

Robocall Mitigation Plan

Business Information

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Contact Information

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Overview

In the Commission's recent release, *In the Matter of Call Authentication Trust Anchor, Sixth Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 17-97 (rel. March 17, 2023) ("R&O") it is stated that all voice service providers ("VSPs") must file robocall mitigation plans ("RMPs") that, among other things, outline "reasonable steps" taken to avoid originating illegal robocalls.

In addition to the "reasonable steps," the FCC requires that a RMP include:

- "know your customer" procedures;
- "know your upstream provider";
- ownership information;
- a description of any call analytics system used to identify and block illegal traffic; and
- whether a third-party vendor is used and if so, the name of the vendor.

The FCC previously stated that a RMP is sufficient if the detailed practices in the plan can reasonably be expected to significantly reduce the origination of illegal robocalls and the VSP complies with the practices it describes in its filing.

Purpose

Upright Capital, LLC ("Upright Capital") is a small VSP dedicated to stopping illegal calls from traversing the network and monitoring the calls coming into our network.

Upright Capital is a "pure reseller" that has no control over the infrastructure necessary to implement STIR/SHAKEN. As such, Upright Capital was previously exempt from the FCC's STIR/SHAKEN rules. The R&O requires that pure resellers such as Upright Capital now file RMPs. This document delineates Upright Capital's RMP. Because Upright Capital does not have access to the necessary infrastructure, it relies on its upstream carrier to assist in robocall mitigation. As delineated herein, Upright Capital works closely with its upstream provider to carry out the required mitigation functions.

Know Your Customer ("KYC")

Upright Capital is a small VSP; we have a small number of customers. We know our customers and understand their use cases.

All the new customers are verified with a combination of electronic and manual verification systems, credit reviews, references from trusted industry members, and previous experiences with customer executives and employees. New subscribers must provide the following information: name, telephone number, email address, and country.

Our phone systems require manual dialing from the phone or software and do not offer the capability to place robocalls. Our systems have guardrails in place limiting the number of calls our customers can dial at a time. We also do not sell auto dialers or any auto dial software.

New subscribers have their outbound calls rate-limited to one per second, and human contact via phone call or in-person is required in order to increase that rate. New subscribers placing outbound calls can only use Caller IDs which have been purchased through our platform or ones validated through automated-number-validation voice call. Our customers are restricted from accessing the management system, so they cannot change their own caller ID or spoof numbers.

Know Your Upstream Providers

In accordance with the Commission's directive in *Advanced Methods to Target and Eliminate Unlawful Robocalls Call Authentication Trust Anchor, Seventh Report and Order In CG Docket 17-59 and WC Docket 17-97, Eighth Further Notice of Proposed Rulemaking In CG Docket 17-59, and Third Notice of Inquiry in CG Docket 17-59* (Rel. May 19, 2023) ¶¶ 49-51, Uprite Capital provides the following information concerning its upstream voice service carrier.

Uprite Capital has one upstream provider from which it receives voice traffic:

1. Bandwidth.com CLEC, LLC
4001 Weston Parkway Suite 100
Cary, North Carolina 27513
Phone: 800.808.5150
Email: support@bandwidth.com

Uprite Capital has a master service agreement with its upstream provider and has received assurances in writing from their officials that they have, and will continue to, sign calls transmitted to Uprite Capital and will abide by the Commission's STIR/SHAKEN and robocall mitigation rules in all respects when providing voice traffic to Uprite Capital. Uprite Capital and its upstream provider have agreed to work together diligently to mitigate all illegal robocalls, including cooperating fully when receiving traceback requests.

Acceptable Use Policy ("AUP")

Uprite Capital maintains an AUP that subscribers must agree to before being permitted to use Uprite Capital' software and services. Among other things, the AUP prohibits:

- using our service for any illegal purposes whatsoever;

- engaging in activity for which FCC or any equivalent national regulatory authority, has restricted or regulated in relation to proper use of the public telephony network or the Internet;
- using our service if Uprite Capital determines, at its sole discretion, that its provision for this customer is prohibited by applicable law or has become impractical or unfeasible for any legal or regulatory reason; and
- using our service to offer or otherwise make available to others fraudulent goods, services, schemes, or promotions, including make-money-fast schemes, Ponzi and pyramid schemes, phishing, pharming, harvesting or similar deceptive practices.

Uprite Capital' contractual terms with subscribers specify that Uprite Capital may take action up to suspension or termination of service for violation of the AUP.

Telephone Number Authorization

New subscribers placing outbound calls can only use Caller IDs which have been purchased through our platform. Subscribers cannot use any other Caller IDs not purchased through our platform.

- prohibits the sending of outbound traffic via the PSTN with Caller IDs not owned by the customer or the customer's subscribers; and
- states that, if Uprite Capital receives notice that the Customer's outbound calls through our platform are deemed to be spam, Uprite Capital has the right to disconnect the service immediately and without notice.

Analytics for Monitoring Traffic

Uprite Capital works with its upstream provider to detect a calling pattern consistent with illegal robocalls. If such a call is detected, we will identify the party that is using our network to originate those calls and will take appropriate action. Taking appropriate action may include, but is not limited to, initiating a traceback investigation, verifying that the originating subscriber owns or is authorized to use the Caller ID number, and suspending or terminating the party's ability to originate calls on our network. Uprite Capital does not employ third-party vendors for traffic analytics.

Investigate Suspicious Activity

Uprite Capital employs the following processes in analyzing its traffic to mitigate illegal robocalls:

- Monitoring the network to identify suspicious traffic patterns.
- Limiting customers' capacity via call per second and/or concurrent session limits.
- Regularly checking call patterns for possible abusive traffic.

When traffic analysis indicates the presence of likely illegal robocalling, Uprite Capital' risk prevention team is alerted, which follows the defined procedures on investigating such subscribers.

The procedures established include but are not limited to:

- checking recent and past call detail records and benchmark against expected trends;
- checking recent and past account activity and purchases;

- investigating if any system issue generates the strange behavior;
- verifying that the call originating path is valid; and
- contacting the subscriber to understand his or her particular use case and validate that the activity belongs to that subscriber.

Upright Capital follows Industry Traceback Group (“ITG”)-recommended best industry practices and cooperates in traceback and trace forward investigations. To allow for timely and comprehensive responses, Upright Capital will devote sufficient resources to provide prompt and complete resources to traceback requests.

The Company commits to fully responding within 24 hours to all traceback requests from the ITG, the TPTG, the FCC, and law enforcement. The Company shall cooperate with these groups to investigate and stop any illegal robocallers from using Upright Capital’ service to carry or process illegal calls. When notified by the FCC’s Enforcement Bureau, Company shall block and report identified illegal traffic, and any substantially similar traffic, on an ongoing basis (unless Company’s investigation determines that the traffic is not illegal) when Company receives actual written notice of such traffic from the Enforcement Bureau. If Company determines that the identified traffic is not illegal, Company shall provide the Enforcement Bureau with an explanation as to why Company reasonably concluded that the identified traffic is not illegal, and what steps it took to reach that conclusion.

Upright Capital will cooperate with investigative bodies (provide a single point of contact to address traceback requests from law enforcement including state attorneys general offices), to the FCC, and/or the ITG; as well as documenting requests and actions taken in response thereto.

Blocking

Upright Capital will promptly respond to DNO requests it receives from the ITG. Upright Capital has mechanisms to automatically block suspicious calls using internal analytics. If Upright Capital monitoring systems identify suspected robocalling patterns that are confirmed with further investigation, Upright Capital will take appropriate action which may include suspending or terminating the subscriber’s use of Upright Capital’ network.

Upright Capital reserves the right to refuse traffic from any party at any time where robocalling or use of originating numbers that are not valid or they are not authorized to use has occurred or is suspected. Upright Capital can block the originating number(s), terminating numbers(s), trunk(s) or customer, including termination of customer relationship to prevent robocalling, invalid originating number or spoofed origination number transiting Upright Capital’ networks.

Plan Updates

This plan and industry best practices must evolve to respond to the dynamic nature of mitigating illegal robocalling. Upright Capital will monitor industry best practices and continuously improve our internal processes to ensure this plan and our system adapt to this ever-changing issue.

In the event of any material change to this plan, Upright Capital will republish it to employees, consultants and contractors and file such an update to the FCC Robocall Mitigation Database within ten (10) days of such update.

Certification of Robert Balderaz

I, Robert Balderaz, Manager of Managed Phones of Uprite Capital, do hereby certify, under penalty of perjury, the following:

- (1) Uprite Capital by virtue of its status as a "pure reseller" does not have access to the necessary infrastructure to implement STIR/SHAKEN, and therefore has not implemented STIR/SHAKEN in the IP portions of its network.
- (1) Uprite Capital Business name and primary address are as follows:

Uprite Capital, LLC
11831 Radium St.
San Antonio, TX 78216
- (2) Uprite Capital, LLC also uses the Business name "Uprite Services".
- (3) Uprite Capital has not previously used any other business name.
- (4) The name, title, department, business address, telephone number, and email address of the individual responsible for addressing robocall-related issues are listed in the above robocall mitigation plan.
- (5) The following person/entity owns more than 10% of Stephen Sweeney
- (6) The following person is Uprite Capitals' principal: Stephen Sweeney
- (7) Uprite Capital has no subsidiaries/affiliates.
- (8) None of the persons/entities in items 5 – 7 above have had any licenses denied/revoked by the FCC or been subject to an FCC enforcement proceeding.
- (9) Uprite Capital role in the call chain is that of a voice service provider without a STIR/SHAKEN obligation.
- (10) Uprite Capital has not been prohibited from filing in the Robocall Mitigation Database due to an enforcement action.
- (11) Uprite Capital is not subject to a Commission, law enforcement, or regulatory agency action or investigation due to suspected unlawful robocalling or spoofing.
- (12) Uprite Capital is not required to have and does not have an operating company number.

/Robert Balderaz/
Robert Balderaz, Manager of Managed Phones