

TCPA Regulatory Update — FCC Releases Public Notice on Filing for Voluntary STIR/SHAKEN Implementation Exemptions for Early Implementers & Reviews Comments on Section 8 of the TRACED Act

Article By:

Russell H. Fox

Elana R. Safner

[FCC Releases Public Notice on Filing for Voluntary STIR/SHAKEN Implementation Exemptions for Early Implementers](#)

On October 1, 2020 the FCC adopted the [Second Report and Order](#) implementing Caller ID Authentication. As described in our [October TCPA Digest](#), the Report and Order took a number of steps implementing the TRACED Act, including, among others, requiring voice service providers to either upgrade their non-IP networks to IP and implement STIR/SHAKEN, or work to develop a non-IP caller ID authentication solution; and providing a framework to file for extensions to the implementation deadline for certain categories of providers, including small voice service providers.

Although the TRACED Act directed the FCC to require each voice service provider to implement STIR/SHAKEN in its IP network, it frees a voice service provider from this requirement if it has already taken substantial steps toward adoption. The TRACED Act creates two “early implementer” exemptions: one for IP calls and one for non-IP calls.

A voice service provider is able to claim voluntary exemption from the June 30, 2021 STIR/SHAKEN implementation deadline for the IP, and also, separately, for the non-IP portions of its networks, if it certifies, by **December 1, 2020**, that for its IP networks, it:

- has adopted STIR/SHAKEN for calls on its IP networks;
- agrees to participate with other providers in the STIR/SHAKEN authentication framework;
- has begun to implement STIR/SHAKEN; and
- will be capable of fully implementing STIR/SHAKEN no later than June 30, 2021.

And for any non-IP portions of its network, a provider that wishes to claim a voluntary exemption must certify that it:

- has taken reasonable measures to implement an effective call authentication framework; and
- will be capable of fully implementing an effective call authentication framework no later than June 30, 2021.

On November 9, 2020, the FCC released a [Public Notice](#) providing directions and filing information regarding filing for these voluntary exemptions by December 1. An officer is required to sign the certification stating that she or he has personal knowledge that the company meets each criterion, and submit an accompanying statement explaining, in detail, how the company meets each of the applicable prongs described above.

Providers that receive the initial exemption are required to file a second certification after June 30, 2021, stating whether they, in fact, achieved the goals to which they committed. The FCC will determine which providers satisfied this exemption by December 30.

FCC Reviews Comments on Section 8 of the TRACED Act

The comment cycle closed on the [Notice of Proposed Rulemaking](#) implementing Section 8 of the TRACED Act, described in detail in last month's [TCPA Digest](#). The FCC sought comment on whether it should place certain limits on several categories of calls that are exempt from robocall restrictions under the TCPA. Specifically, the FCC asked whether it should limit 1) the classes of parties that may make calls under each exemption; 2) the classes of parties that may be called; and 3) the number of such calls that may be made to a particular called party. The FCC received a number of comments from stakeholders from industries affected by the existing exemptions – particularly from financial services companies and credit unions, healthcare providers, and voice service providers. Most commenters asked the FCC not to curtail the TCPA exemptions that applied to the types of calls they make. Two well-known exemptions that are under consideration in this Notice are cellular carriers' calls to their own subscribers (such as international travel roaming alerts or notifications that a subscriber is low on data) and commercial, non-marketing calls.

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