

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Improving the Effectiveness of the Robocall Mitigation Database	)	WC Docket No. 24-213
	)	
Amendment of Part 1 of the Commission’s Rules, Concerning Practice and Procedure, Amendment of CORES Registration System	)	MD Docket No. 10-234
	)	

REPORT AND ORDER

Adopted: December 30, 2024

Released: January 8, 2025

By the Commission:

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I. INTRODUCTION

1. Protecting Americans from the harms of illegal robocalls—which cost the public hundreds of millions of dollars in fraud each year and erode confidence in the nation’s telephone network—represents a top consumer protection priority for the Commission.¹ The Robocall Mitigation Database (RMD or Database) serves an essential role in this task, housing information necessary to assist the Commission with evaluating a provider’s compliance with our rules. Other federal and state

¹ See *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, 38 FCC Rcd 2573, 2574, para. 1 (2023) (*Sixth Caller ID Authentication Report and Order* or *Sixth Caller ID Authentication Further Notice*).

enforcement bodies also rely on this information²—as do service providers, which are prohibited from accepting voice traffic from providers that are not listed in the Robocall Mitigation Database.³ The effectiveness of the Robocall Mitigation Database thus requires that providers exercise the highest level of diligence in making and maintaining accurate submissions.

2. Given the importance of this information, the Commission has acted to steadily expand Robocall Mitigation Database filing obligations in recent years, applying them to more types of service providers, and requiring more detailed disclosures from providers regarding their role in the call path and the steps they are taking to combat illegal robocalls on their networks. Despite these advances, in some instances providers have not demonstrated the requisite level of diligence in ensuring that information submitted to the Database is accurate, complete, and up-to-date.

3. Today, we adopt rules to improve the overall quality of these submissions and strengthen the procedures providers must follow to submit, update, and maintain accurate filings. They include requiring prompt updates when a change to a provider's information occurs; establishing a higher base forfeiture amount for providers submitting false or inaccurate information; creating a dedicated reporting portal for deficient filings; issuing substantive guidance and filer education; developing the use of a two-factor authentication log-in solution; and requiring providers to recertify their Robocall Mitigation Database filings annually. Attendant with this final change, we also require providers to remit a filing fee for initial and subsequent annual submissions to cover the costs associated with processing providers' filings. Through these actions, we strengthen the Robocall Mitigation Database as a compliance and consumer protection tool.

II. BACKGROUND

4. The Robocall Mitigation Database was established in 2021 as part of the Commission's effort to implement section 4 of the TRACED Act, which directed the Commission to require voice service providers to implement the STIR/SHAKEN caller ID authentication framework on their IP-based voice networks.⁴ The TRACED Act mandated a STIR/SHAKEN implementation deadline of June 30, 2021 for voice service providers, while also providing for implementation extensions based on undue hardship or a provider's reliance on non-IP infrastructure.⁵ Voice service providers were required to certify the status of their implementation of STIR/SHAKEN in the Robocall Mitigation Database.⁶ Under the TRACED Act, voice service providers granted an extension must implement a robocall mitigation program.⁷ In connection with this obligation, the Commission required voice service providers subject to an extension to file a robocall mitigation plan in the Robocall Mitigation Database.⁸ All filers in the Robocall Mitigation Database must also submit additional information, including business names, addresses, and points of contact so that regulators, law enforcement entities, providers, and others can

² The Commission has signed Memoranda of Understanding with Attorneys General in 49 states as well as the District of Columbia and Guam. FCC, *FCC-State Robocall Investigation Partnerships*, <https://www.fcc.gov/fcc-state-robocall-investigation-partnerships> (last visited Nov. 25, 2024).

³ Voice service and intermediate providers must refuse traffic sent directly from any provider that does not appear in the Robocall Mitigation Database. See 47 CFR § 64.6305(g)(1)-(4).

⁴ See *Call Authentication Trust Anchor*, WC Docket Not. 17-97, Second Report and Order, 36 FCC 1859, 1902, para. 82 (2020) (*Second Caller ID Authentication Report and Order*); *Wireline Competition Bureau Announces Opening of Robocall Mitigation Database and Provides Filing Instructions and Deadlines*, WC Docket No. 17-97, Public Notice, 36 FCC Rcd 7394 (WCB 2021).

⁵ See Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, § 4(b)(5)(A)(ii) (2019) (TRACED Act).

⁶ See *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1902, para. 82.

⁷ TRACED Act § 4(b)(5)(A)(C)(i).

⁸ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1897-1905, paras. 74-89; 47 CFR § 64.6305(d)(2).

resolve robocall-mitigation related issues that ultimately impact consumers.⁹ The Commission makes submissions to the Database publicly available on the Commission's website.¹⁰

5. Following a gradual expansion of the scope of providers required to implement STIR/SHAKEN and comply with robocall mitigation requirements,¹¹ all providers carrying or processing voice traffic must now file certifications and robocall mitigation plans in the Database.¹² This includes voice service providers, gateway providers, and non-gateway intermediate providers, and applies regardless of whether or not the provider has implemented STIR/SHAKEN or claimed an implementation extension.¹³ Failure to comply with the Commission's Robocall Mitigation Database filing rules may result in the imposition of a forfeiture or removal of a deficient filing from the Database.¹⁴ Removal from the Database effectively precludes a provider from operating as a provider of voice services in the United States because Commission rules prohibit intermediate and terminating providers from accepting traffic directly from any provider that does not appear in the Database.¹⁵ The severity of this latter consequence reflects the Database's importance, and the necessity of diligence by filers to ensure that their filings are accurate.

6. A provider seeking to file in the Database must acquire a business-type FCC Registration Number (FRN). An FRN acts as a unique 10-digit identifier for the registrant's business dealings with the Commission.¹⁶ To obtain an FRN, the provider must create an account with the FCC's Commission Registration System (CORES).¹⁷ After logging into CORES, the provider may register an FRN, which requires submission of information such as the entity name and contact information of the registrant.

7. After establishing a CORES account and registering an FRN, a provider may log into the Database and submit a new filing or manage existing filings via a portal accessible on the Commission's

⁹ 47 CFR § 64.6305(d)(4).

¹⁰ FCC, *Robocall Mitigation Database*, <https://www.fcc.gov/robocall-mitigation-database> (last visited Nov. 25, 2024). A .csv file of all filings from the Robocall Mitigation Database may be downloaded from the welcome page.

¹¹ See *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2573, 2850-61, paras. 15-52 (expanding STIR/SHAKEN authentication obligations to the "first" intermediate provider in a call chain, requiring all intermediate and voice service providers to take reasonable steps to mitigate illegal robocalls and submit a certification and robocall mitigation plan to the Robocall Mitigation Database, expanding the information all filers must file in the Robocall Mitigation Database, and requiring all downstream providers to block calls sent directly from intermediate providers not in the Robocall Mitigation Database); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Call Authentication Trust Anchor, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order, Fifth Report and Order, Order on Reconsideration, Order, Seventh Further Notice of Proposed Rulemaking, Fifth Further Notice of Proposed Rulemaking, 37 FCC Rcd 6865, 6880-94, 6907-10, 6916-19, paras. 34-63, 102-08, 128-35 (2022) (*Gateway Provider Order* or *Fifth Caller ID Authentication Further Notice*) (expanding the STIR/SHAKEN authentication obligation to gateway providers, requiring such providers to take reasonable steps to mitigate illegal robocalls and submit a certification and mitigation plan to the Robocall Mitigation Database, and requiring domestic providers to block calls sent directly from foreign voice providers not listed in the Robocall Mitigation Database).

¹² 47 CFR § 64.6305(d)-(f).

¹³ See *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2592-93, para. 37. This requirement applies to voice service providers, gateway providers, and non-gateway intermediate providers. See 47 CFR § 64-6300(o), (d), (i).

¹⁴ See *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1903, para. 83; *Gateway Provider Order* 37 FCC Rcd at 6882, para. 40; *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2603, para. 57.

¹⁵ See 47 CFR § 64.6305(g)(1)-(4) (permitting voice service providers and intermediate providers to accept traffic directly only from providers whose filings appear in the Robocall Mitigation Database).

¹⁶ *Id.* § 1.8001.

¹⁷ *Id.* § 1.8002.

website at <https://www.fcc.gov/robocall-mitigation-database>. Upon selecting the provider's FRN, the Database automatically populates the Robocall Mitigation Database certification form with the entity name and business address associated with the FRN. These fields of the certification form are "read only" and cannot be edited through the Database; alterations can only be made through associated changes in CORES.¹⁸ The Robocall Mitigation Database certification form requires that the provider manually enter additional information, including the status of STIR/SHAKEN implementation in the IP portions of their network and contact information of an individual at the company responsible for addressing robocall mitigation-related issues.¹⁹

8. In order to complete the Robocall Mitigation Database certification process, a provider must also upload a PDF file containing a written description of its robocall mitigation program.²⁰ Commission rules mandate that these robocall mitigation plans include "reasonable steps" designed to significantly reduce the origination, carrying, and processing of illegal robocalls.²¹ Additionally, providers must commit in their robocall mitigation programs, and in their certifications, to responding within 24 hours to all traceback requests from the Commission, law enforcement, and the industry traceback consortium, and to cooperate with such entities in investigating and stopping illegal robocallers.²²

9. Though Commission rules otherwise leave to the provider's discretion how to implement these directives, providers must themselves comply with the measures outlined in their robocall mitigation plans.²³ Further, a robocall mitigation plan will be deemed facially deficient if it fails to provide any information about the specific reasonable steps that the provider undertakes to mitigate illegal robocalls.²⁴ A provider that fails to cure a robocall mitigation plan deemed deficient by the Commission

¹⁸ FCC, *Robocall Mitigation Database Filing Instructions* at 7, <https://www.fcc.gov/sites/default/files/rmd-instructions.pdf> (last visited Nov. 25, 2024).

¹⁹ Filers to the Robocall Mitigation Database must include the following information in their submissions: Whether the provider has fully, partially, or not implemented the STIR/SHAKEN authentication framework in the IP portions of their network; confirmation that all of the calls that it originates on its network are subject to a robocall mitigation program consistent with section 64.6305(a), (b), and/or (c); confirmation that any prior Robocall Mitigation Database submission has not been removed by Commission action and that the provider has not been prohibited from filing in the Robocall Mitigation Database by the Commission; any other business name(s) currently in use by the provider; all business names previously used by the provider; whether the provider is a foreign voice service provider; the name, title, department, business address, telephone number, and email address of one person within the company responsible for addressing robocall mitigation-related issues; the provider's role(s) in the call path; whether the provider is eligible for any STIR/SHAKEN implementation extensions or exemptions; information regarding the provider's principals, affiliates, subsidiaries, and parent companies; information on any recent enforcement actions concerning illegal robocalls; and the provider's Operating Company Number (OCN), if it has one. 47 CFR § 64.6305(d)(4)(i)-(vii).

²⁰ See *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2593-94, para. 40; FCC, *Robocall Mitigation Database Filing Instructions* at 20, <https://www.fcc.gov/sites/default/files/rmd-instructions.pdf> (last visited Nov. 25, 2024).

²¹ 47 CFR § 64.6305(d)(2)(ii), (e)(2)(ii), (f)(2)(ii).

²² *Id.* § 64.6305(a)(2), (b)(2), (c)(2) (program requirements); *id.* § 64.6305(d)(2)(iii), (e)(2)(iii), (f)(2)(iii) (certification requirements); see also *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2580, para. 14 ("We require *all* providers to take reasonable steps to mitigate illegal robocalls and file mitigation plans in the Robocall Mitigation Database—regardless of their STIR/SHAKEN implementation status or whether they have the facilities necessary to implement STIR/SHAKEN.") (emphasis in original).

²³ *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2590, para. 31; *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1900-02, paras. 78-81.

²⁴ See *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2604, para. 61. For example, robocall mitigation plans that only include a generalized statement that a robocall mitigation plan is in place or merely recite the Commission's rules for robocall mitigation will be deemed facially deficient. *Id.*

will be referred to the Commission's Enforcement Bureau for investigation, which may result in removal from the Database, and downstream providers being prohibited from accepting that provider's traffic.²⁵

10. Robocall Mitigation Database certifications and robocall mitigation plans must be submitted by deadlines set and announced by the Commission. In the event of changes to required Database content, such as to contact information of the individual responsible for robocall mitigation efforts, providers must update their submissions within 10 business days of that change.²⁶

11. In August 2024, the Commission released a Notice of Proposed Rulemaking that proposed and sought comment on additional steps filers should be required to take to ensure the accuracy and currentness of information submitted to the Robocall Mitigation Database.²⁷ Among other steps, the Commission proposed requiring providers to update information submitted to CORES within 10 business days of any changes and to require use of multi-factor authentication in making such changes.²⁸ The *Notice* also sought comment on whether providers should be required to remit a filing fee for submissions to the Robocall Mitigation Database;²⁹ whether the Commission should establish a \$10,000 base forfeiture for submitting false or inaccurate information to the Robocall Mitigation Database;³⁰ and on additional procedural steps the Commission could take to ensure the integrity of the Robocall Mitigation Database.

III. DISCUSSION

12. The Robocall Mitigation Database is a key tool for ensuring compliance with our STIR/SHAKEN and robocall mitigation rules and provides critical support for efforts by the Commission and outside stakeholders to combat illegal robocalling campaigns. This includes its use by other federal and state enforcement bodies for their own investigations of suspected illegal activity³¹ as well by downstream providers, which rely on the Database to determine the permissibility of traffic carried on their networks.³² Its continued effectiveness relies on information submitted by providers being complete, accurate, and up to date. Yet a review of filings in the Database indicates a lack of thoroughness and diligence by some providers and, in some cases, malfeasance by bad actors.³³ Given the Database's

²⁵ See 47 CFR § 64.6305(g)(1)-(4).

²⁶ See *id.* § 64.6305(d)(5), (e)(5), (f)(5); *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2595-96, para. 42.

²⁷ *Improving the Effectiveness of the Robocall Mitigation Database, Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System*, WC Docket No. 24-213, MD Docket No. 10-234, Notice of Proposed Rulemaking, FCC 24-85, at 1 (Aug. 8, 2024) (*Notice or Robocall Mitigation Database Notice*).

²⁸ *Id.* at 11-12, paras. 17-19.

²⁹ *Id.* at 15-18, paras. 26-32.

³⁰ *Id.* at 19-20, paras. 35-37.

³¹ Forty-Seven (47) State Attorneys General Reply, WC Docket No. 24-213, MD Docket No. 10-234, at 4 (rec. Nov. 12, 2024) (State AGs Reply) ("The RMD is an essential resource in the State AGs' efforts to combat illegal robocalls.").

³² Voice service providers, including terminating providers, and intermediate providers must refuse traffic sent directly from any provider that does not appear in the Robocall Mitigation Database. See 47 CFR § 64.6305(g)(1)-(4).

³³ See, e.g., *Global UC Inc*, Removal Order, 37 FCC Rcd 13376 (EB 2022) (removing a provider's certification because it included a facially deficient robocall mitigation plan); *TELECLUB fka 2054235 Alberta Ltd.*, Removal Order, DA 24-153 (EB Feb. 22, 2024) (same); *Viettel Business Solutions Company et al.*, Removal Order, DA 24-152 (EB Feb. 22, 2024) (removing 12 providers from the Robocall Mitigation Database because their certifications included facially deficient robocall mitigation plans); *BPO Innovate*, Order, DA 24-283 (EB Mar. 27, 2024) (removing a provider's certification because of two deficiencies, including a facially deficient robocall mitigation plan) (collectively, *Removal Orders*); *2,411 Robocall Mitigation Database Filers*, Order, DA 24-1235 (EB Dec. 10,

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importance, we act today to promote accuracy, completeness, and currentness of submissions; to increase accountability by accurately identifying providers; to increase enforcement consequences for providers that submit false information; and to establish a reporting mechanism for shared oversight among all stakeholders. We also establish an application processing fee for initial filings, and, importantly, require providers to re-certify annually to the accuracy of their submissions. Additionally, we direct that a two-factor authentication solution for accessing the Database be developed. On balance, these steps impose minimal burden on providers while strengthening the Database's effectiveness as a compliance and consumer protection tool.

A. Requiring Filers to Update Information in CORES

13. To ensure that the Robocall Mitigation Database reflects up-to-date information, we adopt our proposal in the *Notice*³⁴ that all entities and individuals that register in CORES in order to submit filings to the Database or that register for any other purpose be required to update any information submitted to CORES within 10 business days of any change to that information. As explained above, the Database automatically populates a filer's contact information, i.e., the entity's name and business address, using CORES. Although section 1.8002 of the Commission's rules requires that information submitted by CORES registrants "be kept current,"³⁵ it provides no deadline for submitting updates after a change in information occurs. This risks the possibility of out-of-date information being imported into the Database at the time the provider submits a certification and robocall mitigation plan. We agree with the State AGs that "[h]armonizing the information in CORES and the RMD will reduce confusion by improving the accuracy of information in both databases, which will benefit both providers and law enforcement agencies" that rely on the Database.³⁶ In so doing, we align section 1.8002 with section 64.6305 of the Commission's rules, which requires providers to update submissions to the Database within 10 business days of any changes to required content.³⁷ Consistent with our view stated in the *Notice* that such a rule would impose no significant costs on CORES users or present any significant countervailing burdens,³⁸ no commenters opposed our proposal.³⁹ Additionally, keeping information in CORES up to date may have benefits outside the robocall proceeding as well. As we stated in the *Notice*, this procedural improvement will also benefit other Commission databases beyond the Database that make use of contact information imported from CORES.⁴⁰ We therefore implement a 10-business day deadline for all CORES registrants to submit updates after a change in information occurs.⁴¹

2024) (directing 2,411 RMD filers to update their deficient certifications or explain why their certifications should not be removed from the RMD).

³⁴ The *Robocall Mitigation Database Notice* also asked, given that Database filers must obtain a business-type FRN, whether we should apply this requirement only to business-type FRNs. *Notice* at 12, para. 18. No commenters urged the Commission to adopt this approach. We therefore apply this requirement to all filers, including those with individual FRNs.

³⁵ 47 CFR § 1.8002(b)(2).

³⁶ State AGs Reply at 4.

³⁷ Electronic Privacy Information Center et al. Comments, WC Docket No. 24-213, MD Docket No. 10-234, at 7 (rec. Oct. 15, 2024) (EPIC Comments) (citing 47 CFR § 64.6305(d)(5)); State AGs Reply at 5.

³⁸ *Notice* at 11-12, para. 18.

³⁹ INCOMPAS and the Cloud Communications Alliance indicated that they were "agnostic" as to the Commission's CORES proposals, but did not otherwise signal any opposition to the rule we adopt today. *See* INCOMPAS & Cloud Communications Alliance Comments, WC Docket No. 24-213, MD Docket No. 10-234, at 3 (rec. Oct. 15, 2024) (INCOMPAS & CCA Comments).

⁴⁰ *Notice* at 11-12, para. 18.

⁴¹ EPIC observes that the *Notice* placed particular emphasis on the importance of updating contact information, urging the Commission to clarify "that the enforceable requirement to update *an RMD entry* within 10 days is not

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B. Establishing Forfeiture for Submitting Inaccurate or False Certification Data

14. Consistent with our proposal in the *Notice*,⁴² we adopt a base forfeiture for submitting false or inaccurate information to the Robocall Mitigation Database. Specifically, we establish a base forfeiture of \$10,000 for each violation for filers that submit false or inaccurate information to the Database.⁴³ In addition, and as proposed in the *Notice*,⁴⁴ we establish a base forfeiture of \$1,000 for failure to update information that has changed in the Robocall Mitigation Database within 10 business days. Finally, consistent with the Commission's approach in other contexts involving failure to file required forms or information to the FCC, we find that these violations continue until cured; accordingly, forfeitures shall be assessed on a daily basis up to the statutory maximum for continuing violations.⁴⁵

15. *\$10,000 Base Forfeiture for Filing False or Inaccurate Information.* In the *Notice*, we tentatively concluded that submitting false or inaccurate information to the Robocall Mitigation Database warrants a significantly higher penalty than the existing \$3,000 base forfeiture for failure to file required forms or information.⁴⁶ In order to determine the appropriate punishment for such actions, we look to prior Commission precedent in similar circumstances. The act of filing false or inaccurate information in the Database has broad similarities to the types of violations found in two contexts: (1) failure to file required forms/information; and (2) misrepresentation/lack of candor.

16. Accordingly, we sought comment on two alternative forfeiture proposals for filers that submit false or inaccurate information to the Robocall Mitigation Database.⁴⁷ For the first option, we sought comment on a proposal to set the base forfeiture for filing false or inaccurate information to the Database at \$10,000.⁴⁸ This option would make the penalty for filing false/inaccurate information to the Database somewhat less than, but similar to, forfeitures the Commission has proposed/imposed in cases involving a licensee or authorization holder's failure to file required forms or information to the Commission.⁴⁹ For the second option, we sought comment on a proposal to impose the statutory maximum forfeiture amount allowable under section 503 of the Communications Act as the base

limited to contact information updates." EPIC Comments at 7-8 (emphasis added). Our changes today do not affect 47 CFR § 64.6305(d)(5)'s existing mandate that changes to a provider's certification information, including the implementation status of STIR/SHAKEN, must be updated within 10 business days.

⁴² See *Notice* at 14, para. 35.

⁴³ Robocall Mitigation Database filings are Commission authorizations. See *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2608, para. 70. The Commission may impose a forfeiture against any person found to have willfully or repeatedly failed to comply substantially with the terms and conditions of any authorization issued by the Commission. See 47 U.S.C. § 503(b)(1)(A); 47 CFR § 1.80(a)(1).

⁴⁴ *Notice* at 15, para. 37.

⁴⁵ See 47 U.S.C. § 503(b) (setting statutory maxima for violations of the Act and Commission rules).

⁴⁶ *Notice* at 14, para. 35. See also *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order, Fifth Report and Order, Order on Reconsideration, Order, Seventh Further Notice of Proposed Rulemaking, Fifth Further Notice of Proposed Rulemaking, 37 FCC Rcd 6865, 6943, para. 207 (2022) ("Our rules are only as effective as our enforcement. To that end, we propose to . . . impose the highest available forfeiture for failures to appropriately certify in the Robocall Mitigation Database . . .").

⁴⁷ *Notice* at 14, para. 35.

⁴⁸ *Id.* at 19-20, paras. 35-36.

⁴⁹ See, e.g., *iGEM Communications LLC*, Notice of Apparent Liability, FCC 24-67, para. 43 (rel. June 11, 2024) (applying base forfeiture of \$15,000 for failure to submit Broadband Data Collection reports in a timely manner); *Touch-Tel USA, LLC*, Forfeiture Order, 26 FCC Rcd 8379 (EB June 10, 2011) (assessing forfeiture of \$20,000 for failure to timely file annual customer proprietary network information certification in a timely manner); see also *Peace Communications, LLC*, Forfeiture Order, 2023 WL 8615307 (EB Nov. 29, 2023) (imposing a \$50,000 forfeiture for failure to submit Quarterly Worksheet 499-Q).

forfeiture—the same approach that the Commission takes for violations of section 1.17 of our rules related to misrepresentation and lack of candor in investigatory or adjudicatory matters.⁵⁰

17. The comments in the record are mixed. The State AGs and ZipDX each express strong support for treating the filing of false or inaccurate information in the Robocall Mitigation Database akin to misrepresentation/lack of candor, arguing that such actions should elicit the statutory maximum penalty.⁵¹ NTCA, VAFR, and Ravnitzky support a set base forfeiture below the statutory maximum, akin to forfeitures assessed in failure-to-file cases.⁵² USTelecom does not argue in favor of either proposal specifically, but generally supports fines to deter bad faith submissions to the RMD.⁵³ Finally, NCTA as well as INCOMPAS and CCA reject both options, each arguing against imposing any fines for filing false or inaccurate information unless (1) the Commission first grants the filer an opportunity to correct, or (2) the Commission makes a finding that the submission of false/inaccurate data was willful.⁵⁴

18. We find that the first option—setting a base forfeiture below the statutory maximum—is sufficient to accomplish the Commission’s goals of deterrence and punishment for filing false or inaccurate information in the Robocall Mitigation Database. That said, and consistent with the Commission’s prior statements on the critical nature of accurate information in the Database, we find that submitting false or inaccurate information to the Database warrants a significantly higher base forfeiture amount than the Commission’s \$3,000 base forfeiture for failure to file required forms or information.⁵⁵ Accordingly, we adopt a base forfeiture of \$10,000 for each violation for filers that submit false or inaccurate information to the Robocall Mitigation Database. The record contains comments advocating for both ends of the minimum/maximum spectrum; some commenters recommend imposing the statutory maximum in order to dissuade bad actors from profiting from deliberate wrongdoing,⁵⁶ while others express concern that fines may lead to unintended harmful effects on small companies and thus reduce competition.⁵⁷ We find that the amount of \$10,000 serves as an appropriate middle ground between these

⁵⁰ Notice at 19-20, para. 35; 47 CFR § 1.17(a); 47 CFR § 1.80(b)(11) tbl. 1.

⁵¹ State AGs Reply at 8-9 (“State AGs agree that submitting false or inaccurate information to the RMD implicates the Commission’s comparable rules concerning misrepresentation and lack of candor and justifies the highest possible penalty. [. . .] [d]isregarding consumer protection safeguards like the RMD filing requirements is a serious breach of trust that warrants significant penalties”); ZipDX Comments, WC Docket No. 24-213, MD Docket No. 10-234, at 6 (rec. Oct. 13, 2024) (ZipDX Comments) (supporting “highest available forfeiture levels” because many other service providers rely on accurate RMD information for their own mitigation and know-your-customer efforts).

⁵² NCTA – The Internet & Television Association Comments, WC Docket No. 24-213, MD Docket No. 10-234, at 3-4 (rec. Oct. 15, 2024) (NCTA Comments) (supporting forfeitures but arguing that elevated forfeiture amounts should be reserved for deliberate, rather than inadvertent, submissions of false or misleading information); VoIP Alliance for Fair Regulations Comments, WC Docket No. 24-213, MD Docket No. 10-234, at 6-8 (rec. Oct. 15, 2024) (VAFR Comments) (supporting forfeitures and arguing that a \$3,000 base forfeiture is sufficient to punish and deter misconduct); Michael Ravnitzky Comments, WC Docket No. 24-213, MD Docket No. 10-234, at 2 (rec. Sept. 12, 2024) (Ravnitzky Comments) (supporting forfeitures and supporting a \$10,000 base forfeiture for violations).

⁵³ USTelecom – The Broadband Association Comments, WC Docket No. 24-213, MD Docket No. 10-234, at 4 (rec. Oct. 16, 2024) (USTelecom Comments) (“Coupling removal with a strong penalty will discourage others from attempting to submit fraudulent filings to the Database.”).

⁵⁴ NCTA Comments at 2, 4-5; INCOMPAS & CCA Comments at 5.

⁵⁵ See 47 CFR § 1.80(b)(11) tbl. 1.

⁵⁶ USTelecom Comments at 1, 3-4; State AGs Reply at 8-9; ZipDX Comments at 6.

⁵⁷ See, e.g., VAFR Comments at 7 (arguing that “larger fines should be reserved for [voice service providers] that knowingly engage in repeated practices that flout the robocall mitigation rules,” but that such fines would represent “overly severe sanctions” for small VoIP providers); NTCA – The Rural Broadband Association Comments, WC Docket No. 24-213, MD Docket No. 10-234, at 3-4 (rec. Oct. 15, 2024) (NTCA Comments) (arguing that the

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competing views, while providing an added deterrent against false or inaccurate filings.⁵⁸ Moreover, we note that section 503 of the Act allows calibration of the penalty depending on the specific facts and circumstances of each individual case.⁵⁹ Application of section 503's adjustment factors permit the Commission to assess penalties upward to the statutory maximum (in cases of egregious or deliberate malfeasance, for example) or reduce the penalty below the base when application of the factors justifies a lighter touch (such as minor/limited violations or the violator's inability to pay).⁶⁰ Adjusting forfeiture penalties this way allows the Commission to ensure that it meets its obligation to enforce the statutes and regulations that protect consumers from abuses as well as its duty to promote and protect competition in the telecommunications industry.

19. *\$1,000 Base Forfeiture for Failure to Update.* All filers in the Robocall Mitigation Database are required to update their filings within 10 business days if any information they are required to submit has changed.⁶¹ In the *Notice*, we sought comment on a proposal to adopt a base forfeiture of \$1,000, similar to the base forfeiture set forth in section 1.80 of the Commission's rules for failure to maintain required records.⁶² We find that a \$1,000 base forfeiture for failure to update Database filings within 10 business days is appropriate and adopt it here.

20. None of the commenters specifically addressed the Commission's proposal to implement a \$1,000 base forfeiture for failure to update filings in the Robocall Mitigation Database. That said, four commenters expressed concern about the possibility that they could find themselves subject to hefty fines for inadvertent lapses or minor errors.⁶³ Conversely, the State AGs, iconectiv, EPIC, and ZipDX argue that the accuracy of the data in the Database is critically important, and that failure to ensure that the information is accurate and up-to-date significantly undermines the Commission's efforts to curb illegal robocalls.⁶⁴

21. We find merit in both perspectives. We agree with commenters that inadvertent errors or minor lapses in compliance should not result in the same penalties as willful misconduct. We therefore

Commission should "ensure that its proposals to increase the base forfeiture amount for those submitting false or inaccurate information into the RMD and for failures to update mitigation plans are not overly punitive" so as not to "stray into punitive action against 'good actors' that make minor inadvertent mistakes").

⁵⁸ See USTelecom Comments at 4 (supporting the Commission's forfeiture proposal and noting that "[a]ggressive enforcement of clearly bad faith filings can help deter such filings in the future").

⁵⁹ 47 U.S.C. § 503(b)(2)(E) ("In determining the amount of such a forfeiture penalty, the Commission or its designee shall take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.").

⁶⁰ *Id.* § 503(b)(2)(E).

⁶¹ 47 CFR § 64.6305(d)(5) (voice service provider obligation), 64.6305(e)(5) (gateway provider obligation), 64.6305(f)(5) (non-gateway intermediate provider obligation).

⁶² *Id.* § 1.80(b)(11) tbl. 1.

⁶³ NCTA Comments at 5; INCOMPAS & CCA Comments at 5; NTCA Comments at 3-4. NTCA specifically raises a failure to update after a change in company board membership as an example of an oversized penalty that should be differentiated from cases involving false claims of robocall mitigation efforts. NTCA Comments at 3.

⁶⁴ State AG Reply at 9; iconectiv Comments, WC Docket No. 24-213, MD Docket No. 10-234, at 2-3 (rec. Oct. 14, 2024) (noting that data verification helps identify bad actors, and therefore "[p]reventing fraud at the submission stage is a critical step in protecting consumers from the harms caused by illegal robocalling campaigns"; EPIC Comments at 10 ("[a] crucial element of maintaining a healthy telecommunications ecosystem is knowing which providers are trustworthy and performing their roles responsibly. Timely updates promote transparency and trust, bolstering the integrity of this system"; ZipDX Comments at 6 ("[M]any entities are reliant on accurate RMD information as part of their mandated [Know-Your-Customer] processes and other robocall mitigation efforts – the RMD is not (or at least SHOULD not be) just a 'check the box' requirement . . .") (emphasis in original).

find that the base forfeiture should be significantly lower than the \$10,000 base forfeiture we set for submitting false or inaccurate information. That said, we agree with commenters who point out that inaccurate information in the Robocall Mitigation Database is still harmful—regardless of whether the inaccuracy results from malfeasance or neglect. Finally, we look to the penalties assessed in similar circumstances and note that the Commission has already established a \$1,000 base forfeiture for failure to maintain required records.⁶⁵ A base forfeiture in the amount of \$1,000 in this instance creates a meaningful distinction between willful/malicious misconduct and inadvertent error. We find that a separate penalty for failure to update information in the RMD after a change has occurred is a necessary addition in order to ensure that filers make accuracy a priority. Finally, we hold that the integrity of the data in the RMD is no less critical than other records that licensees/authorization holders must maintain; accordingly, we apply a penalty, consistent with the fines applied in analogous circumstances. We therefore adopt a \$1,000 base forfeiture for failure to update Database information within 10 business days.

22. *Forfeitures Assessed on a Continuing Violation Basis.* In the *Robocall Mitigation Database Notice*, we sought comment whether to assess the base forfeitures for filing false/inaccurate information and failure to update Robocall Mitigation Database information within 10 business days on a single violation basis or a continuing violation basis.⁶⁶

23. Only one commenter directly addressed this issue. The State AGs support assessing forfeitures on a continuing basis so that penalties do not merely become the so-called “cost of doing business” for bad actors.⁶⁷ Further, the record in this proceeding shows broad agreement that accurate information in the Robocall Mitigation Database is critically important to government and industry’s shared efforts to combat illegal robocalls. Information in the Database may be consulted at any time; accordingly, each day that false or inaccurate information remains in the Database without detection or correction necessarily harms the integrity of the Database and degrades its usefulness. We hold that entities that file in the Database have a continuing obligation to file truthful and accurate information in the Database, and that the filing of false or inaccurate information in the Robocall Mitigation Database is a violation that continues until the false or inaccurate information is corrected.⁶⁸ But this is not the end of the filer’s responsibility. The integrity of the data in the Database must be maintained over time because it is relied upon by other service providers, industry traceback and mitigation groups, and government investigators. Its value as a resource is not limited to the date of filing, but rather continues each day that the information is available to persons and entities who rely upon it. As such, we hold that filing entities have an explicit continuing obligation to update information within 10 business days of any change.⁶⁹ Violations of these obligations are necessarily continuing in nature until the errors or omissions are cured.

⁶⁵ 47 CFR § 1.80(b)(11) tbl. 1. See *Kenai Educational Media, Inc.*, Notice of Apparent Liability, 32 FCC Rcd 6211, 6217-6218 (2017) (proposing \$1,000 base forfeiture for each of three records that an FM broadcast licensee apparently failed to maintain, among other violations); *consent decree adopted by Kenai Educational Media, Inc.*, Order, 34 FCC Rcd 4865 (2019) (adoption of consent decree resolving investigation, implementing compliance plan, and imposing significantly reduced civil penalty based on application of section 503 ability to pay factor).

⁶⁶ *Notice* at 14, paras. 36-37.

⁶⁷ State AG Reply at 9.

⁶⁸ See *U.S. v. WIYN Radio, Inc.*, 614 F.2d 495, 497 (5th Cir. 1980) (noting that a “continuous violation” arises where “there exists a continuing or persistent legal duty that the violator steadily fails to fulfill”); *AKM LLC v. Sec’y of Labor*, 675 F.3d 752, 763 (D.C. Cir. 2012) (Garland, J., concurring) (noting that the violation of a regulation that imposes “a continuing obligation to act” would be a continuing violation, and that a record retention requirement is an example of such a continuing obligation).

⁶⁹ See 47 CFR § 64.6305(d)(5), (e)(5), (f)(5); *AKM LLC*, 675 F.3d at 760 (Garland, J., concurring) (noting that the violation in that case was not a continuing violation because the regulation did not impose “a continuing obligation to update or correct” workplace injury reports).

Accordingly, we find that forfeitures assessed for such violations should be assessed on a continuing violation basis.

C. Establishing a Dedicated Reporting Mechanism for Deficient Filings

24. In order to enhance the integrity of the Robocall Mitigation Database and better combat bad actors, we direct the Wireline Competition Bureau to establish a dedicated reporting mechanism for deficient filings. We invited general comment in the *Notice* on any procedures that we could adopt to facilitate the goal of accurate compliance with Database requirements,⁷⁰ and based on the record in response, find that a reporting mechanism is a procedural resource that can help achieve this goal. Despite the severe penalties associated with making noncompliant submissions, the Database evinces among some providers a lack of diligence and, in certain cases, malfeasance. Deficiencies identified range from failures to provide accurate contact information to submission of robocall mitigation plans that do not in any way describe reasonable robocall mitigation practices.⁷¹ Offering a reporting resource that allows stakeholders to notify the Commission if they identify deficiencies in the RMD will improve its usefulness.

25. Although the Commission continues to review and address such filings through enforcement actions,⁷² we agree with USTelecom that the Commission need not “carry this burden alone.”⁷³ We envision that creating a public reporting resource available to state and local regulators and attorneys general, consumers, public interest groups, providers, and others could allow them to easily notify the Commission that it may need to re-check certain filings and take action to require prompt corrections from providers. Enabling outside parties to flag suspicious filings via a streamlined process would “encourag[e] reporting on a more consistent basis” and “facilitate expedient Commission action.”⁷⁴ Comments submitted jointly by CTIA, USTelecom, EPIC, the National Consumers League, and Public Knowledge also observe that in so doing, “industry and public stakeholders” can “bolster strained Commission resources.”⁷⁵ Other benefits may inure from additional scrutiny, such as the potential ability to identify “recurring themes” in deficient filings.⁷⁶ Offering outside parties a dedicated channel for reporting deficient filings would therefore facilitate improvements to the Robocall Mitigation Database. In addition, we expect that a more effective Database will reduce robocall volumes, the benefits of which we explain in the *Call Authentication Trust Anchor Eighth Report and Order*.⁷⁷ Moreover, we believe

⁷⁰ *Notice* at 11, para. 16. Although the Commission did not seek comment on establishing a dedicated reporting portal for deficient filings in the *Robocall Mitigation Database Notice*, several commenters urged the Commission to adopt such a mechanism. See CTIA Comments at 14-16; USTelecom Comments at 4; CTIA et al. Reply, WC Docket No. 24-213, MD Docket No. 10-234, at 7 (rec. Nov. 13, 2024) (Joint Commenters Reply).

⁷¹ See *Removal Orders*.

⁷² See *id.*

⁷³ USTelecom Comments at 4.

⁷⁴ *Id.* at 5.

⁷⁵ Joint Commenters Reply at 7; see also CTIA Comments at 14-16 (observing that “a referral portal could help bolster strained FCC staff resources and reduce Commission costs associated with reviewing RMD filings by enabling staff to more closely scrutinize filings that have been flagged by stakeholders as facially deficient” and would prove “beneficial to the FCC’s broader robocall mitigation efforts,” citing an enforcement action resulting from a complaint made through the Commission’s Private Entity Reporting Portal).

⁷⁶ Joint Commenters Reply at 7. One commenter suggests that the Commission should collaborate more closely with providers and harness technologies, such as real-time data sharing, to enhance robocall mitigation. Michael Ravnitzky Comments at 3. By establishing a dedicated reporting line, we provide one such mechanism for enhanced cooperation and data sharing.

⁷⁷ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Eighth Report and Order, FCC 24-120, paras. 38-40 (2024).

that the costs of establishing and maintaining such a portal would be minimal and easily outweighed by the benefits to the Commission and stakeholders in ensuring accurate submissions to the Database.

26. As with previous delegations of authority concerning the Robocall Mitigation Database,⁷⁸ we direct the Wireline Competition Bureau, in consultation with the Office of the Managing Director (OMD) and the Enforcement Bureau, to determine the appropriate mechanism for the Commission to receive reports of deficient filings. We delegate to the Wireline Competition Bureau the authority, in consultation with OCIO and the Senior Agency Official for Privacy (SAOP),⁷⁹ to specify the form and format of any such submissions and to make any necessary changes to the Robocall Mitigation Database portal and interface in connection with the reporting portal.⁸⁰ In carrying out its delegated authority, the Wireline Competition Bureau shall consult with the Commission's Chief Data and Analytics Officer regarding any applicable OPEN Government Data Act requirements.⁸¹ We further direct the Wireline Competition Bureau to develop materials to educate outside parties on how to file reports and to announce the availability of the reporting portal by Public Notice.⁸² In addition, we direct the Enforcement Bureau to work with the Wireline Competition Bureau to ensure that reports submitted through this portal are referred to the Enforcement Bureau as quickly and effectively as possible. We direct the Enforcement

⁷⁸ See *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2600-2601, para. 52 (delegating to the Wireline Competition Bureau the authority to make necessary changes to the Robocall Mitigation Database and to provide appropriate filing instructions and training materials consistent with the expanded Robocall Mitigation Database filing obligations set forth by the Commission); *Gateway Provider Order*, 37 FCC Rcd at 6882, 6884-85, paras. 39, 45, 47-48 (delegating to the Wireline Competition Bureau the authority to specify the form and format of gateway provider submissions and to make necessary changes to the Robocall Mitigation Database and portal, and directing the Wireline Competition Bureau to provide filing instructions and to release a public notice setting deadlines and announcing its determinations regarding the management of imported and de-listed filings); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1902-1903, para. 83 (directing the Wireline Competition Bureau to establish the Robocall Mitigation Database and portal, to provide appropriate filing instructions and training materials, and to release a Public Notice when voice service providers may begin filing certifications).

⁷⁹ In making this delegation, we also direct the Wireline Competition Bureau, in consultation with the SAOP, to consider any Privacy Act implications associated with any user data or Personally Identifiable Information that may be collected through the reporting interface. See 5 U.S.C. § 552a; Office of Management and Budget, To the Heads of Executive Departments and Agencies, *Managing Information as a Strategic Resource*, Circular No. A-130 (2016). We further direct the Wireline Competition Bureau, prior to implementing the reporting mechanism, to complete any review by the Office of Management and Budget that may be required under the Paperwork Reduction Act, 44 U.S.C. §§ 3501 *et seq.*, to the extent the reporting mechanism involves identical questions posed to reporting entities. See 5 CFR § 1320.3(c).

⁸⁰ For example, the Joint Commenters suggest developing a “separate RMD referral portal that would allow providers and the public to assist the FCC in identifying bad actors abusing the RMD.” Joint Commenters Reply at 6.

⁸¹ The OPEN Government Data Act, which was enacted as Title II of the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115-435 (2019), requires agencies to make “public data assets” available under an open license and as “open Government data assets,” i.e., in machine-readable, open format, unencumbered by use restrictions other than intellectual property rights, and based on an open standard that is maintained by a standards organization. See 44 U.S.C. § 3506(b)(6)(B). This requirement is to be implemented in accordance with guidance that will be issued by the Director of the Office of Management and Budget (OMB). The term “public data asset” means “a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under [the Freedom of Information Act (FOIA)].” 44 U.S.C. § 3502(22). A “data asset” is “a collection of data elements or data sets that may be grouped together,” *id.* § 3502(17), and “data” is “recorded information, regardless of form or the media on which the data is recorded,” *id.* § 3502(16).

⁸² As part of its delegated authority to implement the dedicated reporting mechanism, we direct the Bureau, in consultation with OCIO and the SAOP, to make changes to the portal and accompanying procedures as necessary to ensure the efficient and effective operation of this important new tool.

Bureau to investigate potential violations expeditiously and enforce our rules using the Commission's full suite of enforcement mechanisms.

D. Issuing Substantive Guidance and Filer Education

27. To assist filers with their robocall mitigation compliance obligations, we direct the Wireline Competition Bureau to issue additional guidance, educational materials, and "best practices" for filing in the Robocall Mitigation Database.⁸³ Among other things, we sought general comment in the *Notice* on measures we could take to improve and ensure the accuracy of information contained in the Database.⁸⁴ The State AGs suggest that providing interpretive guidance regarding the meaning of undefined terms, and in applying the Commission's definitions, "could improve the accuracy of the RMD and other robocall mitigation efforts."⁸⁵ We agree that "embedding clarifying information into the process of creating RMD entries"⁸⁶ may assist those, particularly less sophisticated, providers experiencing difficulty interpreting the Commission's forms and rules. For instance, a provider unsure of how to interpret either Commission-defined terms (such as what constitutes a "foreign voice service provider") or general language (for example, which address serves as an entity's "business address") when certifying may benefit from such guidance. Doing so may also obviate the need to later cure discovered deficiencies,⁸⁷ saving both time and resources for the Commission and providers.

28. We delegate to the Wireline Competition Bureau the authority to determine what form such guidance should take and how it should be promulgated, consistent with this *Report and Order*. We note that, in other contexts, such guidance has been provided through "Frequently Asked Questions," user guides and other similar documents posted to the Commission's website.⁸⁸ We expect that providers filing in the Database will benefit from similar types of guidance, leading to overall improvements in Database submissions.

29. In connection with this delegation, we direct the Wireline Competition Bureau to respond to a specific request in the record from the State AGs regarding how we can guide providers toward consistently identifying themselves as "foreign voice service providers" in their RMD certifications.⁸⁹ In this regard, we note that providers completing their RMD certification form must indicate whether they are a foreign voice service provider.⁹⁰ The State AGs indicate that they have seen providers who may be

⁸³ See, e.g., INCOMPAS & CCA Comments at 2-3 (proposing that the Commission provide "more specificity regarding what must be included in a filing, and in particular to what constitutes the 'reasonable steps' that providers and carriers must take to mitigate illegal robocalls"); Letter from Christopher L. Shipley, Executive Director of Public Policy, INCOMPAS, to Marlene H. Dortch, Secretary, FCC, GC Docket No. 23-362 et al., at 2 (filed July 31, 2024) (noting members' primary concern is a lack of clarity and best practice surrounding requirements for registration and the information that must be included in a service provider's filing); Michael Ravnitzky Comments at 2.

⁸⁴ *Notice* at 11, para. 16.

⁸⁵ State AGs Reply at 3-4.

⁸⁶ *Id.* at 3.

⁸⁷ *Id.* at 3-4.

⁸⁸ See, e.g., *Wireline Competition Bureau Issues Participant Close-Out User Guide and Updates Frequently Asked Questions (FAQ) for the Secure and Trusted Communications Network Reimbursement Program*, WC Docket No. 18-89, Public Notice, DA 24-839 (WCB 2024); Enforcement Advisory, *Telecommunications Carriers and Interconnected VoIP Providers Must File Annual Reports Certifying Compliance With Commission Rules Protecting Customer Proprietary Network Information*, EB Docket No. 06-36, Public Notice, DA 24-125, at Attachs. (Frequently Asked Questions, CPNI Certification Template, Text of the CPNI Rules (EB 2024) Navigating the Broadband Data Collection—Quick Start Guides (2024), <https://help.bdc.fcc.gov/hc/en-us/sections/10297363193115-Quick-Start-Guides>).

⁸⁹ State AGs Reply at 3.

⁹⁰ 47 CFR §§ 64.6300(c).

foreign voice service providers failing to identify themselves as required.⁹¹ They ask the Commission to provide interpretative guidance to assist providers in completing this portion of the RMD certification form.⁹² We agree that this guidance would be informative and lead to more transparent information and accurate filings.

30. CTIA also asks that the Commission clarify that when a provider certifies whether it has been the subject of a previous robocall investigation or enforcement action, that it certifies not only for the registrant specifically but also for its affiliates and principals.⁹³ CTIA suggests that on the Database certification form, the language should reference “affiliates or principals” in addition to the “filing entity” itself.⁹⁴ In this regard, we note here that our rules obligate providers to certify whether “at any time in the prior two years, the filing entity (and/or any entity for which the filing entity shares common ownership, management, directors, or control)” has been the subject of an agency or law enforcement action or investigation.⁹⁵ Nevertheless, we direct the Wireline Competition Bureau to issue guidance clarifying this or any other rule related to Robocall Mitigation Database filings it deems appropriate.

31. In addition, we direct the Wireline Competition Bureau to consider whether any changes to the Robocall Mitigation Database are necessary to provide greater guidance to filers, including, for instance, through the use of webtools, pop-up windows, or similar user-interface enhancements. To this end, we also delegate to the Wireline Competition Bureau the authority to make any necessary changes to the Robocall Mitigation Database submission interface. By providing flexibility to best address stakeholder confusion and concerns—both through improved communications and Database enhancements—we expect that the Wireline Competition Bureau will be able to provide timely and targeted guidance that will, in turn, help to improve the accuracy and effectiveness of the Database.

E. Requiring Providers to Remit a Filing Fee

32. We adopt our tentative conclusion that Robocall Mitigation Database filings are “applications” within the meaning of section 8 of the Communications Act,⁹⁶ and we therefore adopt an application fee for initial submissions, and annually thereafter, and initially set the fee for both filings at

⁹¹ State AGs Reply at 3.

⁹² *Id.*

⁹³ CTIA Comments at 11.

⁹⁴ *Id.*

⁹⁵ 47 CFR § 64.6305(d)(2)(iv).

⁹⁶ Congress has directed the Commission to assess and collect application fees under section 8 of the Communications Act since 1986. Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, §§ 5002(e), (f), 100 Stat. 82, 118-121 (1986) (COBRA-85). *Requests for Refunds of Application Fees Paid by Winning Bidders in Media Services Auctions*, Memorandum Opinion and Order, 32 FCC Rcd 6222, 6222-23, paras. 2-3 (2017) (2017 Fee Refund Denial Order) (explaining the history of section 8). In 2018, Congress revised the Commission’s application fee authority by amending section 8 of the Communications Act. Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM’S Act), Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, 132 Stat. 1084, Division P, Title I, § 103 (2018). Starting from the existing statutory schedule of fees, the Commission sought comment on and adopted a streamlined schedule of application fees. See 47 CFR subpart G (Schedule of Statutory Charges and Procedures for Payment). *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission’s Rules*, Notice of Proposed Rulemaking, 36 FCC Rcd 1618, 1619, para. 1, 3 (2020) (2020 Application Fee NPRM); *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission’s Rules*, MD Docket No. 20-270, Report and Order, 35 FCC Rcd 15089 (2020) (2020 Application Fee Order) (the 2020 Application Fee NPRM and the 2020 Application Fee Order collectively explain the statutory changes and the methodology for adopting an update to the fee schedule and discussing how it will be maintained by the Commission) (collectively 2020 Application Fee Proceeding).

\$100.⁹⁷ Section 8(a) of the Communications Act mandates that the Commission assess and collect application fees based on the Commission's costs to process applications.⁹⁸ Section 8(c) also requires the Commission to amend the application fee schedule if the Commission determines that the schedule requires amendment to ensure that: (1) such fees reflect increases or decreases in the costs of processing applications at the Commission or (2) such schedule reflects the consolidation or addition of new categories of applications.⁹⁹

33. The Commission processes a wide range of applications, as well as many filings that are not applications for spectrum licenses or authorizations.¹⁰⁰ The *Notice* stated that the Commission has applied our section 8 fee authority to a range of filings.¹⁰¹ NCTA disputes the status of Robocall Mitigation Database filings as “applications,” contending that “an RMD filing is not ‘applying’ for anything” by highlighting the mandatory nature of the filings and claiming that no benefits otherwise inure to the provider.¹⁰² We disagree. Like tariff filings, to which we analogized the fee here in the *Notice*,¹⁰³ the filing is required; and providers benefit from their filing as doing so enables downstream providers to carry their traffic.¹⁰⁴

34. Commission review of Robocall Mitigation Database submissions represents a considerable investment of labor hours that continues to rise. Over 2,600 submissions required review after implementing the original requirement for voice service providers to file certifications and robocall mitigation plans. After expanding the scope of providers required to file in the Database, this number jumped to approximately 9,000 filings.¹⁰⁵ These filings necessitate a significant expenditure of Commission resources to process, including review of the specific steps providers undertake to mitigate

⁹⁷ *Notice* at 15-16, paras. 26-27. Under the Commission's red-light rules, applications and other requests for benefits by parties that owe non-tax debt to the Commission will not be processed. 47 CFR § 1.1910.

⁹⁸ Fees assessed pursuant to our section 8 authority are deposited in the general fund of the U.S. Treasury. 47 U.S.C. § 158(e) (“Moneys received from application fees established under this section shall be deposited in the general fund of the Treasury.”). Thus, while the determination of the fee amount will be based on the cost of processing, the collected fees are not used to fund Commission activities.

⁹⁹ *Id.* § 158(c).

¹⁰⁰ See *2020 Application Fee Report and Order*, 35 FCC Rcd at 15127-30, paras. 118-28 (designating new fees for non-license applications including for service discontinuance, VoIP numbering authority, waivers, and accounting mandates).

¹⁰¹ *Notice* at 16, para. 27 (citing *2020 Application Fee Report and Order*, 35 FCC Rcd at 15128, paras. 123-24).

¹⁰² NCTA Comments at 3-4.

¹⁰³ *Notice* at 16, para. 27. Tariff filings were included in the original statutory fee schedule. COBRA-85 § 5002(f) (original statutory table of fees). The statutory fee schedule, as amended by Congress and incorporated into our rules, is the baseline from which the Commission worked in 2020. RAY BAUM'S Act of 2018, Title I, § 103(d) (uncodified provisions entitled “Transitional Rules”). Thus, filings included in the statutory schedule, that were still extant in 2020, are helpful examples of the types of filings encompassed by the Congressional directive to assess and collect application fees pursuant to Section 8 of the Communications Act.

¹⁰⁴ See ZipDX Comments at 4 (“The proposed fee is quite nominal for the (on-going) privilege of putting calls onto our public telephone network.”).

¹⁰⁵ See FCC, *Robocall Mitigation Database*, https://fccprod.servicenow.services.com/rmd?id=rmd_listings; *Wireline Competition Bureau Announces Robocall Mitigation Filing Deadlines and Instructions and Additional Compliance Dates*, WC Docket No. 17-97, Public Notice, DA 24-73 at 1 (WCB 2024) (stating that “all providers, regardless of whether they are required to implement STIR/SHAKEN—including all intermediate providers and providers that lack control over the network infrastructure necessary to implement STIR/SHAKEN—are now required to file certifications and robocall mitigation plans to the Robocall Mitigation Database,” and reminding providers they must comply with expanded content requirements for RMD submissions).

illegal robocall traffic. We find a \$100 filing fee an appropriate amount to cover this cost,¹⁰⁶ based on calculations made by the Wireline Competition Bureau regarding direct labor costs, as detailed in the *Notice*.¹⁰⁷

35. The record supports our determination that a \$100 fee for Robocall Mitigation Database filings is appropriate. Several commenters support remittance of a filing fee.¹⁰⁸ Although we do not rely on the rationales suggested by some commenters that a fee would provide financial incentive for providers to be more circumspect in their filings or act as a deterrent to bad actors,¹⁰⁹ we nevertheless acknowledge their support for remittance of a fee. Our approach to the filing fee, meanwhile, should allay the concerns of those commenters opposed. For instance, INCOMPAS and CCA argue that “[r]equiring providers to submit a new filing fee every time a provider makes a minor adjustment to its RMD filing or corrects inaccurate (or readily curable) information” would be excessive.¹¹⁰ On the contrary, under the approach we adopt today, assessment of the fee will occur only at the time of initial submission and annually thereafter, limiting concerns that filers would find it cost prohibitive to update filings.¹¹¹ Indeed, we agree with ZipDX that, against the backdrop of expenses a legitimate filer faces, a “\$100 fee is negligible.”¹¹² Thus, we conclude that these fees are fair, administrable, and sustainable.¹¹³

¹⁰⁶ See *2020 Application Fee Report and Order*, 35 FCC Rcd at 15092, para. 10. In reviewing any particular methodology, it is important to note that the agency is not required to calculate its costs with “scientific precision.” *Central & Southern Motor Freight Tariff Ass’n v. United States*, 777 F.2d 722, 736 (D.C. Cir. 1985). Instead, reasonable approximations will suffice. *Id.*; *Mississippi Power & Light v. U.S. Nuclear Regulatory*, 601 F.2d 223, 232 (5th Cir. 1979); *National Cable Television Ass’n v. FCC*, 554 F.2d 1094, 1105 (D.C. Cir. 1976); 36 Comp. Gen. 75 (1956).

¹⁰⁷ In the *Notice*, the Wireline Competition Bureau estimated that each filing will require 40 minutes of analyst review at the GS-12 level; 20 minutes of attorney review at the GS-14 level; and 15 minutes of attorney supervisory review at the GS-15 level. The estimated total labor costs (including 20% overhead) for the analyst review (GS-12, step 5) of each filing was \$43 (0.66 hours * \$64.64 = \$43). The estimated labor costs (including 20% overhead) for the attorney review (GS-14, step 5) for each filing was \$32.95 (0.33 hours * \$98.84 = \$32.95). The estimated total labor costs (including 20% overhead) for the attorney supervisory review (GS-15, step 5) for each filing was \$26.71 (0.25 hours * \$106.85 = \$26.71). The total labor costs per filing review was \$102.66 (\$43 + \$32.95 + \$26.71). Salary data was sourced from the Office of Personnel Management and include overhead costs based on 2,087 annual hours. OPM, Salary Table 2024-DCB, <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB.pdf>. Based on these hourly rates and the estimated time for processing each filing, the Bureau proposed a filing fee of \$100 per filing. *Notice* at 17, para. 29 & n.88.

¹⁰⁸ EPIC Comments at 10-11; iconectiv Comments at 3; ZipDX Comments, WC Docket No. 24-213, MD Docket No. 10-234, 3 (rec. Oct. 14, 2024); State AGs Reply at 6-7.

¹⁰⁹ See, e.g., EPIC Comments at 10-11; ZipDX Comments at 3; ZipDX Reply, WC Docket No. 24-213, MD Docket No. 10-234, at 3 (rec. Nov. 13, 2024).

¹¹⁰ INCOMPAS & CCA Comments at 4.

¹¹¹ See *id.*; VAFR Comments at 8-9 (arguing that compliance costs may add up to thousands of dollars already and that assessment of a fee for every filing would prove unfair and unsustainable); NCTA Comments at 4 (arguing that imposition of a fee on every filing would result in providers being “hesitant to make corrections or clarifications to their RMD filing”); NTCA Comments at 4 (arguing that imposition of any fee should only be done annually where there are not facial deficiencies in filings); see also State AGs Reply at 7; Letter from Kathleen Slattery Thompson, Vice President, Policy & Advocacy, USTelecom, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 24-213 at 1 (filed Dec. 19, 2024) (USTelecom *Ex Parte*).

¹¹² ZipDX Reply at 3.

¹¹³ The Commission’s adopted goals that our section 8 fees be “fair, administrable, and sustainable,” which “is the same overarching set of goals we employ in the context of our regulatory fee collections.” See *2020 Application Fee Report and Order*, 35 FCC Rcd at 15089-90, 15091-92, paras. 1, 6 & n.11; see also *Procedures for Assessment and Collection of Regulatory Fees*, Notice of Proposed Rulemaking, 27 FCC Rcd 8458, 8464-65, paras. 14-16 (2012) (providing explanations for the meaning of “fairness,” “administrability,” and “sustainability”). Application

(continued....)

We therefore adopt the \$100 application processing fee for initial RMD submissions and annual certifications described below and revise the schedule of charges for wireline competition services in 47 CFR § 1.1105. We direct the Wireline Competition Bureau, working in conjunction with OMD, to implement the RMD application processing fee and to include instructions for how to pay the fee in the Wireline Competition Bureau Fee Filing Guide.¹¹⁴

36. We also apply the Commission's red-light rule to Robocall Mitigation Database filings. Under the red-light rule, the Commission will not process applications and other requests for benefits by parties that owe non-tax debt to the Commission.¹¹⁵ In the *Notice*, we sought comment on whether to conduct a red-light check for RMD filings.¹¹⁶ We agree with the State AGs that application of our red-light rules to RMD submissions may "prevent unscrupulous providers from filing RMD entries and transmitting robocalls."¹¹⁷ Even if filings with the Commission go into effect immediately "thus precluding a check to determine if the filer is a delinquent debtor before the request goes into effect,"¹¹⁸ we find that conducting a red-light check at any point after filing allows the Commission to spot delinquent debtors. A delinquent debt could arise for failure to pay the \$100 application processing fee or for other debts owed to the Commission.¹¹⁹ In the context of the RMD, this could lead to removal of certification, which the Commission has found to be an appropriate consequence in the context of the Intermediate Provider Registry, which similarly maintains ongoing certification filings.¹²⁰

37. *Requiring Annual Recertification with Associated Filing Fee.* In connection with the foregoing change, we require that providers recertify annually in the Robocall Mitigation Database, at the

of our overarching program goals, however, must comport with the language of the statute. Moreover, we recognize other general limits of fee authority. *See National Cable Television Ass'n v. United States*, 415 U.S. 336, 340-41 (1974) (construing Independent Offices Appropriations Act) (IOAA)); *see also National Cable Television Ass'n*, 554 F.2d at 1106 & n.42. Though the IOAA no longer applies to the Commission, we remain cognizant of broader legal issues raised by user-fee and regulatory-fee precedent. *See House of Representatives Report No. 99-453* (1985) at 433 (noting the significance of *National Cable* and explaining that IOAA no longer applies to the Commission with the passage of other specific fee authority, application fees, in COBRA-85).

¹¹⁴ *See* Wireline Competition Bureau Fee Filing Guide for Section 8 Fees (2023), <https://docs.fcc.gov/public/attachments/DOC-391366A1.pdf>. In its implementation of the filing fee, we direct the Wireline Competition Bureau to consider whether and how to account for filings submitted on behalf of multiple affiliated entities. *See* USTelecom *Ex Parte* at 1.

¹¹⁵ 47 CFR § 1.1910.

¹¹⁶ *Notice* at 18, para. 32.

¹¹⁷ State AGs Reply at 7; *see also* ZipDX Comments at 4 (agreeing that "integration with the FCC's Red Light rule" could be helpful).

¹¹⁸ *Notice* at 18, para. 32 and n.93 (citing *Amendment of Parts 0 and 1 of the Commission's Rules*, Report and Order, 19 FCC Rcd 6540, 6544, para. 12 (2004) (citing 47 U.S.C. §§ 203, 206)).

¹¹⁹ *See* 47 CFR § 1.1910(a)(1) (stating that an application or request for authorization subject to "the FCC Registration Number (FRN) requirement set forth in subpart W of this chapter will be examined to determine if the applicant has paid the appropriate application fee, appropriate regulatory fees, is delinquent in its debts owed the Commission, or is debarred from receiving Federal benefits.").

¹²⁰ Under the red-light rule, we will consider acceptance of filings into the Robocall Mitigation Database conditional and subject to rescission in the event a filer fails the red-light check. *See id.* § 1.1910(b)(2) ("Any Commission action taken prior to the payment of delinquent non-tax debt owed to the Commission is contingent and subject to rescission."); *Notice* at 18, para. 32 & n.95 (citing *Rural Call Completion*, WC Docket No. 13-39, Third Report and Order, 33 FCC Rcd 8400, 8410, para. 24 (2018)). The Intermediate Provider Registry is a registry compiled for purposes ensuring calls are completed in rural and remote areas. It is made publicly available on the Commission's website at https://fccprod.servicenow.com/ipr_ext, and contains information that intermediate providers are required to submit, including their contact information, the states in which they provide service, and a point of contact. *See Rural Call Completion*, 33 FCC Rcd at 8402, para. 6.

time they submit their annual filing fee. As the State AGs observe “the RMD contains entries which have not been updated in years,”¹²¹ in spite of new filing requirements for all providers.¹²² We find that imposing an annual recertification requirement would facilitate the Commission’s goals of keeping the Database up to date and improve the overall quality of submissions over time. We also agree with commenters that such a requirement is analogous to other annual filing requirements, demonstrating the feasibility of such an approach.¹²³ For example, EPIC notes that carriers are required to submit annual certifications to the Commission regarding their Customer Proprietary Network Information (CPNI) obligations,¹²⁴ while the State AGs compare an annual recertification requirement to the “annual renewal of access to the Federal Do Not Call Registry,” arguing that this precedent “demonstrate[s] the feasibility of requiring a periodic application or renewal fee in this context.”¹²⁵ We agree. We find that requiring annual recertification by providers will ensure that information in the Database remains current and will promote greater diligence by filers while imposing minimal burdens on providers. Failure to fulfill the annual recertification requirement will result in referral to the Enforcement Bureau, which may subject the filer to forfeiture or removal from the Database.

38. This annual recertification obligation will necessarily require staff to review Robocall Mitigation Database filings to determine whether providers have complied with the Commission’s rules. As is true of initial filing submissions, this process will require staff to conduct outreach to providers that fail to recertify, evaluate whether any changes to filings satisfy the Commission’s Robocall Mitigation Database filing requirements, and refer deficient filers to the Enforcement Bureau. We therefore set the same filing fee of \$100 per filing in connection with the annual recertification requirement. In order to facilitate administration of the fee and provide certainty to Database filers, we set an annual deadline of March 1 for recertification of existing Robocall Mitigation Database filings.

F. Measures to Improve the Security of the Robocall Mitigation Database

39. To better secure the Robocall Mitigation Database, we direct the Wireline Competition Bureau and OMD to develop a two-factor (or more) authentication solution for accessing the Database.¹²⁶ We sought comment in the *Notice* on the benefits of additional security afforded by multi-factor authentication.¹²⁷ Both ZipDX and the State AGs support the use of multi-factor authentication.¹²⁸ In addition to preventing access by unauthorized users,¹²⁹ ZipDX also observes that an added authentication layer “is useful not just as an added security measure but also to validate provided email addresses.”¹³⁰ The State AGs further note that use of multi-factor authentication tools “helps to provide a connection

¹²¹ State AGs Reply at 7.

¹²² *2,411 Robocall Mitigation Database Filers*, Order, DA 24-1235 (EB Dec. 10, 2024) (directing 2,411 domestic providers that failed to update their RMD certifications by the February 26, 2024 deadline to update their deficient certifications or explain why they should not be removed from the Database).

¹²³ See, e.g., State AGs Reply at 7; EPIC Comments at 7-9 & n.28 (arguing that “providers should be obligated to confirm annually that their RMD registry information has been accurately updated . . . within the last year”); NTCA Comments at 2 (arguing that any “fee [should] only be imposed *annually* for all voice serve providers”).

¹²⁴ EPIC Comments at 7-9 & n.28.

¹²⁵ State AGs Reply at 7.

¹²⁶ Multi-factor authentication requires the use of multiple authentication protocols, as opposed to simply a username and password, in order to grant access to an account. For example, a two-factor authentication solution may require both use of a password and a one-time verification code.

¹²⁷ *Notice* at 12, para. 19.

¹²⁸ ZipDX Comments at 2-3; State AGs Reply at 5-6.

¹²⁹ State AGs Reply at 5.

¹³⁰ ZipDX Comments at 2-3.

between corporate policies and individuals, which will contribute to effective enforcement.”¹³¹ We agree with these commenters that the added security afforded by a two-factor authentication solution merits its use. Given its critical role in defending America’s voice networks, protecting the integrity of information hosted by the Robocall Mitigation Database necessitates—at minimum—use of protocols deployed elsewhere by the Commission, such as CORES.¹³² Although some commenters characterize multi-factor authentication as unnecessary and cumbersome,¹³³ we do not agree that deploying a two-factor authentication solution would be costly or unduly burdensome, especially given the possible benefits that would redound from such a requirement. We nevertheless acknowledge that such a requirement could present logistical problems that would need to be resolved upon implementation.¹³⁴ We therefore direct the Wireline Competition Bureau and OMD to develop a two-factor authentication solution with these potential issues and solutions in mind. In doing so, we direct that “[t]his solution must offer users the *option* of using phishing-resistant authentication—i.e., it must provide support for Web-Authentication-based approaches, such as security keys.”¹³⁵

G. Other Issues

40. In the *Notice*, we proposed and sought comment on several additional procedural and other steps the Commission could take to improve the effectiveness of the Robocall Mitigation Database. Specifically, we sought comment on requiring filers to obtain a PIN in order to submit a filing¹³⁶ and whether and how leveraging software and other technical solutions could help to flag potential discrepancies in Database filings.¹³⁷ We also proposed to authorize providers to engage in permissive blocking of “voice traffic by Robocall Mitigation Database filers that have been given notice that their robocall mitigation plans are facially deficient and that fail to correct those deficiencies within 48 hours.”¹³⁸ Upon review of the record in response to the *Notice*, we decline to take these steps in this Report and Order. Nevertheless, we believe many of these initiatives may have merit, and may revisit these solutions in the future if warranted, including those suggested by commenters. We therefore direct the Wireline Competition Bureau to explore many of these issues further, as discussed below.

41. *Requiring Filers to Obtain a PIN to File in the Robocall Mitigation Database.* We similarly decline to require that filers obtain a PIN to make filings in the Robocall Mitigation Database. In the *Notice*, we sought comment on whether, in addition to or as an alternative to multi-factor authentication, an officer, owner, or other principal of a provider should be required to obtain and enter a PIN before a submission is accepted by the filing system.¹³⁹ While some commenters support such a measure, they generally do so on the grounds that the PIN could serve as an accountability measure that

¹³¹ State AGs Reply at 5-6.

¹³² See *The Office of Managing Director Announces Implementation of Additional Security Safeguards for Users of FCC’s Commission Registration System (CORES)*, Public Notice, DA 24-219 (OMD Mar. 7, 2024).

¹³³ See INCOMPAS & CCA Comments at 3; USTelecom Comments at 6-7; Joint Commenters Reply at 9.

¹³⁴ For example, although USTelecom does not dispute the successful use of an added authentication layer in CORES, they argue that if a similar approach were taken for its use in the Robocall Mitigation Database, it would necessitate changes to how the Database functions. USTelecom Comments at 7. See also USTelecom *Ex Parte* at 2.

¹³⁵ Office of Management and Budget, Memorandum for the Heads of Executive Departments and Agencies, *Moving the U.S. Government Toward Zero Trust Cybersecurity Principles*, M-22-09, at 9 (Jan. 26, 2022) (emphasis added).

¹³⁶ *Notice* at 12-15, paras. 20-25.

¹³⁷ *Id.* at 18-19, paras. 33-34.

¹³⁸ *Id.* at 20, para. 38.

¹³⁹ *Id.* at 12-15, paras. 20-25.

would create a point of contact directly familiar with and responsible for the provider's filings.¹⁴⁰ However, we note that our certification provisions already require that an officer declare as "true and correct" the information contained in the provider's submission, doing so "under penalty of perjury."¹⁴¹ Although we signaled concern that such officers need not "provide their own direct contact information or . . . make more specific certifications with respect to their role in ensuring that the provider submits and maintains accurate information," we agree with ZipDX that—at this time—the benefits of requiring filers to obtain a PIN do not outweigh the burdens involved.¹⁴² While we disagree with NCTA's claim that references in the *Notice* to "consultants and provider employees . . . completing RMD submissions without diligence"¹⁴³ are "without evidence,"¹⁴⁴ we acknowledge the logistical burdens cited by NCTA¹⁴⁵ and agree with ZipDX that the goals cited by the *Notice* may be better served through other approaches, particularly the procedural protections we adopt above.¹⁴⁶

42. ZipDX proposes that the Commission require, as part of a provider's Robocall Mitigation Database filing, affirmation that the entity has filed a Beneficial Ownership Information (BOI) with the Federal Crimes Enforcement Network (FinCEN).¹⁴⁷ Failing that, ZipDX suggests that a registrant be required to provide an explanation and require the uploading of a government-issued ID, to be kept confidential by the Commission.¹⁴⁸ While we acknowledge the potential merits of ZipDX's proposals, we find the record insufficient to adequately assess their viability. While we decline to adopt the specific proposals advanced by ZipDX at this time,¹⁴⁹ we nevertheless direct the Wireline Competition Bureau, in coordination with the Enforcement Bureau, to investigate these and other measures and procedures to achieve such ends, consistent with privacy and other requirements.

43. *Data Validation Tools.* We decline at this time to adopt any specific software or other technical solutions that would validate the data entered into an RMD filing against an external source and flag discrepancies for Commission staff to review.¹⁵⁰ In the *Notice*, we sought broad comment on the use of such tools to improve the quality of the information being input into the Database, including the availability, cost, and feasibility of various solutions.¹⁵¹ While commenters generally support the use of

¹⁴⁰ EPIC Comments at 9-11 (arguing that a PIN establishes a clear chain of authority and promotes accountability, establishing a point of contact that will help "ensure the company's actions align with the law" due to their own personal liability); State AGs Reply at 5-6 (contending that the use of a PIN "helps provide a connection between corporate policies and individuals, which will contribute to effective enforcement" by making someone with "personal knowledge of information entered in the RMD" a point of contact, as opposed to a registered agent, who may "not have knowledge of the company").

¹⁴¹ FCC, *Robocall Mitigation Database External Filing Instructions* (Jan. 2024), <https://www.fcc.gov/sites/default/files/rmd-instructions.pdf>, at 21; see also 47 CFR § 1.16; NCTA Comments at 2-3.

¹⁴² ZipDX Reply at 3; ZipDX Comments at 3 (claiming that the *Notice*'s proposals function effectively as a second self-certification).

¹⁴³ See *Notice* at 12-13, para. 20.

¹⁴⁴ NCTA Comments at 2.

¹⁴⁵ *Id.* at 2-3.

¹⁴⁶ ZipDX Comments at 3.

¹⁴⁷ *Id.* (observing that this process "requires the uploading of government-issued identification and covers both domestic and foreign entities).

¹⁴⁸ *Id.* at 4.

¹⁴⁹ *Id.* at 3-4.

¹⁵⁰ See *Notice* at 18-19, paras. 33-34.

¹⁵¹ *Id.* at 18-19, paras. 33-34.

data validation tools to enhance the accuracy and completeness of data submitted in the Database,¹⁵² there was a lack of consensus and specificity about what solutions could prove most effective, and no data regarding the cost of implementation. We therefore find the record is insufficient to support adoption of a specific method at this time. Given unanimous interest in leveraging technical solutions to improve the Database, however, we direct the Bureau to further investigate the feasibility and costs associated with those solutions offered in the record,¹⁵³ as well as any others that could achieve substantially the same goal. We delegate to the Wireline Competition Bureau the authority to implement any technical data validation solution that it determines, through its investigation, is likely to produce benefits that outweigh the solution's costs.

44. *Authorizing Permissive Blocking for Facially Deficient Filings.* We decline to adopt our proposal to authorize downstream providers to permissively block traffic by providers that have submitted facially deficient filings and failed to correct them.¹⁵⁴ The *Notice* sought comment on various aspects of this proposal, including the process for identifying facially deficient filings,¹⁵⁵ providing deficient filers a reasonable opportunity to cure,¹⁵⁶ and implementing a permissive blocking scheme.¹⁵⁷ The *Notice* also sought comment on the risks and costs of authorizing permissive blocking, and whether the standard associated with the issuance of cease-and-desist letters provides any guidance regarding the appropriate approach to take here.¹⁵⁸ Commenters' views varied, but most opposed permissive blocking,¹⁵⁹ or supported it only if significant modifications were implemented.¹⁶⁰ For example, the VAFR argues that any such rule would exceed the Commission's statutory authority and prove "unreasonable and potentially devastating for small [voice service providers]," claiming that the period proposed by the *Notice* for responding to alleged deficiencies would need to be lengthened to at least 30 days.¹⁶¹ While we agree with the State AGs and USTelecom that it is important to address facially deficient filings and block traffic that is "likely to be illegitimate,"¹⁶² given the severe consequences of being blocked, we are persuaded that the Commission should first focus on our "existing authority to clean up the RMD and remove bad actors who file deliberately false or misleading information under its existing two-step 'facially deficient' removal process."¹⁶³

¹⁵² See, e.g., iconectiv Comments at 1 (supporting the Commission's "exploration of improving the RMD to include the use of data validation tools"); States AGs Reply at 7-8 (agreeing that preventing the submission of false address information would improve the quality and usefulness of the RMD); ZipDX Reply at 1 (supporting automated validation of RMD submissions).

¹⁵³ See iconectiv Comments at 1-2 (urging the Commission to consider data validation tools that would "confirm company address, officers, and other easy-to-validate corporate details"); State AGs Reply at 7-8 (proposing the Commission validate the provider's address against the United States Postal Service database, and confirm that corporate entities are active in their state of incorporation); ZipDX Comments at 2-4 (arguing the Commission should validate both the filer's email address in CORES and in the RMD, as well as the provider's OCN, before the filing is accepted into the Database).

¹⁵⁴ *Notice* at 20-24, paras. 38-47.

¹⁵⁵ *Id.* at 23-24, para. 46.

¹⁵⁶ *Id.* at 22-23, paras. 42-44.

¹⁵⁷ *Id.* at 22-23, paras. 41-44.

¹⁵⁸ *Id.* at 23, para. 45.

¹⁵⁹ See INCOMPAS Comments at 7; NCTA Comments at 3-4; ZipDX Comments at 3-6. *But see* USTelecom Comments at 3-4; State AG Reply at 9.

¹⁶⁰ See VAFR Comments at 3-6; EPIC Comments at 11-17; Ravnitzky Comments at 2.

¹⁶¹ See VAFR Comments at 3-6.

¹⁶² USTelecom Comments at 4.

¹⁶³ CTIA Comments at 4-6; *see also* Joint Commenters Reply at 5-6.

45. Instead of pursuing a permissive blocking scheme, CTIA suggests that the Commission take further action to remove providers subject to mandatory blocking from the Robocall Mitigation Database. Specifically, CTIA urges the Commission to, within 30 days of the issuance of a blocking order made pursuant to section 64.1200(n)(3) of our rules, remove a provider from the Robocall Mitigation Database.¹⁶⁴ CTIA contends that doing so represents “a logical step” consistent with our existing rules and additionally argues that the Commission “should prioritize its implementation of blocking orders on . . . flagrant offenders who have refused to address issues with their RMD filings despite Commission outreach.”¹⁶⁵ As noted by CTIA, Commission rules already speak to the subject.¹⁶⁶ We therefore find that additional action is unnecessary.¹⁶⁷

46. *Limiting the Scope of Confidentiality Requests.* Because our existing rules discourage broad requests for confidentiality, we decline at this time to further limit the scope of confidentiality requests. In response to our request for general comment regarding improvements to the Database,¹⁶⁸ CTIA and USTelecom urge the Commission to reject overly broad confidentiality requests pertaining to robocall mitigation plans.¹⁶⁹ They contend that failure to do so would undermine the usefulness of the Robocall Mitigation Database, including its ability to promote transparency and accountability.¹⁷⁰ ZipDX claims that some providers “redact the entire substance of their [robocall mitigation plan] from public inspection, depriving other stakeholders from evaluating the plan and making appropriate decisions.”¹⁷¹ USTelecom further asserts that such sweeping redactions enable bad actors to abuse confidentiality protections to avoid public scrutiny.¹⁷² However, as USTelecom itself observes, the Commission has already adopted a protective order delineating the strict terms of any confidentiality request.¹⁷³ Indeed, the Commission addressed these very concerns at the time of its issuance and noted that it would “not hesitate to act should we identify improper confidentiality requests.”¹⁷⁴ The other measures we adopt today, including establishing a dedicated reporting mechanism for deficient filings, will better enable the Commission to identify and address overly redacted robocall mitigation plans. As such, while we heed commenters’ calls to be strict in our review of confidentiality requests, we do not formalize any such action today. However, as part of the filer education initiative discussed above,¹⁷⁵ we direct the Wireline Competition Bureau to consider whether it would be helpful to provide additional guidance to filers that wish to submit requests for confidential treatment of their Robocall Mitigation Database filings, consistent with the terms of the *RMD Protective Order*.

¹⁶⁴ CTIA Comments at 9.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ Moreover, we note that the Commission balances a variety of factors in establishing enforcement priorities and decline to elaborate further on our internal review and enforcement processes, to the extent that CTIA and EPIC requests that the Commission prioritize certain enforcement actions over others.

¹⁶⁸ *Notice* at 11, para. 16.

¹⁶⁹ CTIA Comments at 10, 12 (“[T]he agency should also reject overbroad confidentiality request to ensure the transparency and public utility of the RMD” and “take steps to more carefully scrutinize confidentiality requests.”).

¹⁷⁰ *Id.* at 12; USTelecom Comments at 5.

¹⁷¹ ZipDX Comments at 7; *see also* CTIA Comments at 13.

¹⁷² USTelecom Comments at 5.

¹⁷³ *Id.*; *Call Authentication Trust Anchor*, WC Docket No. 17-97, Protective Order, 36 FCC Rcd 14562, 14566 (WCB 2021) (*RMD Protective Order*).

¹⁷⁴ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Public Notice, 36 FCC Rcd 14562, 14565 (WCB 2021).

¹⁷⁵ *Supra* Section III.D.

47. *Heightened Scrutiny of Certain Filings.* We do not at this time adopt rules that would formally modify the level of scrutiny a given provider receives in certain cases. Responding to our broad request for comment on potential improvements to the Database,¹⁷⁶ USTelecom proposes that when individuals “associated with a certain number of apparently unaffiliated entities submits a new filing, the Commission should elevate [that] filing for additional review.”¹⁷⁷ The Joint Commenters agree, stating that such scrutiny would deter “bad actors from creating new entities to refile after being kicked out of the Database.”¹⁷⁸ They further argue that the Commission can “best promote the quality and accuracy of information . . . by using its existing authority to closely analyze the substance of [robocall mitigation plan] filings and to remove facially deficient filings submitted by providers.”¹⁷⁹ We decline to discuss here our internal investigatory processes, including the extent to which the Commission already applies additional scrutiny to certain types of applications. Moreover, the Commission has already developed an expedited two-step procedure for removing facially deficient filings.¹⁸⁰ CTIA urges the Commission to set a 30-day deadline for removal of deficient filings after completion of this process, so as to “provide much-needed certainty.”¹⁸¹ However, as outlined in the *Sixth Caller ID Authentication Report and Order*, removal already occurs immediately following the second step.¹⁸² To the extent that CTIA expresses concerns about the timing of enforcement actions,¹⁸³ we again decline to discuss internal processes and find that such concerns are outside the scope of this proceeding. We therefore see no need to make additional adjustments to address certain types of filings identified by commenters.

48. EPIC additionally argues that the Commission should expand its expedited removal process for facially deficient filings to providers who are non-responsive to tracebacks or who continually connect illegal calls.¹⁸⁴ We note that such a suggestion falls outside the scope of this proceeding. Nevertheless, failure to respond to traceback requests and transmission of illegal calls represent serious violations of our rules that warrant a swift response. We will continue to monitor the deterrent effect of our enforcement actions on such behaviors and consider further changes to improve the effectiveness thereof.

49. *Additional Enhancements to the Database and Submission Form.* Although we do not adopt additional changes to the Robocall Mitigation Database portal and its submission form, we direct the Wireline Competition Bureau to investigate whether recommendations made in the record warrant further improvements. USTelecom, for instance, suggests enabling filers to include more than one attachment in their submissions so as to avoid “having to rewrite and refile everything” when providing updates.¹⁸⁵ USTelecom also proposes to allow a parent company to submit filings on behalf of an affiliated entity, arguing that doing so would streamline the process for providing updates to the Database and cites to other licensing regimes that allow affiliates to share authorizations.¹⁸⁶ CTIA requests that the

¹⁷⁶ Notice at 11, para. 16.

¹⁷⁷ USTelecom Comments at 5.

¹⁷⁸ Joint Commenters Reply at 8-9.

¹⁷⁹ *Id.* at 2.

¹⁸⁰ See *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2604, para. 62.

¹⁸¹ CTIA Comments at 7-8.

¹⁸² *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2604-2605, para. 62 (“(2) [I]f the deficiency is not cured or the provider fails to establish that there is no deficiency within [a] 10-day period, the Enforcement Bureau will issue an order removing the provider from the database.”).

¹⁸³ CTIA Comment at 8.

¹⁸⁴ EPIC Comments at 11-15.

¹⁸⁵ USTelecom Comments at 6.

¹⁸⁶ *Id.*

Commission overhaul the Database's architecture to allow for more granular searches and a download option for those results, asserting that doing so would make fake or falsified information more easily identifiable by legitimate providers.¹⁸⁷ CTIA further states that the Commission should amend the Database filing form to require selection of a state or territory from a dropdown list to improve searchability,¹⁸⁸ and USTelecom similarly requests that the search page include an entity's OCN to streamline a provider's evaluation of potential partners.¹⁸⁹ We recognize the value of these and other potential changes to the Database.¹⁹⁰ As such, we direct the Wireline Competition Bureau to explore the potential for these and any other modifications to the Database that would improve the user experience of filers.

50. *IP Transition.* We do not at this time adopt recommendations made in the record seeking to facilitate the IP transition. NTCA requests that the Commission examine how the persistent use of TDM facilities and routing have on robocall mitigation efforts and consider whether standards that enable call authentication over non-IP facilities should be used by voice providers to ensure that STIR/SHAKEN is, at minimum, more effective than otherwise.¹⁹¹ ZipDX, acknowledging that such suggestions are only "marginally within the scope of" the *Notice*, nevertheless recommends that we collect data on STIR/SHAKEN implementation by revising the filing process to require providers to indicate the number of calls in the month prior to the filing date affected by delays in IP implementation and to annually update such filings with recent data if deficiencies in implementation exist.¹⁹² These recommendations, irrespective of their merits, fall outside the scope of this proceeding. The Commission is also separately examining this issue in its *Notice of Inquiry* on this matter,¹⁹³ and we otherwise decline to adopt additional filing requirements at this time.

IV. LEGAL AUTHORITY

51. Consistent with our proposal, we adopt the foregoing revisions to the Robocall Mitigation Database requirements pursuant to the legal authorities that the Commission relied on in its caller ID authentication and call blocking orders, namely sections 201(b), 202(a), and 251(e) of the Communications Act, the Truth in Caller ID Act, and our ancillary authority.¹⁹⁴ We conclude that the Commission has authority under 31 U.S.C. § 3512(b) and Part 1, Subpart O of the Commission's rules to make administrative enhancements pertaining to CORES.¹⁹⁵ We further conclude that sections 501, 502,

¹⁸⁷ CTIA Comments at 10-11.

¹⁸⁸ *Id.* at 11.

¹⁸⁹ USTelecom Comments at 7.

¹⁹⁰ EPIC also suggests that we reject entries from being created when a filer does not enter all required basic information. EPIC Comments at 5. However, the Database presently requires completion of all fields before submission. See *Wireline Competition Bureau Announces Robocall Mitigation Database Filing Deadlines and Instructions and Additional Compliance Dates*, WC Docket No. 17-97, Public Notice, 39 FCC Rcd 383, 386 (WCB 2024) (noting that "[a]ll required fields [on the submission form] must be completed before a filing can be submitted"). Moreover, the Commission has already implemented an expedited procedure for removing facially deficient filing. See *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2604, para. 62.

¹⁹¹ NTCA Comments at 5-6.

¹⁹² ZipDX Comments at 5.

¹⁹³ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Notice of Inquiry, 37 FCC Rcd 13451 (WCB 2022).

¹⁹⁴ See, e.g., *Sixth Caller ID Authentication Report and Order*, 38 FCC Rcd at 2617-19, paras. 92-95.

¹⁹⁵ See *Notice* at para. 49 & n.125; see, e.g., 31 U.S.C. § 3512(b) (mandating the establishment and maintenance of systems of accounting and internal controls); 47 CFR Part 1, Subpart O (implementing the requirements of the Debt Collection Improvement Act of 1996); *Office of Managing Director Announces implementation of Additional Security Safeguards for Users of FCC's Commission Registration System (CORES)*, DA 24-219 (OMD Mar. 7, 2024).

and 503 of the Communications Act provide authority to establish forfeiture amounts for submitting inaccurate or false certification data to the Robocall Mitigation Database.¹⁹⁶ We note that no commenter questioned our proposed legal authority.¹⁹⁷

52. As explained above, we rely on our authority under section 8 of the Communications Act to add Robocall Mitigation Database filings to the Commission's Schedule of Application Fees. We adopt our tentative conclusion from the *Notice* that submissions to the Robocall Mitigation Database constitute "applications" within the meaning of the RAY BAUM's Act,¹⁹⁸ consistent with our prior implementation of our section 8 authority.¹⁹⁹ The statute requires that our section 8 fees be deposited in the general fund of the Treasury.²⁰⁰ That Congressional requirement does not change the fact that Congress also directs that the fees be keyed to our processing costs. Thus, INCOMPAS's and CCA's arguments²⁰¹ do not alter the statutory requirements or our analysis of our section 8 obligations.²⁰² With the additional exception of NCTA,²⁰³ whose arguments we address above,²⁰⁴ commenters otherwise do not dispute our legal authority to impose a filing fee.²⁰⁵ We therefore adopt our tentative conclusions from the *Notice* and find that section 8 of the Act authorizes the imposition of a filing fee.

V. PROCEDURAL MATTERS

53. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),²⁰⁶ requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."²⁰⁷ Accordingly, we have prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Report and Order* on small entities. The FRFA is set forth in Appendix B.

54. *Paperwork Reduction Act.* This document does not contain new or substantively modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA),

¹⁹⁶ 47 U.S.C. §§ 501, 502, 503.

¹⁹⁷ One commenter argues that the Commission's proposed forfeiture amounts exceed its statutory authority under the TRACED Act. VA FR Comments at 6-8. However, we conclude that sections 501, 502, and 503 of the Act provide independent legal authority to establish forfeiture amounts, and therefore, we need not rely on the TRACED Act.

¹⁹⁸ *Notice* at 16, para. 27.

¹⁹⁹ *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, MD Docket No. 20-270, Report and Order, 35 FCC Rcd 15089, 15128, paras. 123-24 (2020).

²⁰⁰ 47 U.S.C. § 158(e).

²⁰¹ INCOMPAS & CCA Comments at 4-5.

²⁰² See 47 U.S.C. § 158(a) ("The Commission shall assess and collect application fees at such rates as the Commission shall establish in a schedule of application fees to recover the costs of the Commission to process applications."); *id.* at § 158 (c) ("[T]he Commission shall by rule amend the schedule of application fees established under this section if the Commission determines that the schedule requires amendment— (1) so that such fees reflect increases or decreases in the costs of processing applications at the Commission; or (2) so that such schedule reflects the consolidation or addition of new categories of applications.").

²⁰³ NCTA Comments at 3-4.

²⁰⁴ *Supra* Section III.E, para. 33.

²⁰⁵ See VA FR Comments at 8-9 (arguing that fees must be "fair, administrable, and sustainable," but not otherwise disputing the Commission's underlying authority to impose a fee).

²⁰⁶ 5 U.S.C. §§ 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

²⁰⁷ 5 U.S.C. § 605(b).

Public Law 104-13.²⁰⁸ In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. § 3506(c)(4). This document may contain non-substantive modifications to an approved information collection. Any such modifications will be submitted to the Office of Management and Budget (OMB) for review pursuant to OMB's non-substantive modification process.

55. *Congressional Review Act.* The Commission believes, and the Administrator of the Office of Information and Regulatory Affairs, OMB, concurs that these rules are non-major. As such, the rules are non-major under the Congressional Review Act, section 251 of the Contract with America Advancement Act of 1996, Pub. L. No. 104-121. The Commission will send a copy of this *Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

VI. ORDERING CLAUSES

56. Accordingly, pursuant to sections 4(i), 8, 201, 202, 227, 227b, 227(e), 251(e), 501, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 158, 201, 202, 227(e), 251(e), 501, 502, and 503, and 31 U.S.C. § 3512(b), IT IS ORDERED that this *Report and Order* IS ADOPTED.

57. IT IS FURTHER ORDERED that parts 1 and 64 of the Commission's rules ARE AMENDED as set forth in Appendix A.

58. IT IS FURTHER ORDERED that, pursuant to sections 1.4(b)(1) and 1.103(a) of the Commission's rules, 47 CFR §§ 1.4(b)(1), 1.103(a), this *Report and Order*, including the rule revisions and redesignations described in Appendix A, SHALL BE EFFECTIVE 30 days after publication in the Federal Register, except for: (a) section 1.8002(b)(2), 47 CFR § 1.8002(b)(2), and section 64.6305(h), 47 CFR § 64.6305(h), which may contain modifications to existing information collection requirements that require review by the OMB under the Paperwork Reduction Act; and (b) section 1.1105, 47 CFR § 1.1105, which requires notice to Congress pursuant to section 9A(b)(2) of the Communications Act, 47 U.S.C. § 159A(b)(2), and also requires certain updates to the FCC's information technology systems and internal procedures to ensure efficient and effective implementation. Sections 1.8002(b)(2) and 64.6305(h) will not become effective until any necessary OMB review is complete. Section 1.1105 will not take effect until the requisite notice has been provided to Congress, the FCC's information technology systems and internal procedures have been updated, and the Commission publishes notice(s) in the Federal Register announcing the effective date of such rules.

59. IT IS FURTHER ORDERED that the Office of the Managing Director, Performance Evaluation and Records Management, SHALL SEND a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A).

²⁰⁸ As noted above, *see supra* paragraph 26, implementation of the new mechanism for reporting deficient filings may involve new or substantively modified information collection requirements, and the Wireline Competition Bureau is directed to complete the process required under the PRA for any such requirements.

60. IT IS FURTHER ORDERED that the Commission's Office of the Secretary, SHALL SEND a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A**Final Rules**

For the reasons discussed above, the Federal Communications Commission amends Parts 1 and 64 of Title 47 of the Code of Federal Regulations as follows:

PART 1 – PRACTICE AND PROCEDURE**Subpart A—General Rules of Practice and Procedure**

1. Section 1.80 is amended by revising “Table 1 to Paragraph (b)(11)” in paragraph (b)(11) to read as follows:

(b) * * *

(11) * * *

Table 1 to Paragraph (b)(11)—Base Amounts for Section 503 Forfeitures

Forfeitures	Violation amount
Misrepresentation/lack of candor	(1)
Failure to file required DODC required forms, and/or filing materially inaccurate or incomplete DODC information	\$15,000
Construction and/or operation without an instrument of authorization for the service	10,000
Failure to comply with prescribed lighting and/or marking	10,000
Violation of public file rules	10,000
Submitting inaccurate or false information to the Robocall Mitigation Database (Continuing violation until cured)	10,000
Violation of political rules: Reasonable access, lowest unit charge, equal opportunity, and discrimination	9,000
Unauthorized substantial transfer of control	8,000
Violation of children's television commercialization or programming requirements	8,000
Violations of rules relating to distress and safety frequencies	8,000
False distress communications	8,000
EAS equipment not installed or operational	8,000
Alien ownership violation	8,000
Failure to permit inspection	7,000
Transmission of indecent/obscene materials	7,000
Interference	7,000
Importation or marketing of unauthorized equipment	7,000
Exceeding of authorized antenna height	5,000

Fraud by wire, radio or television	5,000
Unauthorized discontinuance of service	5,000
Use of unauthorized equipment	5,000
Exceeding power limits	4,000
Failure to Respond to Commission communications	4,000
Violation of sponsorship ID requirements	4,000
Unauthorized emissions	4,000
Using unauthorized frequency	4,000
Failure to engage in required frequency coordination	4,000
Construction or operation at unauthorized location	4,000
Violation of requirements pertaining to broadcasting of lotteries or contests	4,000
Violation of transmitter control and metering requirements	3,000
Failure to file required forms or information	3,000
Per call violations of the robocall blocking rules	2,500
Failure to make required measurements or conduct required monitoring	2,000
Failure to provide station ID	1,000
Unauthorized pro forma transfer of control	1,000
Failure to maintain required records	1,000
Failure to update Robocall Mitigation Database within 10 business days (Continuing violation until cured)	1,000

Subpart G—Schedule of Statutory Charges and Procedures for Payment

2. Section 1.1105 is amended by revising the “Table to § 1.1105” to read as follows:

§1.1105 Schedule of charges for applications and other filings for the wireline competition services.

* * * * *

Table to § 1.1105

Wireline competition services		
Type of application	Payment type code	Fee amount
Domestic 214 Applications—Part 63, Transfers of Control	CDU	\$1,445

Domestic 214 Applications—Special Temporary Authority	CDV	755
Domestic 214 Applications—Part 63 Discontinuances (Non-Standard Review) (Technology Transition Filings Subject to Section 63.71 (f) (2) (i) or Not Subject to Streamlined Automatic Grant, and Filings From Dominant Carriers Subject to 60-Day Automatic Grant)	CDW	1,445
Domestic 214 Applications—Part 63 Discontinuances (Standard Streamlined Review) (All Other Domestic 214 Discontinuance Filings)	CDX	375
VoIP Numbering	CDY	1,560
Standard Tariff Filing	CQK	1,040
Complex Tariff Filing (annual access charge tariffs, new or restructured rate plans) (Large—all price cap LECs and entities involving more than 100 LECs)	CQL	7,680
Complex Tariff Filing (annual access charge tariffs, new or restructured rate plans) (Small—other entities)	CQM	3,840
Application for Special Permission for Waiver of Tariff Rules	CQN	420
Waiver of Accounting Rules	CQP	5,185
Universal Service Fund Auction (combined long-form and short-form fee, paid only by winning bidder)	CQQ	3,480
Initial Robocall Mitigation Database Filing	CEA	100
Annual Robocall Mitigation Database Recertification	CEB	100

Subpart W – FCC Registration Number (FRN)

3. Section 1.8002 is amended by revising paragraph (b)(2) to read as follows:

§ 1.8002 Obtaining an FRN.

* * * * *

(b) * * *

(2) Registrants shall update the information listed in paragraph (b)(1) within 10 business days of any change to that information either by updating the information on-line at the CORES link at www.fcc.gov or by filing FCC Form 161 (CORES Update/Change Form).

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Subpart HH—Caller ID Authentication

4. Section 64.6305 is amended by adding paragraph (h) to read as follows:

* * * * *

(h) ***Annual Recertification Requirement.*** In accordance with this section and 47 CFR 1.16, all providers shall certify annually, on or before March 1, that any information submitted to the Robocall Mitigation Database is true and correct.

APPENDIX B

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980 (RFA),¹ as amended, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Improving the Effectiveness of the Robocall Mitigation Database Notice of Proposed Rulemaking (Notice)* released in August 2024.² The Federal Communications Commission (Commission) sought written public comment on the proposals in the *Notice*, including comment on the IRFA. The comments discussing potential burdens to small providers are discussed below in section B. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.³

A. Need for, and Objectives of, the Report and Order

2. The *Report and Order* takes important steps in the fight against illegal robocalls by adopting rules to improve the overall quality of Robocall Mitigation Database (RMD) submissions and strengthen the procedures providers must follow to submit, update, and maintain accurate filings.⁴ Specifically, the *Report and Order*: (1) requires providers to update any information submitted to the Commission Registration System (CORES) within 10 business days of any change to that information;⁵ (2) adopts base forfeiture amounts for submitting false or inaccurate information to the RMD;⁶ (3) directs the Wireline Competition Bureau (Bureau) to establish a dedicated reporting mechanism for deficient filings;⁷ (4) directs the Bureau to issue additional guidance, educational materials, and “best practices” for filing in the RMD;⁸ (5) and concludes that RMD submissions are “applications” within the meaning of the RAY BAUM’s Act and requires that providers remit a \$100 application processing fee for initial submissions and annually thereafter.⁹ Through these actions, the *Report and Order* strengthens the RMD as a compliance and consumer protection tool.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

3. Though there were no comments raised that specifically addressed the proposed rules and policies presented in the IRFA, the Commission did receive comments addressing the burdens on small providers in response to the *Notice*. Specifically, one commenter opposed the Commission’s proposals to: (1) authorize downstream providers to permissively block traffic by RMD filers that have been given notice that their robocall mitigation plans are facially deficient and that fail to correct those deficiencies within 48 hours; (2) establish a separate base forfeiture amount for submitting false or inaccurate information to the RMD; and (3) require providers to remit a filing fee for RMD submissions, arguing that such proposals would be unduly burdensome and potentially devastating to small voice service providers.¹⁰ The Commission was persuaded by commenter’s arguments regarding the severe

¹ 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law No. 104-121, 110 Stat. 847 (1996).

² *Improving the Effectiveness of the Robocall Mitigation Database, Amendment of Part 1 of the Commission’s Rules, Concerning Practice and Procedure, Amendment of CORES Registration System*, WC Docket No. 24-213, MD Docket No. 10-234, Notice of Proposed Rulemaking, FCC 24-85, Appx. A (Aug. 8, 2024).

³ See 5 U.S.C. § 604.

⁴ See *Report and Order*, Section III.

⁵ See *id.*, Section III.A.

⁶ See *id.*, Section III.B.

⁷ See *id.*, Section III.C.

⁸ See *id.*, Section III.D.

⁹ See *id.*, Section III.E.

¹⁰ See VAFR Comments 3-10.

consequences of being blocked, and declined to adopt its proposal to authorize permissive blocking.¹¹ Regarding the proposal to establish a separate base forfeiture, the Commission found that the amount of \$10,000—below the statutory maximum—serves as an appropriate middle ground between competing commenters’ views regarding the appropriateness and amount of a forfeiture.¹² Finally, the Commission concluded that a \$100 filing fee is appropriate and manageable, and further determined that assessment of the fee will occur only at the time of initial submission and annually thereafter, thereby limiting concerns that filers would find it cost prohibitive to update filings.¹³

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

4. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.¹⁴ The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

5. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein.¹⁵ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”¹⁶ In addition, the term “small business” has the same meaning as the term “small-business concern” under the Small Business Act.¹⁷ A “small-business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.¹⁸

6. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, at the outset, three broad groups of small entities that could be directly affected herein.¹⁹ First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration’s (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.²⁰ These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million

¹¹ See *Report and Order*, Section III.F.

¹² See *id.*, Section III.B.

¹³ See *id.*, Section III.E.

¹⁴ 5 U.S.C. § 604(a)(3).

¹⁵ *Id.* § 604(a)(4).

¹⁶ *Id.* § 601(6).

¹⁷ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

¹⁸ See 15 U.S.C. § 632.

¹⁹ 5 U.S.C. § 601(3)-(6).

²⁰ See SBA, Office of Advocacy, “What’s New With Small Business?,” <https://advocacy.sba.gov/wp-content/uploads/2023/03/Whats-New-Infographic-March-2023-508c.pdf> (Mar. 2023).

businesses.²¹ Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”²² The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations.²³ Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.²⁴

7. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”²⁵ U.S. Census Bureau data from the 2022 Census of Governments²⁶ indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.²⁷ Of this number, there were 36,845 general purpose governments (county,²⁸ municipal, and town or township²⁹) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts³⁰) with enrollment

²¹ *Id.*

²² 5 U.S.C. § 601(4).

²³ The IRS benchmark is similar to the population of less than 50,000 benchmark in 5 U.S.C § 601(5) that is used to define a small governmental jurisdiction. Therefore, the IRS benchmark has been used to estimate the number of small organizations in this small entity description. See Annual Electronic Filing Requirement for Small Exempt Organizations – Form 990-N (e-Postcard), “Who must file,” <https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard>. We note that the IRS data does not provide information on whether a small exempt organization is independently owned and operated or dominant in its field.

²⁴ See Exempt Organizations Business Master File Extract (EO BMF), “CSV Files by Region,” <https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-eo-bmf>. The IRS Exempt Organization Business Master File (EO BMF) Extract provides information on all registered tax-exempt/non-profit organizations. The data utilized for purposes of this description was extracted from the IRS EO BMF data for businesses for the tax year 2022 with revenue less than or equal to \$50,000 for Region 1-Northeast Area (71,897), Region 2-Mid-Atlantic and Great Lakes Areas (197,296), and Region 3-Gulf Coast and Pacific Coast Areas (260,447) that includes the continental U.S., Alaska, and Hawaii. This data includes information for Puerto Rico (469).

²⁵ 5 U.S.C. § 601(5).

²⁶ 13 U.S.C. § 161. The Census of Governments survey is conducted every five (5) years compiling data for years ending with “2” and “7”. See also Census of Governments, <https://www.census.gov/programs-surveys/economic-census/year/2022/about.html>.

²⁷ See U.S. Census Bureau, 2022 Census of Governments – Organization Table 2. Local Governments by Type and State: 2022 [CG2200ORG02], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. Local governmental jurisdictions are made up of general purpose governments (county, municipal and town or township) and special purpose governments (special districts and independent school districts). See also tbl.2. CG2200ORG02 Table Notes_Local Governments by Type and State_2022.

²⁸ See *id.* at tbl.5. County Governments by Population-Size Group and State: 2022 [CG2200ORG05], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. There were 2,097 county governments with populations less than 50,000. This category does not include subcounty (municipal and township) governments.

²⁹ See *id.* at tbl.6. Subcounty General-Purpose Governments by Population-Size Group and State: 2022 [CG2200ORG06], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. There were 18,693 municipal and 16,055 town and township governments with populations less than 50,000.

³⁰ See *id.* at tbl.10. Elementary and Secondary School Systems by Enrollment-Size Group and State: 2022 [CG2200ORG10], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. There were 11,879 independent school districts with enrollment populations less than 50,000. See also tbl.4. Special-Purpose Local

(continued....)

populations of less than 50,000.³¹ Accordingly, based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 entities fall into the category of “small governmental jurisdictions.”³²

8. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks.³³ Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband Internet services.³⁴ By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.³⁵ Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.³⁶

9. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.³⁷ U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.³⁸ Of this number, 2,964 firms operated with fewer than 250 employees.³⁹ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services.⁴⁰ Of these providers, the Commission estimates that 4,146

Governments by State Census Years 1942 to 2022 [CG2200ORG04], CG2200ORG04 Table Notes_Special Purpose Local Governments by State_Census Years 1942 to 2022.

³¹ While the special purpose governments category also includes local special district governments, the 2022 Census of Governments data does not provide data aggregated based on population size for the special purpose governments category. Therefore, only data from independent school districts is included in the special purpose governments category.

³² This total is derived from the sum of the number of general purpose governments (county, municipal and town or township) with populations of less than 50,000 (36,845) and the number of special purpose governments - independent school districts with enrollment populations of less than 50,000 (11,879), from the 2022 Census of Governments - Organizations tbls. 5, 6 & 10.

³³ See U.S. Census Bureau, *2017 NAICS Definition*, “517311 Wired Telecommunications Carriers,” <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Fixed Local Service Providers include the following types of providers: Incumbent Local Exchange Carriers (ILECs), Competitive Access Providers (CAPs) and Competitive Local Exchange Carriers (CLECs), Cable/Coax CLECs, Interconnected VOIP Providers, Non-Interconnected VOIP Providers, Shared-Tenant Service Providers, Audio Bridge Service Providers, and Other Local Service Providers. Local Resellers fall into another U.S. Census Bureau industry group and therefore data for these providers is not included in this industry.

³⁷ See 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

³⁸ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

³⁹ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁴⁰ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

providers have 1,500 or fewer employees.⁴¹ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

10. *Local Exchange Carriers (LECs)*. Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include both incumbent and competitive local exchange service providers. Wired Telecommunications Carriers⁴² is the closest industry with an SBA small business size standard.⁴³ Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.⁴⁴ The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.⁴⁵ U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.⁴⁶ Of this number, 2,964 firms operated with fewer than 250 employees.⁴⁷ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were fixed local exchange service providers.⁴⁸ Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees.⁴⁹ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

11. *Incumbent Local Exchange Carriers (Incumbent LECs)*. Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers⁵⁰ is the closest industry with an SBA small business size standard.⁵¹ The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.⁵² U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year.⁵³ Of this number, 2,964 firms operated with fewer than

⁴¹ *Id.*

⁴² See U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers,"* <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

⁴³ See 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

⁴⁴ Fixed Local Exchange Service Providers include the following types of providers: Incumbent Local Exchange Carriers (ILECs), Competitive Access Providers (CAPs) and Competitive Local Exchange Carriers (CLECs), Cable/Coax CLECs, Interconnected VOIP Providers, Non-Interconnected VOIP Providers, Shared-Tenant Service Providers, Audio Bridge Service Providers, Local Resellers, and Other Local Service Providers.

⁴⁵ *Id.*

⁴⁶ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

⁴⁷ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁴⁸ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁴⁹ *Id.*

⁵⁰ See U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers,"* <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

⁵¹ See 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

⁵² *Id.*

⁵³ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

250 employees.⁵⁴ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service providers.⁵⁵ Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees.⁵⁶ Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

12. *Competitive Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers.⁵⁷ Wired Telecommunications Carriers⁵⁸ is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.⁵⁹ U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.⁶⁰ Of this number, 2,964 firms operated with fewer than 250 employees.⁶¹ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 3,378 providers that reported they were competitive local service providers.⁶² Of these providers, the Commission estimates that 3,230 providers have 1,500 or fewer employees.⁶³ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

13. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers⁶⁴ is the closest industry with a SBA small business size standard.⁶⁵ The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as

⁵⁴ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁵⁵ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁵⁶ *Id.*

⁵⁷ Competitive Local Exchange Service Providers include the following types of providers: Competitive Access Providers (CAPs) and Competitive Local Exchange Carriers (CLECs), Cable/Coax CLECs, Interconnected VOIP Providers, Non-Interconnected VOIP Providers, Shared-Tenant Service Providers, Audio Bridge Service Providers, Local Resellers, and Other Local Service Providers.

⁵⁸ See U.S. Census Bureau, 2017 NAICS Definition, "517311 Wired Telecommunications Carriers," <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

⁵⁹ See 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

⁶⁰ See U.S. Census Bureau, 2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

⁶¹ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁶² Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁶³ *Id.*

⁶⁴ See U.S. Census Bureau, 2017 NAICS Definition, "517311 Wired Telecommunications Carriers," <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

⁶⁵ See 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

small.⁶⁶ U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.⁶⁷ Of this number, 2,964 firms operated with fewer than 250 employees.⁶⁸ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees.⁶⁹ Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

14. *Cable System Operators (Telecom Act Standard)*. The Communications Act of 1934, as amended, contains a size standard for a "small cable operator," which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000."⁷⁰ For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 498,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator.⁷¹ Based on industry data, only six cable system operators have more than 498,000 subscribers.⁷² Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. We note however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million.⁷³ Therefore, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

15. *Other Toll Carriers*. Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers⁷⁴ is the closest industry with a SBA small business size standard.⁷⁵ The SBA small business size standard for Wired

⁶⁶ *Id.*

⁶⁷ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFIIRM, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFIIRM&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

⁶⁸ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁶⁹ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁷⁰ 47 U.S.C. § 543(m)(2).

⁷¹ *FCC Announces Updated Subscriber Threshold for the Definition of Small Cable Operator*, Public Notice, DA 23-906 (MB 2023) (2023 *Subscriber Threshold PN*). In this Public Notice, the Commission determined that there were approximately 49.8 million cable subscribers in the United States at that time using the most reliable source publicly available. *Id.* This threshold will remain in effect until the Commission issues a superseding Public Notice.. See 47 CFR § 76.901(e)(1).

⁷² S&P Global Market Intelligence, S&P Capital IQ Pro, *Top Cable MSOs 06/23Q* (last visited Sept. 27, 2023); S&P Global Market Intelligence, *Multichannel Video Subscriptions*, Top 10 (April 2022).

⁷³ The Commission does receive such information on a case-by-case basis if a cable operator appeals a local franchise authority's finding that the operator does not qualify as a small cable operator pursuant to § 76.901(e) of the Commission's rules. See 47 CFR § 76.910(b).

⁷⁴ See U.S. Census Bureau, *2017 NAICS Definition*, "517311 Wired Telecommunications Carriers," <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

⁷⁵ See 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.⁷⁶ U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year.⁷⁷ Of this number, 2,964 firms operated with fewer than 250 employees.⁷⁸ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 90 providers that reported they were engaged in the provision of other toll services.⁷⁹ Of these providers, the Commission estimates that 87 providers have 1,500 or fewer employees.⁸⁰ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

16. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves.⁸¹ Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless Internet access, and wireless video services.⁸² The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees.⁸³ U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year.⁸⁴ Of that number, 2,837 firms employed fewer than 250 employees.⁸⁵ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services.⁸⁶ Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees.⁸⁷ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

17. *Satellite Telecommunications.* This industry comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or

⁷⁶ *Id.*

⁷⁷ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

⁷⁸ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁷⁹ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁸⁰ *Id.*

⁸¹ See U.S. Census Bureau, *2017 NAICS Definition*, "517312 Wireless Telecommunications Carriers (except Satellite)," <https://www.census.gov/naics/?input=517312&year=2017&details=517312>.

⁸² *Id.*

⁸³ See 13 CFR § 121.201, NAICS Code 517312 (as of 10/1/22, NAICS Code 517112).

⁸⁴ See U.S. Census Bureau, *2017 Economic Census of the United States, Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517312, <https://data.census.gov/cedsci/table?y=2017&n=517312&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

⁸⁵ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁸⁶ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁸⁷ *Id.*

reselling satellite telecommunications.”⁸⁸ Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$44 million or less in annual receipts as small.⁸⁹ U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year.⁹⁰ Of this number, 242 firms had revenue of less than \$25 million.⁹¹ Consequently, using the SBA’s small business size standard most satellite telecommunications service providers can be considered small entities. The Commission notes however, that the SBA’s revenue small business size standard is applicable to a broad scope of satellite telecommunications providers included in the U.S. Census Bureau’s Satellite Telecommunications industry definition. Additionally, the Commission neither requests nor collects annual revenue information from satellite telecommunications providers, and is therefore unable to more accurately estimate the number of satellite telecommunications providers that would be classified as a small business under the SBA size standard.

18. *Local Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Local Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard.⁹² The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households.⁹³ Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure.⁹⁴ Mobile virtual network operators (MVNOs) are included in this industry.⁹⁵ The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees.⁹⁶ U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year.⁹⁷ Of that number, 1,375 firms operated with fewer than 250 employees.⁹⁸ Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2021, there were 207 providers that reported

⁸⁸ See U.S. Census Bureau, *2017 NAICS Definition, “517410 Satellite Telecommunications,”* <https://www.census.gov/naics/?input=517410&year=2017&details=517410>.

⁸⁹ See 13 CFR § 121.201, NAICS Code 517410.

⁹⁰ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 517410, <https://data.census.gov/cedsci/table?y=2017&n=517410&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

⁹¹ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

⁹² See U.S. Census Bureau, *2017 NAICS Definition, “517911 Telecommunications Resellers,”* <https://www.census.gov/naics/?input=517911&year=2017&details=517911>.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ See 13 CFR § 121.201, NAICS Code 517911 (as of 10/1/22, NAICS Code 517121).

⁹⁷ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517911, <https://data.census.gov/cedsci/table?y=2017&n=517911&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

⁹⁸ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

they were engaged in the provision of local resale services.⁹⁹ Of these providers, the Commission estimates that 202 providers have 1,500 or fewer employees.¹⁰⁰ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

19. *Toll Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Toll Resellers. Telecommunications Resellers¹⁰¹ is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure.¹⁰² Mobile virtual network operators (MVNOs) are included in this industry.¹⁰³ The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees.¹⁰⁴ U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year.¹⁰⁵ Of that number, 1,375 firms operated with fewer than 250 employees.¹⁰⁶ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 457 providers that reported they were engaged in the provision of toll services.¹⁰⁷ Of these providers, the Commission estimates that 438 providers have 1,500 or fewer employees.¹⁰⁸ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

20. *Prepaid Calling Card Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. Telecommunications Resellers¹⁰⁹ is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure.¹¹⁰

⁹⁹ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

¹⁰⁰ *Id.*

¹⁰¹ See U.S. Census Bureau, 2017 NAICS Definition, "517911 Telecommunications Resellers," <https://www.census.gov/naics/?input=517911&year=2017&details=517911>.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ See 13 CFR § 121.201, NAICS Code 517911 (as of 10/1/22, NAICS Code 517121).

¹⁰⁵ See U.S. Census Bureau, 2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017, Table ID: EC1700SIZEEMPFI, NAICS Code 517911, <https://data.census.gov/cedsci/table?y=2017&n=517911&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

¹⁰⁶ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

¹⁰⁷ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

¹⁰⁸ *Id.*

¹⁰⁹ See U.S. Census Bureau, 2017 NAICS Definition, "517911 Telecommunications Resellers," <https://www.census.gov/naics/?input=517911&year=2017&details=517911>.

¹¹⁰ *Id.*

Mobile virtual network operators (MVNOs) are included in this industry.¹¹¹ The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees.¹¹² U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year.¹¹³ Of that number, 1,375 firms operated with fewer than 250 employees.¹¹⁴ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 62 providers that reported they were engaged in the provision of prepaid card services.¹¹⁵ Of these providers, the Commission estimates that 61 providers have 1,500 or fewer employees.¹¹⁶ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

21. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.¹¹⁷ This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.¹¹⁸ Providers of Internet services (e.g. dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry.¹¹⁹ The SBA small business size standard for this industry classifies firms with annual receipts of \$40 million or less as small.¹²⁰ U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year.¹²¹ Of those firms, 1,039 had revenue of less than \$25 million.¹²² Based on this data, the Commission estimates that the majority of "All Other Telecommunications" firms can be considered small.

¹¹¹ *Id.*

¹¹² See 13 CFR § 121.201, NAICS Code 517911 (as of 10/1/22, NAICS Code 517121).

¹¹³ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPfirm, NAICS Code 517911, <https://data.census.gov/cedsci/table?y=2017&n=517911&tid=ECNSIZE2017.EC1700SIZEEMPfirm&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

¹¹⁴ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

¹¹⁵ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

¹¹⁶ *Id.*

¹¹⁷ See U.S. Census Bureau, *2017 NAICS Definition, "517919 All Other Telecommunications,"* <https://www.census.gov/naics/?input=517919&year=2017&details=517919>.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ See 13 CFR § 121.201, NAICS Code 517919 (as of 10/1/22, NAICS Code 517810).

¹²¹ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFirm, NAICS Code 517919, <https://data.census.gov/cedsci/table?y=2017&n=517919&tid=ECNSIZE2017.EC1700SIZEREVFirm&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

¹²² *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

22. The *Report and Order* creates new compliance obligations for small and other entities by requiring providers to follow additional procedures to submit, update, and maintain accurate filings in the RMD. These changes affect small and other companies, and apply to all the classes of regulated entities identified above. Specifically, the *Report and Order* requires providers to update any information submitted to CORES within 10 business days of any change to that information;¹²³ establishes a base forfeiture of \$10,000 for each violation for filers that submit false or inaccurate information to the Database, and a base forfeiture of \$1,000 for failure to update information that has changed in the RMD within 10 business days;¹²⁴ and requires providers to recertify their RMD filings annually.¹²⁵ Attendant with this final change, the *Report and Order* also requires providers to remit a \$100 filing fee for initial and subsequent annual submissions, and applies the Commission's red-light rule to RMD filings, whereby the Commission will not process applications and other requests for benefits by parties that owe non-tax debt to the Commission.¹²⁶

23. While there is not detailed information currently on the record to determine whether small entities will be required to hire professionals to comply with its decisions in the *Report and Order*, we find that the forfeiture fees and additional obligations are not overly burdensome, and take necessary steps to strengthen the RMD's effectiveness as a compliance and consumer protection tool. Further, section 503 of the Act allows for penalties to be adjusted depending on the specific circumstances of each case. New obligations to update information in CORES within 10 days are aligned with existing obligations to update the RMD in a similar timeframe, and therefore should not be overly burdensome to small providers.

F. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

24. The RFA requires an agency to provide, "a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected."¹²⁷

25. The *Report and Order* considered alternatives that may minimize the economic impact on small providers. In adopting its proposal to require providers to update any information submitted to CORES within 10 business days of any change to that information, the Commission assumed the rule would impose no significant costs on CORES users or present any significant countervailing burdens, including for small providers because it aligns with existing obligations to update the RMD, and no commenters disagreed or otherwise opposed the proposal.¹²⁸ Recognizing arguments in the record that fines may lead to unintended harmful effects on small companies, the Commission established a base forfeiture amount below the statutory maximum for submitting false or inaccurate information to the RMD.¹²⁹ The Commission also agreed with commenters that inadvertent errors or minor lapses in compliance should not result in the same penalties as willful misconduct, and adopted a base forfeiture

¹²³ See *Report and Order*, Section III.A.

¹²⁴ See *id.*, Section III.B.

¹²⁵ See *id.*, Section III.E.

¹²⁶ See *id.*

¹²⁷ 5 U.S.C. § 604(a)(6).

¹²⁸ See *Report and Order*, Section III.A.

¹²⁹ See *id.*, Section III.B.

amount of \$1000 for failure to update RMD filings within 10 business days—significantly lower than the \$10,000 base forfeiture amount for submitting false or inaccurate data in the first instance.¹³⁰ The Commission considered comments disputing the RMD filing fee as an application fee, but found it to be analogous to other filing requirements. The Commission found that a \$100 filing fee is an appropriate amount to cover the cost of processing RMD filings, and, along with an annual recertification requirement, is minimally burdensome for small providers, as evidenced by the record.¹³¹ Nevertheless, the Commission adopted an approach whereby the assessment of the fee will occur only at the time of initial submission and annually thereafter, as opposed to each time a provider makes minor corrections to RMD filings, reducing the cost of updating filings for small and other providers.¹³² In adopting a two-factor authentication solution for accessing the Database, the Commission disagreed with commenters that characterized multi-factor authentication as costly and burdensome, concluding that the added security afforded by a two-factor authentication solution merits its use. The Commission nevertheless acknowledged that such a solution could present logistical problems, and directed the Wireline Competition Bureau and OMD to develop a two-factor authentication solution with these potential issues in mind.

26. Finally, the Commission considered and declined to adopt a number of proposals described in the *Notice*, including requiring filers to obtain a PIN in order to submit a filing and implementing any technical data validation solutions, citing the potential burden on providers, including small providers, and a lack of clear, countervailing benefits.¹³³ The Commission also declined to adopt its proposal to authorize providers to engage in permissive blocking of voice traffic by RMD filers that have been given notice that their robocall mitigation plans are facially deficient and that fail to correct those deficiencies within 48 hours, thereby reducing the risk and potential burden of being blocked for small and other providers.¹³⁴ The Commission found other proposals, such as increasing the Commission's scrutiny of certain filings and recommendations to facilitate the IP transition, to be outside the scope of this proceeding.

G. Report to Congress

27. The Commission will send a copy of the *Report and Order*, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.¹³⁵ In addition, the Commission will send a copy of the *Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Report and Order* (or summaries thereof) will also be published in the Federal Register.¹³⁶

¹³⁰ *See id.*

¹³¹ *See id.*, Section III.E.

¹³² *See id.*

¹³³ *See id.*, Section III.F.

¹³⁴ *Notice* at 20, para. 38.

¹³⁵ 5 U.S.C. § 801(a)(1)(A).

¹³⁶ *Id.* § 604(b).