

TCS LLC
Robocall Mitigation Plan

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ROBOCALL MITIGATION PLAN

A. Introduction

Consistent with the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”), the following Robocall Mitigation Plan details the policies and practices that TCS LLC (“TCS”) has established to prevent the origination of unlawful robocalls from its voice services. In general, this Robocall Mitigation Plan provides information regarding TCS’s:

1. Contractual terms that mitigate the origination of illegal robocalls;
2. Know your customer protocols;
3. Monitoring and investigation of suspicious calling patterns;
4. Analyzing and monitoring outbound voice traffic; and
5. Commitment to cooperate in traceback requests.

1. Company Summary

TCS is registered in the FCC’s Form 499 database as an Interconnected VoIP service Provider.¹ TCS provides certain voice services to its customers.

2. Identification of STIR/SHAKEN Status

The FCC’s regulations define a provider of “voice service” as an entity that is interconnected with the public switched telephone network (“PSTN”) and that furnishes voice communications to an end user using resources from the North American Numbering Plan (“NANP”) or any successor to the North American Numbering Plan.² Consistent with 47 CFR § 64.6301, TCS: (1) is designated as a Voice Service Provider serving end users with a STIR/SHAKEN implementation obligation; and (2) implements STIR/SHAKEN authentication framework on its voice services. The calls of TCS’ customers are signed using TCS’ own signing certificate. TCS does not qualify as any other type of provider in the call chain.

B. Robocall Mitigation Plan

1. Contractual Terms.

TCS has implemented contractual terms and policies that are designed to mitigate the origination of illegal robocalls from its voice services. These terms and policies are enshrined in TCS’s (1) Master Subscription Agreement (“MSA”), (2) Terms for Communications Services (“Terms of Use”), (3) Dialer specific terms and (4) its Acceptable Use Policy (“AUP”) (collectively the “TCS Terms and Conditions”).

¹ Form 499 submitted on March 1, 2024.

² 47 C.F.R. §64.6300(g)

TCS MSA requires compliance with the AUP, the Terms of Use and the Dialer specific terms are incorporated in the MSA by reference. In particular, customers obtaining services from TCS are subject to contractual terms that can reasonably be expected to significantly reduce the origination of illegal robocalls.³ TCS Terms and Conditions include the following contractual provisions:

- **Contractual Obligations to Comply with All Relevant Laws.** TCS Terms and Conditions affirmatively obligate customers to comply with all applicable laws, regulations and requirements of any governmental body⁴ and to implement all the applicable features and configurations to ensure that their use of the service complies with any applicable laws or regulations⁵. Customers are responsible for TCS services users' compliance with TCS Terms and Conditions.
- **Affirmative Obligations on TCS Customers.** TCS Terms and Conditions affirmatively obligate customers and users to meet certain obligations with respect to the use of TCS services. These obligations include: 1) customer's use of commercially reasonable efforts to prevent unauthorized use of TCS services, and prompt notification to TCS of any such unauthorized access or use;⁶ and 2) the prohibition for customers and users to use TCS services to transmit any unlawful communications.⁷
- **Suspension or Deactivation of Voice Services Under Certain Circumstances.** TCS Terms and Conditions permit TCS to bar or suspend services to its customers where: 1) the customer is in material breach of TCS Terms and Conditions,⁸ 2) the customer is using the Services in violation of law or applicable regulations,⁹ and/or 3) TCS is required by a regulator to suspend such customer, or as necessary to comply with applicable law.¹⁰ In addition, although such termination can occur with prior notice

³ *Call Authentication Trust Anchor*, Second Report and Order, 36 FCC Rcd 1859, FCC 20-136, ¶ 78 (October 1, 2020).

⁴ MSA, Sections 3.2(d), p. 4, 15.1, p. 11.

⁵ Dialer specific terms.

⁶ MSA, Section 3.2(c), p. 4.

⁷ AUP, Sections d, f.

⁸ Master Subscription Agreement, Section 13.4(b), p. 10.

⁹ *Id.*, Section 13.4(c), pp. 10 – 11.

¹⁰ *Id.*, Section 13.4(d), p. 11.

to the customer, TCS may bar or suspend such service without such prior notice under certain circumstances.¹¹

- ***Robocall Specific Provisions Placed on TCS Customers.*** TCS Terms and Conditions expressly require customers to comply with the Telephone Consumer Protection Act and the Telemarketing Sales Rule. Non-compliance constitutes a material breach under the MSA, allowing TCS to immediately terminate the customer. Finally, TCS customers are contractually obligated to cooperate with TCS on tracebacks associated with a suspected illegal robocall.¹²

2. Know Your Customer Protocols.

Consistent with Principle #5 of the Attorneys General anti-robocall principles, TCS also follows appropriate Know Your Customer (“KYC”) protocols when onboarding new customers or renewing existing customers. As part of its KYC protocols, TCS requires any commercial customer to provide sufficient information to ensure its legitimacy. Among other things, TCS requires its customers to provide the full legal name of the company, the address and its specific line of business (e.g., banking, health care, telemarketing). TCS also screens any prospective customer against US and international sanctions lists.

Regarding the FCC’s Know Your Upstream requirements, TCS works with various reputable upstream providers to facilitate all voice traffic originating on, or terminating to, TCS services. Such relationships are governed by relevant contractual terms.

3. Investigating Suspicious Calling Patterns

In case TCS was notified by the FCC or the Industry Traceback Group (“ITG”), or law enforcement about instances of suspicious traffic on its voice services, TCS has procedures in place to address the investigation of such traffic:

- If an uncharacteristic behavior is notified to TCS, the legal department is immediately informed of this. The legal department will then request to investigate the issue to the customer service management team or the relevant engineering team, depending on the nature of the issue. When needed, the customer service management team will liaise expeditiously with the customer to request adequate remedial actions to prevent or block fraudulent activity;
- TCS also collaborates with its carrier partners expeditiously and in good faith to investigate suspicious activity;
- If necessary, TCS can proceed to block the voice traffic and/or terminate the service.

¹¹ TCS Terms of Use.

¹² TCS Terms of Use.

4. Analyzing and Monitoring Outbound Traffic.

Consistent with Principle #3 of the Attorneys General anti-robocall principles,¹³ TCS's Robocall Mitigation Plan sets out procedures to govern the analysis and monitoring of its outbound traffic. TCS' carriers partners monitor traffic for suspicious patterns, specifically for spikes in traffic to unexpected destinations and, in case any illegal activity is identified or suspected, they notify it to TCS and ask for explanation and/or remedial action.

5. Traceback Requests.

To the best of its knowledge, TCS has never received a traceback request from the FCC's designated Traceback Consortium, or federal or state law enforcement agencies. TCS takes the issue of unwanted and illegal robocalls seriously and is committed to ensuring that its voice services are not utilized for the origination of such calls. TCS will therefore respond within 24 hours to all traceback requests from the Commission, the Traceback Consortium, and law enforcement agencies, consistent with the FCC's rules and regulations.

In furtherance of this policy, TCS provides the following information for its designated individual responsible for responding to traceback inquiries from the FCC, the Traceback Consortium, and law enforcement agencies. This information, which includes the name and contact information, is as follows:

Contact Name: Regis Covey
Contact Title: VP Legal Americas
Contact Address: 440 N Barranca Avenue
Contact City: #4375, Covina
Contact State and Zip Code: CA 91723
Contact Telephone Number: +18443322859
Contact Email: regulatory@talkdesk.com

¹³ State Attorneys General, *Anti-Robocall Principles*, Principle #3.

Exhibit A – Certifications

TCS, LLC (“TCS” or the “Company”) certifies that:

- All calls originated on TCS voice services are subject to this Robocall Mitigation Plan.
- TCS has not been prohibited from filing in the RMD.
- TCS has implemented the STIR/SHAKEN authentication framework on its voice services. The calls of TCS' customers are signed using TCS' own signing certificate.
- TCS has not been the subject of a formal Commission law enforcement, or regulatory agency action or investigation with accompanying findings of actual or suspected wrongdoing due to the filing entity transmitting, encouraging, assisting, or otherwise facilitating illegal robocalls or spoofing, or a deficient RMD certification or mitigation program description within the past 2 years.

* * * *

Exhibit B – Company Information

TCS principals, affiliates, subsidiaries, and parent companies.

- Executives: David Middler (Secretary); Kevin Sullivan (Controller); Dharmy Rajendra (Treasurer).
- Affiliates: Talkdesk Inc. Portugal, Unipessoal LDA., Talkdesk Brasil CX Cloud Software LTDA., Talkdesk Singapore PTE. LTD., Talkdesk Australia PTY LTD, Talkdesk (Wuhan) Software Co., Ltd, Talkdesk U.K. Limited, Talkdesk Canada Inc, Talkdesk Germany GmbH, Talkdesk France SAS, Talkdesk Spain S.L., Talkdesk India Private Limited, Talkdesk Ukraine LLC.
- **Subsidiaries:** None.
- **Parent Companies:** Talkdesk, Inc.

<u>Company Name</u>	<u>FRN</u>	<u>OCN</u>	<u>Business Names in Use</u>	<u>Business Names Previously Used</u>
TCS LLC	0035020635	239L	TCS	None