

FLEXO TELECOM LLC
ROBOCALL MITIGATION PLAN

I. Background

The Federal Communications Commission (“FCC” or “Commission”) has adopted rules requiring voice service providers, like FLEXO TELECOM LLC (“FLEXO”), to, among other things, file certifications and robocall mitigation plans in the FCC’s Robocall Mitigation Database (“RMD”). 47 CFR § 64.6305; see also Call Authentication Trust Anchor, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, FCC 23-18 (Mar. 17, 2023) (“Sixth Caller ID Authentication Report and Order”).

The FCC requires that all voice service providers certify in the Commission’s RMD whether they have implemented the STIR/SHAKEN authentication framework, and that all of the calls that it originates, carries or processes are subject to a robocall mitigation program consistent with the Commission’s rules.¹ The provider’s mitigation plan “shall include reasonable steps to avoid originating illegal robocall traffic and shall include a commitment to respond 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 any illegal robocallers that use its service to originate calls.” 47 C.F.R. § 64.6305(a)(2); *id.* at § 64.6305(b)(2)-(c)(2) (parallel rule for gateway and non-gateway intermediate providers’ “carrying or processing illegal robocall traffic”).

Despite imposing a general duty to mitigate “robocalls,” the Commission’s codified rules do not define “robocall.”² The TRACED Act defines “robocall violation” as “a violation of subsection (b) or (e) of section 227 of the Communications Act of 1934.” TRACED Act § 11(d), Pub. L. No. 116-105, 133 Stat. 3274 (2019); *id.* at § 13(d)(f)(3) (defining a “suspected unlawful robocall” as a “call that

¹ See <https://docs.fcc.gov/public/attachments/DA-24-73A1.pdf> (WCB Jan. 25, 2024 Public Notice).

² The Commission’s TCPA-related regulations, 47 C.F.R. § 64.1200, use the undefined term “illegal traffic,” 47 C.F.R. § 64.1200((k)-(m)), while its STIR/SHAKEN-related regulations define the FCC’s public-facing Robocall Mitigation Database, but not the “robocalls” that are to be mitigated. 47 C.F.R. § 64.6300. Thus, neither of the regulations that bear directly on the project of robocall mitigation expressly define “robocall.” Cf. *In re Advanced Methods to Target & Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Report and Order and Further Notice of Proposed Rule Making, 32 FCC Rd. 9706, 9725 ¶ 56 (Nov. 17, 2017) (declining to define “illegal robocall,” and acknowledging that “the record shows confusion regarding how the proposed definition of ‘illegal robocall’ should apply to the call blocking rules.”); *In re Core Communications, Inc., et al.* Tariff F.C.C. No. 3, WC Docket No. 21-191, Order, 36 FCC Rd. 9997, 9999 (June 23, 2021) (In a related context, stating that the “Commission defines a robocall as a call made using an automatic telephone dialing system or an artificial or prerecorded voice.”) (citing 47 U.S.C. § 227(b)(1); 47 CFR § 64.1200(a)). FLEXO therefore focuses on the two types of unlawful calls—227(b) and 227(e) of the TCPA—that Congress expressly addressed.

the Commission or a voice service provider reasonably believes was made in violation of subsection (b) or (e) of section 227 of the Communications Act of 1934.” Thus, FLEXO’s training and mitigation efforts focus, as they must, on potentially unlawful calls that violate either (a) 47 U.S.C. § 227(b) (governing non-emergency calls initiated with a prerecorded or artificial voice or an automatic telephone dialing system, as that term has been interpreted by the Supreme Court in *Facebook, Inc. v. Duguid*, 592 U.S. 395 (2011)) or (b) 47 U.S.C. 227(e), or the Truth in Caller ID Act, which prohibits people from causing “any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value,” absent an applicable exemption.

The FCC’s rules contemplate that the provider’s plan should describe how it “complies with its obligation to know its customers pursuant to § 64.1200(n)(4) [for originating voice service providers], any procedures in place to know its upstream providers, and the analytics system(s) it uses to identify and block illegal traffic, including whether it uses any third-party analytics vendor(s) and the name(s) of such vendor(s).” 47 C.F.R. § 64.6305(d)(1)(ii); see also 47 C.F.R. § 64.6305(f)(2)(ii). The Commission has acknowledged, however, that, “we do not currently require [] providers other than gateway providers to engage in ‘know-your-upstream-provider’ procedures, [but] if they have put such procedures in place, they must be documented in their robocall mitigation plan,” and that “we do not specifically require providers to use call analytics.” Sixth Caller ID Authentication Report and Order ¶¶ 40 & n.155-56.

The Commission has explained that a robocall-mitigation program is “sufficient if it includes detailed practices that can reasonably be expected to significantly reduce” the provider’s origination or carriage of illegal robocalls, and the voice service provider complies with the practices described in its plan. Sixth Caller ID Authentication Report and Order ¶ 31. FLEXO is dedicated to developing and taking reasonable steps. This document outlines FLEXO’s robocall mitigation plan.

II. FLEXO’s Know Your Customer (“KYC”) Standards

FLEXO is a voice service provider and wholesale, intermediate (both gateway and non-gateway) provider that focuses its business and operations on the business user and wholesale voice services communications market. As part of its customer-onboarding process, FLEXO undertakes various commercially reasonable precautions to verify a given customer’s identity, including having its customers complete a KYC questionnaire, a USF Exemption Certificate for carrier customers, and a formal written contract. Among other data points collected and, as appropriate, verified, as part of those processes, FLEXO gathers the following customer-identifying facts and circumstances:

- Customer business name and entity type,
- state or country of incorporation,
- physical business location,
- contact person(s), with business phone number and email addresses, for main, technical, and compliance customer contacts;

- trade and/or bank references,
- federal tax ID number,
- FCC 499 Filer ID & FRN;
- Robocall Mitigation Database filing indicating STIR/SHAKEN compliance; and
- Company website and/or other customer-facing presence;

FLEXO's verification practices include confirming a carrier customer's reported status in the FCC's Form 499 Filer database of registered carriers and the Commission's Robocall Mitigation Database, and performing internet research into the company's reasonably accessible online profile and potential call-usage-claim-related history. FLEXO also conducts, as applicable, reference checks with a prospective customer's other carrier-suppliers, and reviews their traceback history. When FLEXO onboards new customers, FLEXO's team also checks all new account traffic profiles for patterns relating to call duration, caller ID usage, ASR, and other metrics to help assess traffic hygiene issues.

III. FLEXO 's Acceptable Use Policy

As part of its customer-onboarding process, all of FLEXO's customers contractually agree to various terms and conditions, including a commitment to comply with FLEXO's Acceptable Use Policy (AUP). Among other things, this AUP prohibits:

- Using the Services to engage in any activities that are illegal, abusive, false, fraudulent, deceptive or misleading, or any activity that exploits, harms, or threatens to harm children.
- Engaging in any unsolicited advertising, marketing, or other unlawful activities using the Services, including, without limitation, any activities that violate laws applicable to advertising, electronic communications, and telemarketing, such as the Federal Trade Commission Telemarketing Sales Rule (16 C.F.R. § 310 et seq.), the Telephone Consumer Protection Act (47 U.S.C. § 227), the Federal Communications Commission regulations (47 C.F.R. § 64.1200 et seq.) and orders implementing the Telephone Consumer Protection Act, and all federal and state Do Not Call and calling-time restriction laws and regulations.
- Creating a false identity, forged email address or header, phone number, or otherwise attempting to mislead others as to the identity of the sender or the origin of a message or phone call, including failing to comply with the Truth in Caller ID Act.

FLEXO's contracts with its customers provide that FLEXO is authorized to suspend and/or terminate all Services in the event of an AUP violation.

IV. Telephone Number Authorization and STIR-SHAKEN Capabilities

FLEXO has fully implemented the STIR/SHAKEN authentication framework across its entire network. FLEXO's network accurately signs and accepts and transmits all STIR/SHAKEN-

related data it receives in the call path, consistent with 47 C.F.R. § 64.6302-05.

FLEXO restricts its end users to only making calls from telephone numbers that FLEXO has assigned them or numbers they have demonstrated a right to use, and applies the applicable attestation levels to such calls. FLEXO further restricts end users from making prerecorded/artificial voice calls.

V. Proactive Network Monitoring

FLEXO has various monitoring and reporting systems in place to analyze traffic on its network for potentially suspicious traffic patterns that are likely to be associated with illegal robocalls or other potentially unlawful usage. For example, FLEXO's monitoring systems assess and, as applicable, flag or automatically block, traffic based on various criteria, including

- matching NPA-NXXs of the calling and called parties' telephone numbers;
- blocking calls purporting to be from a telephone number on Do-Not-Originate lists;
- blocking calls from any Media IP address associated with a known or reported illegal robocalling entity, including Media IP addresses identified as fraudulent.
- In addition to its internal analytics, FLEXO also relies on its internal system for monitoring insights.

If FLEXO detects a pattern consistent with illegal robocalls, or has reason to suspect illegal robocalling or spoofing is occurring on its network, FLEXO takes prompt action to identify the party that is using its network to carry these calls and take appropriate action.

VI. Commitment to Timely Traceback Responses and Cooperation

FLEXO commits to respond fully and in a timely manner, 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 any illegal robocallers that use its service to originate, carry, or process illegal robocalls. FLEXO will dedicate sufficient resources to provide timely and complete responses to such requests, and will investigate suspicious activity found by its monitoring systems or reported to it by appropriate parties and take appropriate action.

FlexoTelecom confirms that its Robocall Mitigation Plan explicitly addresses the obligations applicable to originating providers, including those arising from providing services directly to call centers.

-Call Center Onboarding and KYC

FlexoTelecom applies robust onboarding and KYC controls to all call-center customers. This includes verification of legal identity, ownership, business operations, physical presence, and authorized users, as well as collection of detailed information regarding intended calling activities, traffic profiles, and campaign types. Customers are contractually required to provide all the necessary documents, including those provided by the call center registration Authority

-Campaign and Traffic Vetting

All calling campaigns are subject to advance disclosure and review prior to activation. FlexoTelecom continuously monitors originating traffic for abnormal patterns, complaint indicators, or other signs of unlawful or unwanted robocalling. Traffic that deviates from approved parameters or presents elevated risk may be blocked or suspended immediately. We have active compliance team that records and monitors the calls before setting the customer live to prevent any kind of Scam or robocalls.

-Consent and Lawful Calling Requirements

FlexoTelecom requires customers to obtain and maintain valid, legally sufficient consent for all calls and to comply with all applicable laws and regulations. Customers must retain auditable records of consent and calling authorization and provide such documentation upon request. Unauthorized caller ID use and spoofing are strictly prohibited.

Enforcement and Remediation

FlexoTelecom enforces compliance through contractual and technical measures using several tools; including immediate call blocking, campaign suspension, corrective action requirements, and service termination for repeated or serious violations. FlexoTelecom cooperates with regulators, traceback efforts, and law enforcement as appropriate.

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