

GAMEFORCE TELECOM LLC ROBOCALL MITIGATION PLAN

I. Background

The Federal Communications Commission (“FCC” or “Commission”) has adopted rules requiring voice service providers, like GameForce Telecom LLC (“GameForce”), 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).

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 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.”

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 Rcd. 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 Rcd. 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)). GameForce therefore focuses on the two types of unlawful calls—227(b) and 227(e) of the TCPA—that Congress expressly addressed.

Thus, GameForce'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 (2001)) 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.

GameForce notes that, by design, its services are provisioned to significantly curtail end users' opportunity to make so-called "robocalls" in the first place. First, its system is incapable of generating the telephone numbers its end users may use GameForce's voice services to call. Like traditional phone service, GameForce's end users must supply the phone numbers it calls with GameForce's service. Thus, its end users should be incapable of making calls with an "automatic telephone dialing system," as the U.S. Supreme Court interprets that term. Moreover, with limited exceptions, GameForce's end users must make live-agent calls; GameForce's services can only be used with AI-voice or prerecorded messages after going through additional customer screening, during which the customer must either demonstrate representative form of consent to make such calls, commit to scrubbing wireless numbers out of its contact list for informational calls, or other compliant strategies, as the case may be. As such, 47 U.S.C. § 227(b) violations should not, and in our experience generally do not, occur via GameForce's services. And, third, GameForce's end users can only use caller IDs that they have subscribed to and been assigned by GameForce, or ported into GameForce's network, as their outbound caller ID, such that, absent some hacking event, which would violate GameForce's AUP, GameForce's end users can't manipulate their caller ID. Thus, by design, GameForce's end users are likewise prevented from using GameForce's services to violate 47 U.S.C. § 227(e).

The FCC's rules provide that the provider's plan should describe how it "complies with its obligation to know its customers pursuant to § 64.1200(n)(4), 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). 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 of illegal robocalls, and the voice service provider complies with the practices described in its plan. *Sixth Caller ID Authentication Report and Order* ¶ 31. GameForce is dedicated to developing and taking reasonable steps. This document outlines GameForce's

robocall mitigation plan.

II. GameForce's Know Your Customer ("KYC") Standards

GameForce is a voice service provider that focuses its business and operations on the business end user customer segment of the voice services communications market. As part of its customer-onboarding process, GameForce undertakes various commercially reasonable precautions to ascertain and verify a new customer's identity as part of entering into a formal written agreement.

Among other data points collected and, as appropriate, verified, as part of its KYC processes, GameForce gathers the following customer-identifying facts and circumstances:

- Customer business name and any DBAs,
- Company email, phone number, and website domain,
- state or country of incorporation, with proof thereof,
- business address, and
- contact person(s) along with a government ID for such person.

GameForce investigates the prospective customer's background, such as checking the proposed customer's documentation for consistency, its website, and other indications of a legal, operating business. GameForce also collects various written details about the prospective customer's intended use case for their GameForce service, including the nature of their business and campaign.

III. GameForce's Acceptable Use Policy

As part of its customer-onboarding process, GameForce's customers contractually agree to various terms and conditions, including a commitment to comply with GameForce'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 similarly unlawful activity.
- 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, including, but not limited to, Section 5 of the FTC Act (15 U.S.C. § 45), the CAN-SPAM Act (15 U.S.C. §§ 7701-7713), the Telemarketing Consumer Fraud and Abuse Prevention Act (15 U.S.C. §§ 6101-6108), 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.

GameForce is authorized to suspend and/or terminate its services in the event of an AUP violation.

IV. Telephone Number Authorizat on and STIR-SHAKEN Capabilities

GameForce has fully implemented the STIR/SHAKEN authentication framework across its entire network, and all calls for which it serves as the originating carrier are compliant with 47 C.F.R. Sec. 64.6301(a)(1)-(2).

As noted above, GameForce's end users can only use telephone numbers to which they have subscribed from GameForce, such that GameForce has a documented, verified relationship between the originating end user and their telephone number(s) used to originate their calls.

In the event an GameForce end user would use numbers secured from a different service provider, GameForce would require competent documentary evidence (in the form of an LOA, contract or invoice) evidencing the end user's right to use the associated phone number(s) from the unaffiliated provider(s). Thus, as noted above, given GameForce's caller ID practices, its customers should be incapable of a spoofing violation prohibited by 47 U.S.C. § 227(e).

V. Proactive Network Monitoring and Analytics

GameForce has various internal 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, GameForce's switch provider and monitoring systems can assess traffic based on various criteria, including data relating to short-duration calls, SDP/SDR, answer-seizure ratios, call-failure (404) ratios, and ANI Cardinality Ratio, a measure of uniqueness in the ANI distribution to help identify any suspicious calling patterns. GameForce does not currently use any third-party analytics vendors for its robocall mitigation practices.

If GameForce detects a pattttern consistent with illegal robocalls, or has reason to suspect illegal robocalling or spoofing is occurring on its network, GameForce takes prompt action to identify the party that is using its network to carry these calls and take appropriate action. GameForce also can and does conduct routine spot checks of recordings customers save on the system, enabling GameForce to periodically verify that their usage is consistent with the representations made during onboarding, and to otherwise investigate potential claims.

VI. Commitment to Timely Traceback Responses and Cooperation

GameForce 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. GameForce 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.