

# Monthly TCPA Digest — September 2020

September 18, 2020 | Article | By [Russell H. Fox](#), [Joshua Briones](#)

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## VIEWPOINT TOPICS

- Technology, Communications & Media
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## RELATED PRACTICES

- Technology, Communications & Media
  - TCPA & Consumer Calling
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We are pleased to present our latest *Monthly TCPA Digest*, providing insights and news related to the Telephone Consumer Protection Act (TCPA). In this month's Regulatory Update, we look at the FCC's ongoing implementation of the TRACED Act to combat illegal robocalls and a draft Order released this month aimed at promoting the use of caller ID authentication technology through the adoption of the STIR/SHAKEN framework. The draft Order would establish a requirement for voice service providers to upgrade their non-IP networks to IP and implement STIR/SHAKEN or develop a non-IP caller ID authentication solution. It would also establish extensions beyond the June 30, 2021 implementation deadline for specific types of providers while requiring them to implement a robocall mitigation program on the non-STIR/SHAKEN-enabled portions of their networks. The draft Order would also adopt several important requirements that will apply to all voice service providers.

We also cover briefing developments in the *Facebook Inc. v. Duguid* case at the US Supreme Court, which is expected to resolve a circuit split on the definition of an automatic telephone dialing system (ATDS) under the TCPA. While several circuits have held that equipment that stores and dials telephone numbers is an ATDS even if it dials numbers that were not randomly or sequentially generated, others have found that an ATDS must be able to randomly or sequentially generate numbers. Facebook argues that the text of the TCPA and policy reasons call for equipment to do more than store numbers to qualify as an ATDS — and the US government filed an amicus brief supporting the company's position.

If you have suggestions for topics you'd like us to feature in this newsletter, or any questions about the content in this issue, please feel free to reach out to an attorney on Mintz's [TCPA and Consumer Calling Practice team](#).

## In This Edition

### Part I – TCPA Regulatory Update

- [FCC Releases Draft Order Implementing STIR/SHAKEN; Would Establish Extension Deadlines and Require Certification in a Commission Database, Among Other Requirements](#)

### Part II – TCPA Litigation Update

- [The US Government Sides with Facebook — This Should Make Things Easy for SCOTUS](#)

## Authors



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Russell H. Fox is a wireless communications attorney at Mintz. He guides clients through federal legislative, regulatory, and transactional matters. Russell also participates in FCC proceedings, negotiates spectrum agreements, and represents clients in spectrum auctions.



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## More Viewpoints

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