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SIPNOC 2026 Legal Eagles Super-Session

Agenda

- FCC Regulatory Developments
- Enforcement Updates
- Q&A

FCC Regulatory Developments

Further Notice of Proposed Rulemaking – Numbering
FCC 26-17; WC Docket Nos. 26-49, 20-67; Mar. 27, 2026.

Substance

NPRM

- Proposes sweeping reforms to numbering policy, including how TNs are assigned, utilized, reported, and resold.
- Proposes to expand robocall mitigation certification requirements to a broad range of providers, including resellers.
- Seeks to strengthen NRUF reporting requirements to address alleged underreporting.
- Would overhaul the treatment of intermediate numbers, creating new categories and reporting obligations.
- Proposes to limit multi-level number resales, and address number "cycling."

Ramifications/Outstanding Issues

- What are the operational impacts of limiting resale of numbers to a single level?
- What types of outbound calling practices should constitute number "cycling"?
- What are the operational burdens that could arise from changes to NRUF reporting?

Notice of Proposed Rulemaking – Call Centers
FCC 26-16; CG Docket Nos. 26-52, 17-59; Mar. 27, 2026

Substance

NPRM

- Proposes a comprehensive regulatory framework governing the use of foreign call centers by communications providers and their affiliates.
- Proposes new operational requirements, including English-language proficiency standards, disclosures, compliance reporting, and consumer right to transfer to a U.S.-based representative.
- Proposes a cap on %'age of customer service interactions that may be handled by offshore call centers.
- Seeks comment on expanding the framework to include texts, emails, chats, and additional service providers.

Ramifications/Outstanding Issues

- What are the potential costs of relocating call center operations?
- Could language proficiency requirements impact multilingual customer support?
- Could the proposal impact the consumer experience, such as through increased customer wait times?
- Could the proposal ultimately reach services beyond traditional telecom, such as text, chat, etc.?

Further Notice of Proposed Rulemaking – KYC
FCC 26-27; CG Docket Nos. 17-59, 02-278; May 1, 2026

Substance

FNPRM

- Proposes to significantly expand and formalize existing know-your-customer obligations for originating providers.
- Proposed requirements would seek detailed customer identification, verification, retention, and re-verification requirements for new and renewing customers.
- FNPRM seeks comment on enhanced due diligence requirements for higher-risk and high-volume customers.
- The FCC also seeks comment on imposing penalties for KYC violations on a per-call basis.

Ramifications/Outstanding Issues

- Would specific types of voice service providers be particularly impacted by adoption of these KYC proposals, particularly MVNOs?
- What are the privacy implications of requirements for voice service providers to collect and retain government issued identification?
- How would per call penalties impact certain voice service providers?

Further Notice of Proposed Rulemaking – KYUP
FCC 26-32; Docket Nos. 17-97, 17-59; May 21, 2026

Substance

FNPRM

- Seeks comment on major expansion of KYUP obligations and broader changes to the robocall mitigation framework.
- Seeks to replace the FCC's general KYUP standard with detailed requirements for provider vetting, verification, monitoring, recordkeeping, and remediation.
- Rules would require retention of KYUP records for at least four years.
- Proposes new obligations on the STI-GA, Certification Authorities, and SPC token issuance processes, as well as heightened regulatory oversight of STIR/SHAKEN, including codifying A-, B-, and C-level attestations.

Ramifications/Outstanding Issues

- How would the FCC assess whether a provider's diligence was "reasonable"?
- Could a KYUP regulatory framework increase downstream providers' FCC enforcement exposure?
- Could the proposal create a "check-the-box" compliance regime that creates a roadmap for bad actors?
- To the extent the FCC regulates attestation practices, what are the impacts on traditional standards-based approaches?

Further Notice of Proposed Rulemaking – RMD FCC 26-49; WC Docket No. 24-213; Jul. 23, 2026

Substance

FNPRM

- Seeks comment on significant expansion of RMD requirements since its creation.
- Would dramatically broaden who must file in the RMD, extending obligations beyond traditional voice providers to a wide range of call-originating entities.
- FCC seeks comment on enhanced certifications, disclosures, robocall mitigation plans, and traceback-related obligations for all RMD filers.
- Proposal seeks comment on increased oversight through expanded vetting, audit, screening, and enforcement mechanisms, including new removal and reinstatement procedures.

Ramifications/Outstanding Issues

- What is the interplay between this proposal and the FCC's ongoing KYUP and KYC proceedings?
- How broadly will the FCC define a provider of "voice service," and what are the implications for those entities?
- What are the potential administrative burdens on voice service providers?
- Should voice service providers be vetted prior to inclusion in the RMD, and if so, who should do the vetting?

Public Notice – Robocall Scorecard
DA 26-392; CG Docket No. 26-239; Sep. 2, 2026

Public Notice

Substance

- Issued by CGB, the PN seeks comment creating a "Robocall Scorecard" for voice providers.
- Proposal may be limited to larger providers that serve the majority of US consumers—would not apply to intermediate or gateway providers.
- Seeks comment on potential data sources, such as RMD data, analytics providers, and customer complaints.
- Also seeks comment on scoring methodologies.

Ramifications/Outstanding Issues

- How broadly would the FCC's proposed scorecard be applied, and which voice service providers will be covered?
- What data will the FCC utilize to develop its scorecard, and how accurate is that data?
- How frequently will the scorecard be published, and what are the potential competitive impacts?

Other Items of Note (There is More!)

Draft R&O and FNPRM

- Draft R&O and FNPRM; will be considered at the FCC's Sept. 30 Meeting.
- **The R&O would** permit category-specific consent revocations, allow callers to designate exclusive revocation methods, and expand financial institutions' ability to send fraud alerts.
- **The FNPRM would** tighten TCPA consent-revocation requirements by accelerating compliance timelines, mandating revocation mechanisms, and requiring reply-text opt outs for two-way texting.

Non-IP NPRM (Apr. 2025)

- Sought comment on use of STIR/SHAKEN on non-IP networks.
- Tentatively endorses three non-IP solutions in particular: In-Band Authentication; Out-of-Band Multiple STI-CPS Authentication; and Out-of-Band Agreed STI-CPS Authentication.
- Proposes two-year deadline for providers using TDM to either transition to IP or implement non-IP authentication.

Caller-ID FNPRM (Oct. 2025)

- Seeks to improve the availability and accuracy of caller identification information provided to consumers.
- Proposes requiring verified caller identity information to accompany A-level STIR/SHAKEN attestations and seeks comment on broader use of Rich Call Data.
- Seeks measures to identify calls originating outside the United States and to combat spoofing of U.S. numbers on foreign-originated calls.

Enforcement Updates

Federal and State Enforcement Activity

FCC

- **Aug. 2025:** FCC removes more than 1,200 providers from the RMD.
- **Dec. 2025:** FCC proposes delisting four Chinese voice providers from the RMD; in a first, FCC cites national security concerns as basis for removal.
- **Apr. 2026:** FCC proposes a $4.5 million forfeiture against Voxbeam Telecommunications for alleged RMD failures.

Ohio AG

- **Aug. 2026:** Ohio AG secures a federal court default judgment and permanent injunction against Aaron Michael Jones, Sumco Panama, and numerous affiliated individuals and entities for auto warranty scam calls.

DOJ

- **Nov. 2025:** DOJ launches Scam Center Strike Force targeting fraud operations linked to Southeast Asian scam compounds. The Strike Force includes the U.S. Attorney's Office for DC, the FBI, the Secret Service, and other federal agencies.
- **Aug. 2026:** Strike Force freezes $832M+ in scam-linked cryptocurrency and targets leaders of criminal compounds in Cambodia, Laos, and Burma.

Congressional and State Legislative Activity

- **The Foreign Robocall Elimination Act.**
  - ❑ Passed Senate by unanimous consent Aug. 3, 2026; awaiting action in the House.
  - ❑ Direct FCC, in consultation with the FTC and DOJ, to establish a multi-stakeholder task force composed of federal agencies, industry experts, consumer advocates, and the ITG.
  - ❑ Extends traceback consortium renewal period from one year to two.
  - ❑ Provides mechanisms for publication of certain traceback consortium data.
- **The QUIET Act.**
  - ❑ Remains in committee and has not passed either chamber of Congress.
  - ❑ Requires disclosure requirements for robocalls and texts that use AI to emulate a human being.
  - ❑ Establishes a broad definition of "robocall".
  - ❑ Doubles TCPA-related forfeiture penalties and criminal fines for AI-enabled impersonation schemes carried out with intent to defraud, cause harm, or wrongfully obtain something of value.
- **State TCPA Laws.**
  - ❑ States continue to expand and refine “mini-TCPA” laws.
  - ❑ Several jurisdictions adopting broader consent requirements, stricter calling restrictions, expanded coverage of texts and digital communications, and enhanced private rights of action that often exceed federal TCPA requirements.

Supreme Court Issues Opinion on FCC Enforcement

Supreme Court Issues Opinion on FCC Enforcement Authority

- **June 2024:** Supreme Court issues Opinion in *SEC v. Jarkesy.*
- **April 2025:** Fifth Circuit ***strikes down*** FCC Forfeiture Order citing *Jarkesy*.
- **August/September:** D.C. and Second Circuits ***upheld*** FCC Forfeiture Orders.
- **June 2026:** Supreme Court issues decision in *FCC v. AT&T*, ruling that the FCC's in-house process for issuing forfeiture penalties does not violate the Seventh Amendment's right to a jury trial.
  - ❑ The Court determined that because a jury trial is ultimately available before any compulsory payment is required, the statutory scheme satisfies the Seventh Amendment.
  - ❑ The ruling maintains the FCC's administrative penalty framework while elevating the DOJ's role as an independent collection gatekeeper

Questions?

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