



PUBLIC NOTICE

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ROBOCALL ENFORCEMENT NOTICE TO ALL U.S.-BASED VOICE SERVICE PROVIDERS

FCC Enforcement Bureau Notifies All U.S.-Based Providers They May Block Robocalls Originating From Certain Providers

File No. EB-TCD-22-00034232

By the Chief, Enforcement Bureau:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) issues this Public Notice to notify all U.S.-based voice service providers about substantial amounts of apparently unlawful student loan-related robocalls originating from the Urth Access, LLC (Urth Access). **Pursuant to section 64.1200(k)(4) of the Commission's Rules, we hereby notify all U.S.-based voice service providers that they may block voice calls or cease to accept traffic from certain originating/intermediate providers listed in this Notice, without liability under the Communications Act or the Commission's rules.¹**

Contemporaneous with this *Public Notice*, the Bureau is issuing a cease-and-desist letter to the following voice service provider (Originating Provider):²

- Urth Access, LLC

The USTelecom's Industry Traceback Group (Traceback Consortium)³ identified Urth Access as the originator for substantial volumes of apparently unlawful student loan-related robocalls. Pursuant to the cease-and-desist letter, Urth Access must (1) immediately investigate and effectively mitigate the traffic identified in the letter, (2) notify the Bureau and the Traceback Consortium, within 48 hours, of the steps taken to mitigate the identified traffic, and (3) inform the Bureau and the Traceback Consortium, within 14 days, of the steps that Urth Access has taken to prevent customers from using its network to transmit

¹ 47 CFR § 64.1200(k)(4). We remind downstream voice service providers that taking advantage of this safe harbor and blocking calls from recipients of cease-and-desist letters that fail to take mitigation measures assists both Commission and industry efforts to reduce the impact of illegal robocalls on consumers.

² Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Fawaz Saleem, CEO, Urth Access, LLC (Nov. 10, 2022). These letters are available on the Commission's website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

³ USTelecom's Industry Traceback Group is the registered industry consortium selected pursuant to the TRACED Act, to conduct tracebacks to identify suspected bad actors. *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No. 20-22, Report and Order, DA 22-870 (EB 2022) (2022 Consortium Selection Order). See also TRACED Act § 13(d).

illegal robocalls.⁴ If Urth Access fails to comply with the requirements set forth in the letters, it may be removed from the Robocall Mitigation Database, obligating all other providers to cease carrying all of its traffic.⁵

Purpose. Protecting individuals and entities from the dangers of unwanted and illegal robocalls is the Commission's top consumer protection priority. As part of the Commission's multi-pronged approach to combatting illegal robocalls, the Commission has taken steps to encourage voice service providers to block suspected illegal robocalls.⁶ The Commission permits voice service providers to block traffic from other voice service providers that the Bureau has warned are transmitting suspected illegal robocalls.⁷ The Bureau has issued several "cease-and-desist" letters, warning voice providers that they were transmitting suspected illegal robocalls and could be subject to blocking.⁸

⁴ See Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Fawaz Saleem, CEO, Urth Access, LLC (Nov. 10, 2022); see also 47 CFR § 64.1200(k)(4). In the circumstances set forth in this cease-and-desist letter, we construe "effective mitigation measures" to mean taking all action necessary to cease carrying any such illegal traffic.

⁵ See 47 CFR § 64.6305(e) (stating that intermediate providers and terminating voice service providers may only accept calls from an originating voice service provider whose filing appears in the Robocall Mitigation Database); *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1902-03, paras. 82-83 (2020) (allowing the Enforcement Bureau to remove deficient originating or terminating voice service provider certifications from the Robocall Mitigation Database); see also *Advanced Methods to Target and Eliminate Unlawful Robocalls*, *Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order in CG Docket No. 17-59, Fifth Report and Order in WC Docket No. 17-97, Order on Reconsideration in WC Docket No. 17-97, Order, Seventh Further Notice of Proposed Rulemaking in CG Docket No. 17-59, and Fifth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 22-37, paras. 35 & 40 (2022) (extending the requirement to submit certifications to the Robocall Mitigation Database to gateway providers).

⁶ See 47 CFR § 64.1200(k); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, 35 FCC Rcd 7614, 7622, para. 19 (2020) (*July 2020 Call Blocking Order*) (establishing safe harbor for blocking traffic from bad-actor upstream voice service providers); *Advanced Methods to Target and Eliminate Unlawful Robocalls*; *Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd 4876, 4887-88, paras. 34-46 (2019) (*2019 Call Blocking Order*) (blocking based on reasonable analytics with consumer opt-out and consumer white lists); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9709, para. 9 (2017) (*2017 Call Blocking Order*) (blocking of certain categories of calls highly likely to be illegal).

⁷ *July 2020 Call Blocking Order*, 35 FCC Rcd at 7628-29, para. 36-39; see 47 CFR § 64.1200(k)(4).

⁸ See, e.g., Letter from Rosemary Harold, Chief, FCC Enforcement Bureau, to Omar Luna, CEO, R Squared Telecom LLC (Apr. 13, 2021); Letter from Rosemary Harold, Chief, FCC Enforcement Bureau, to Vitaly Potapov, CEO, RSCOM LTD (Mar. 17, 2021). The Bureau uses data obtained from the Traceback Consortium. The Commission uses the term "bad actor" when discussing an originating or terminating provider that fails to take appropriate steps to prevent their network from being used to originate or transmit illegal calls. See *July 2020 Call Blocking Order*, 35 FCC Rcd at 7623, para. 19, n.57. More recent cease-and-desist letters have also warned the bad actor that continued origination of illegal robocalls following the letter will be used as evidence of a defective Robocall Mitigation Database certification, and the Bureau may initiate proceedings to remove the bad actor's certification from the database. See, e.g., Letter from Rosemary Harold, Chief, FCC Enforcement Bureau, to Prince Anand, CEO, PZ/Illum Telecommunication LLC (Oct. 21, 2021). See also 47 CFR § 64.6305(e). The Bureau has also issued a *Public Notice* and *Order* directing downstream voice service providers to take steps to effectively mitigate illegal traffic from recipients of cease-and-desist letters that failed to take appropriate steps to prevent their networks from being used to originate apparently illegal auto warranty robocalls. *Robocall Enforcement Notice to All U.S.-Based Voice Service Providers*, Public Notice DA 22-727 at 1-2 (EB 2022); *FCC Enforcement Bureau Warns All U.S.-Based Voice Service Providers to Avoid or Cease Carriage of Auto Warranty Robocall Traffic from Cox/Jones/Sumco Panama Operation*, Order, DA 22-784 at 1 (EB 2022);

Nature of Apparently Unlawful Robocall Traffic. The Department of Education has offered or extended forbearance on student loan repayments multiple times since March 20, 2020, in response to the COVID-19 pandemic; each time, telemarketers and scammers have responded by flooding consumers with robocalls about student loans.⁹ On August 24, 2022, President Biden announced student loan forgiveness for millions of Americans and an extension of the loan forbearance period through December 31, 2022.¹⁰ News reports and consumer complaints show that there has been an increase in scams regarding student loans since that announcement.¹¹ Using data from YouMail, a call blocking application, the Bureau identified two robocall campaigns representing approximately 40 percent of all student loan-related robocalls reaching YouMail subscribers in October 2022. Nearly all of these robocalls appear to be originating from Urth Access.¹²

The robocalls include prerecorded messages purporting to offer student loan assistance, including loan forgiveness. Many of them reference an entity such as the “Student Loan Center.”¹³ For example, some of the robocalls contained the following message:

Hello this is to inform you that the Student Loan payment suspension has been extended to December 31 of this year. Also, everyone is now going to get \$10,000 dismissed upon income verification. If you do not verify your income, on January 1, your payments will start back up automatically. To receive the full dismissal, not just the \$10,000 dismissal, a petition will be filed in your behalf so that your loan payments do not begin on January 1. If you’re being serviced by Nelnet, Navient, Fed loans or Great Lakes, please press 5 on your phone now. If your servicer was not listed, you can also receive a dismissal by pressing 5. If you have verified your income and received your partial or full dismissal already, please press 9 to stop your notifications. Thank you.¹⁴

Urth Access Apparently Lacked the Requisite Consent. Urth Access’s student loan robocalls appear to violate the Telephone Consumer Protection Act of 1991 (TCPA) codified in section 227 of the Communications Act.¹⁵ Urth Access claimed to the Traceback Consortium that its customers had obtained called parties’ consent for the robocalls.¹⁶ Urth Access provided the Traceback Consortium

⁹ *Providers Must Aggressively Police Unlawful Robocalls Regarding Student Loans*, Enforcement Advisory, DA 22-1145 (EB 2022).

¹⁰ See Fact Sheet, The White House, President Biden Announces Student Loan Relief for Borrowers Who Need it Most (Aug. 24, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/24/fact-sheet-president-biden-announces-student-loan-relief-for-borrowers-who-need-it-most/>; see also Press Release, Dep’t of Education, Biden-Harris Administration Announces Final Student Loan Pause Extension Through December 31 and Targeted Debt Cancellation to Smooth Transition to Repayment (Aug. 24, 2022), <https://www.ed.gov/news/press-releases/biden-harris-administration-announces-final-student-loan-pause-extension-through-december-31-and-targeted-debt-cancellation-smooth-transition-repayment>.

¹¹ See Sequoia Carrillo, *Waiting For Student Loan Forgiveness, Borrowers Are Targets For Scammers*, NPR (Sept. 19, 2022), <https://www.npr.org/2022/09/19/1123488226/waiting-for-loan-forgiveness-borrowers-are-targets-for-scammers>.

¹² Traceback Consortium Subpoena Response on file at EB-TCD-22-00034232 (Oct. 25, 2022).

¹³ See The Forbearance Period Recording on file at FCC File No. EB-TCD-22-00034232; Petition Will be Filed Recording on file at FCC File No. EB-TCD-22-00034232.

¹⁴ See Petition Will be Filed Recording on file at FCC File No. EB-TCD-22-00034232.

¹⁵ 47 U.S.C. § 227. See Letter from Loya A. Egal, Chief, FCC Enforcement Bureau, to Fawaz Saleem, CEO, Urth Access, LLC (Nov. 10, 2022). These letters are available on the Commission’s website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

¹⁶ Traceback Consortium Subpoena Response on file at EB-TCD-22-00034232 (Oct. 25, 2022).

“consent logs” that included website addresses that allegedly captured the called party’s consent.¹⁷ Examples included “healthinsnow.org,” “gohealth.healthcare,” and “healthme.live.” None of these websites appear to have any connection with student loan assistance. Instead, all relate to health insurance or health care services. Urth Access apparently knew that these student loan robocalls were not related to health insurance.¹⁸

In addition, the consent logs apparently fail to provide adequate disclosure that would constitute consent. For example, for telemarketing calls, the Commission requires the caller to provide “clear and conspicuous disclosure” when obtaining prior express written consent.¹⁹ The websites included TCPA consent disclosures whereby the consumer agreed to receive robocalls from “marketing partners.” The consumer had to click on the hyperlink associated with “marketing partners.” The list of “marketing partners” on that second website contained the names of 5,329 entities.²⁰ We find that listing more than 5,000 “marketing partners” on a secondary website is not sufficient to demonstrate that the called parties consented to the calls. Consequently, because: (1) the websites that Urth Access has thus far referenced do not seek or obtain consent to receive robocalls about student loans; (2) the consent was accessible only if the consumer clicked on a hyperlink and reviewed a second webpage; and (3) the second webpage listed 5,329 ostensible “marketing partners,” we conclude that Urth Access and its customers apparently lacked consent for the calls.²¹

Follow-Up Order. In the event that the Originating Provider fails to comply with the requirements laid out in the relevant cease-and-desist letter, the Bureau will issue a follow-up *Order* to all U.S.-based voice service providers notifying them of this fact. **In the event that a follow-up *Order* is issued by the Bureau in this matter, pursuant to section 64.1200(n)(2) of the Commission’s Rules, all U.S.-based voice service providers shall be required to “[t]ake steps to effectively mitigate illegal traffic,” including investigating and taking steps—up to and including blocking, if necessary—to prevent the source of the illegal traffic from continuing to originate such traffic.**²²

¹⁷ A consent log includes identifying information about a consumer such as name, telephone number, and address that the consumer allegedly entered into an online form consenting to receive robocalls.

¹⁸ The Traceback Consortium notices informed Urth Access that the calls involved student loans. Traceback Consortium Subpoena Response on file at EB-TCD-22-00034232 (Oct. 25, 2022); Traceback Consortium Subpoena Response on file at EB-TCD-22-00034232 (Oct. 3, 2022). Furthermore, it appears that Urth Access and its customers are the same entity. The persons who registered the “customer” websites are individuals who appear to be employees or agents of Nathan Dawood and his companies. These individuals and companies share the same Orange County, California address as Urth Access. See Statement of Information, Global Lynks LLC, Cal. Sec’y of State (June 13, 2022); Articles of Incorporation, Urth Access, Wyo. Sec’y of State (Jan. 13, 2022); Statement of Information, Fire Data LLC, Cal. Sec’y of State (Dec. 29, 2021); Statement of Information, Dawood & Company, Cal. Sec’y of State (Oct. 26, 2021); Statement of Information, US Acquisitions LLC, Cal. Sec’y of State (Sept. 8, 2021); Contact Us, Dawood & Dawood, <http://dawoodanddawood.com/contact/> (last visited Nov. 2, 2022). These individuals are also officers or agents of Global Lynks LLC and Call Pipe, LLC, which were the targets of the Bureau’s auto warranty enforcement actions. See *Robocall Enforcement Notice to All U.S.-Based Voice Service Providers*, Public Notice DA 22-727 at 1-2 (EB 2022); *FCC Enforcement Bureau Warns All U.S.-Based Voice Service Providers to Avoid or Cease Carriage of Auto Warranty Robocall Traffic from Cox/Jones/Sumco Panama Operation*, Order, DA 22-784 at 1 (EB 2022);

¹⁹ 47 CFR § 64.1200(f)(9); *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 27 FCC Rcd 1830, 1844, para. 33 (2012).

²⁰ Marketing Partners, <http://marketingpartners.business> (last visited Oct. 27, 2022).

²¹ The Commission’s rules provide that, to be “clear and conspicuous,” the disclosure must inform consumers that they will “receive future calls that deliver prerecorded messages by or on behalf of a specific seller.” *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 27 FCC Rcd at 1844, para. 33.

²² 47 CFR § 64.1200(n)(2); see also 47 CFR § 64.1200(f)(18); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Fourth Report and Order, 35 FCC Rcd 15221, 15231, paras. 26-27 (2020).

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