American Numbering Plan which are subsequently answered by the end users. Therefore, Defendant is acting in connection with a Voice Service because Defendant is directly providing Voice Service.

Off. of Att'y Gen. v. Smartbiz Telecom LLC, No. 22-23945-CIV, 2024 WL 4251895, at *6 (S.D. Fla. Sept. 19, 2024); *see also Arizona v. Michael D. Lansky L.L.C.*, No. CV-23-00233-TUC-CKJ, 2024 WL

3657129, at *15 (D. Ariz. May 8, 2024) (denying motion to dismiss Truth in Caller ID Act claim arising from transmission of illegally spoofed calls).

Finally, both the TRACED Act and the relevant section of the earlier 2018 RAY BAUM's Act were concerned with stopping harmful voice calls. Excluding intermediate providers from the substantive provisions of these statutes would run counter to this purpose and leave a gap in the statutory scheme which bad actors could exploit to facilitate the transmission of illegal calls. Furthermore, as the Commission points out, "the TRACED Act uses the term 'voice service provider' to refer to providers that 'originate *or* transmit' calls, suggesting that Congress intended the definition to include intermediate providers."[15] Thus, there is both direct and indirect evidence that Congress intended intermediate providers' services to be a form of "voice service."

b. The Commission's proposed definition of "foreign voice service provider" is an improvement that will likely result in stronger deterrents against scam calls, but should be clarified.

The Commission also proposes to revise its existing definition of "gateway provider." The existing definition, found at 47 C.F.R. § 64.6300(d), is "a U.S.-based intermediate provider that receives a call directly from a foreign originating provider or foreign intermediate provider at its U.S.-based facilities before transmitting the call downstream to another U.S.-based provider." The Commission proposes to replace this definition of "gateway provider" with "a domestic voice service provider that is an intermediate provider that accepts voice calls directly from a foreign voice service provider before transmitting the call downstream to another domestic voice service provider."

The key change is the use of the terms "foreign voice service provider" and "domestic voice service provider" instead of "U.S.-based provider" and "foreign originating provider." The current rule defines "U.S.-based" to mean that "the provider has facilities located in the United States,

[15] FNPRM at ¶ 76.

including a point of presence capable of processing the call." 47 C.F.R. § 64.6300(d)(1). The Commission is proposing a new definition of "foreign voice service provider" as one "that was created, incorporated, or organized outside of the United States, regardless of whether it has an office, operation, or facilities in the United States." A "domestic voice service provider" would be defined simply as a voice service provider that is not a foreign voice service provider.

The Commission's goal with respect to this set of definitions should be twofold. First, it should aim for the highest possible degree of clarity, so that a provider never has any doubt about whether it or another entity it is dealing with is a domestic or foreign voice provider. Second, the Commission should define these terms in a way that ensures that legal obligations, such as the duty to authenticate caller ID, always falls on a financially responsible party that is subject to service of process in the United States.

With respect to the first of these goals—clarity—we urge the Commission to take another look at the proposed definition of "foreign voice service provider." The proposed definition turns on whether the entity "was created, incorporated, or organized outside of the United States." Does that mean that an entity that was organized outside the United States but then incorporated here would be a foreign voice service provider? If so, how would another provider dealing with it know that it had been organized in a foreign country? The Commission may have in mind a more formal meaning of the word "organized," but without further clarification the definition may have ambiguities that might lead to misunderstanding or create an opening for evasion.

With respect to the second goal—identifying a financially responsible entity subject to the jurisdiction of the United States that has the duty to comply with legal obligations—we agree that the existing definition, which turns on whether the provider "has facilities" in the United States, is flawed. Foreign providers can evade the definition by maintaining nominal facilities in the United States and thereby qualifying as a domestic provider even though they are effectively unreachable by

U.S. courts. However, the proposed definition may also be problematic, because incorporation is such a low bar. For example, the fee to register a new corporation in Utah is $59.[16] In Massachusetts the cost is $275.[17] Given its low cost, it is not clear that incorporation in the United States would be a meaningful marker of domestic vs. foreign control.

Despite these concerns, we think the definition has the potential to be useful as part of a program to reduce scam calls. When an entity incorporates in the United States, it is required to appoint an agent for service of process, and state law generally provides for substitute service if they do not. If the duty to authenticate a call is placed on gateway providers, and the definitions result in gateway providers always being incorporated in the United States, then they will always have appointed an agent for service of process or be otherwise subject to legal process. Of course, the domestic voice service provider or gateway provider could still be an empty shell corporation, without assets, and risks forfeiting only the small fee required for incorporation if their operations are shut down. However, if the new definitions are coupled with a requirement of a significant bond that could be reached by serving the provider and obtaining a judgment, the changes would have the potential to improve deterrence of illegal calls. In that case, it might be best to base the definition just on incorporation in the United States, regardless of where the entity was "organized" or "created." If the goal is to identify an entity that would be required to post a bond and have an agent for service of process, being incorporated in the United States might be all that is necessary.

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[16] *See* Utah Dept. of Commerce, Fiscal Year 2025 Fee Schedule, https://commerce.utah.gov/wp-content/uploads/2023/04/currentfees.pdf.

[17] *See* Secretary of the Commonwealth of Massachusetts, Corporations Division Filing Fees, https://www.sec.state.ma.us/divisions/corporations/general-information/corporations-filing-fees.htm.

CONCLUSION

We thank the Commission for its attention to these important issues and are grateful for the opportunity to provide comments.

Respectfully submitted this 8th day of September 2026, by:

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