

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Urth Access, LLC
File No. EB-TCD-22-00034232

ORDER

Adopted: December 8, 2022

Released: December 8, 2022

By the Chief, Enforcement Bureau:

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) issues this Order pursuant to section 64.1200(n)(2) of the Commission's rules to provide actual written notice to all voice service providers about suspected illegal robocalls that have been made in violation of one or more provisions of the Telephone Consumer Protection Act of 1991, the Truth In Caller ID Act of 2009, and/or the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) of 2019, collectively codified in section 227 of the Communications Act. Specifically, the Bureau notifies and directs all U.S.-based voice service providers to take immediate steps to effectively mitigate suspected illegal robocall traffic made by or on behalf of the following: (1) Urth Access, LLC (Urth Access); (2) Fire Data LLC; (3) US Acquisitions LLC; (4) Dawood & Dawood; (5) Dawood and Company; (6) their individual associates; and (7) associated entities (collectively, the Student Loan Robocall Operation). A voice service provider may satisfy this obligation if it terminates a customer relationship with the Student Loan Robocall Operation or blocks all traffic from the Student Loan Robocall Operation and from Urth Access. If any voice service provider, after investigation of the suspected illegal robocall traffic identified in this Order, thereafter does NOT terminate a customer relationship or block the traffic, it will be required to provide a written report to the Bureau with the results of its investigation, as required by section 64.1200(n)(2) of the rules. The provider should also continue to demonstrate its ongoing efforts to mitigate the traffic associated with the Student Loan Robocall Operation. Should any voice service provider fail to comply with these obligations and fail to take all necessary steps to avoid carrying suspected illegal robocall traffic made by/on behalf of these individuals and entities, that voice service provider may be deemed to have knowingly and willfully engaged in transmitting unlawful robocalls.

1 47 CFR § 64.1200(n)(2).

2 47 U.S.C. § 227.

3 Because Urth Access, LLC failed to effectively mitigate the illegal traffic within 48 hours and inform the Commission and the USTelecom's Industry Traceback Group (Traceback Consortium) within fourteen days of the steps that Urth Access, LLC has taken to implement effective measures to prevent customers from using its network to make illegal calls, downstream providers may block all of Urth Access's traffic without liability under the Communications Act or the Commission's rules. 47 CFR § 64.1200(k)(4).

4 If the Commission finds that a voice service provider is knowingly or willfully engaged in transmitting illegal robocalls, it may take action that could result in downstream providers blocking that voice service provider's calls. See 47 CFR § 64.1200(k)(4) (allowing downstream providers to block traffic from an originating or intermediate provider that fails to effectively mitigate illegal traffic when notified by the Commission); 47 CFR § 64.6305(e) (requiring downstream providers to cease carrying traffic from domestic voice service providers that do not have a certification in the Robocall Mitigation Database); Call Authentication Trust Anchor, WC Docket No. 17-97,

(continued...)

I. BACKGROUND

2. On November 10, 2022, the Bureau issued a cease-and-desist letter to Urth Access, LLC.⁵ Pursuant to this letter, Urth Access was required to investigate and mitigate the traffic identified in the letter, notify the Bureau and the USTelecom's Industry Traceback Group (Traceback Consortium)⁶ within 48 hours of the steps taken to effectively mitigate the identified traffic, and inform the Bureau and the Traceback Consortium, within 14 days, of the steps taken to prevent customers from using the voice service provider's network to transmit illegal robocalls.⁷ The letter warned that failure to comply with the requirements set forth in the letter could result in Urth Access's removal from the Robocall Mitigation Database, which would in turn obligate all other providers to cease carrying any traffic from Urth Access.⁸

3. Also on November 10, 2022, the Bureau issued a *Public Notice*⁹ pursuant to section 64.1200(k)(4) of the Commission's rules to notify all U.S.-based voice service providers that they may block voice calls or cease to accept traffic from Urth Access without liability under the Communications Act or the Commission's rules.¹⁰ The *Notice* stated that in the event that Urth Access fails to comply with the requirements laid out in the cease-and-desist letter, the Bureau would issue a follow-up *Order* notifying all U.S.-based voice service providers of this fact. The *Notice* also stated that "[i]n 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

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Second Report and Order, 36 FCC Rcd 1859, 1902-03, paras. 81-83 (2020) (noting that the Bureau may remove a provider's certification from the Robocall Mitigation Database if that certification is defective, including if the provider knowingly or negligently originates illegal robocall campaigns).

⁵ See Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Fawaz Saleem, CEO, Urth Access, LLC (Nov. 10, 2022). This letter is available on the Commission's website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

⁶ The Traceback Consortium 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).

⁷ 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); see also 47 CFR § 64.1200(k)(4). In the circumstances set forth in these cease-and-desist letters, we construe "effective mitigation measures" to mean taking all action necessary to cease carrying any such illegal traffic. See *Robocall Enforcement Notice to All U.S.-Based Voice Service Providers*, Public Notice, DA 22-1182 (Nov. 10, 2022) (*Notice*).

⁸ 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) (*Gateway Provider Order*) (extending the requirement to submit certifications to the Robocall Mitigation Database to gateway providers). The Further Notice of Proposed Rulemaking adopted with the *Gateway Provider Order* contemplates further extending the Robocall Mitigation Database requirements to all domestic providers. *Gateway Provider Order* at para. 188.

⁹ See *Notice* at 1.

¹⁰ See *id.*; 47 CFR § 64.1200(k)(4).

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.”¹¹

4. Urth Access failed to respond to the cease-and-desist letter. Accordingly, the Bureau issues this *Order* to provide all U.S.-based voice service providers with actual written notice of suspected illegal robocall traffic and directs them to comply with section 64.1200(n)(2) of the Commission’s rules.¹²

II. NOTIFICATION AND ORDER

5. As required by section 64.1200(n)(2) of the Commission’s rules, the Bureau is providing certain notice and identifying information to voice service providers so that they may locate any of the suspected illegal traffic in their records or on their networks, and take effective steps to mitigate it. Specifically, the Bureau must: (1) identify with as much particularity as possible the suspected traffic; (2) provide the basis for the Enforcement Bureau’s reasonable belief that the identified traffic is unlawful; (3) cite the statutory or regulatory provisions the suspected traffic appears to violate; and (4) direct the voice service providers that they must comply with the requirements of that rule section.¹³

6. After notification, the voice service provider is required to do all of the following:

- (1) promptly investigate the identified traffic;
- (2) promptly report the results of its investigation to the Enforcement Bureau, including:
 - (a) any steps the provider has taken to effectively mitigate the identified traffic; or
 - (b) an explanation as to why the provider has reasonably concluded that the identified calls were not illegal, and what steps it took to reach that conclusion.¹⁴

Moreover, the rule requires that “should the notified provider find that the traffic comes from an upstream provider with direct access to the U.S. Public Switched Telephone Network, that provider must promptly inform the Enforcement Bureau of the source of the traffic and, if possible, take steps to mitigate this traffic.”¹⁵

A. Notification of Suspected Illegal Robocall Traffic

1. Persons and Entities Originating the Suspected Illegal Robocall Traffic

7. For the purposes of assisting voice service providers with identifying suspected illegal robocall traffic, and avoiding carrying suspected illegal robocall traffic in the future, the Bureau provides the following information about individuals and entities associated with the Student Loan Robocall Operation below. The individuals listed include officers, principals, and other key players in Student Loan Robocall Operation and the entities involved with that operation.¹⁶

¹¹ See *Notice* at 4 (citing 47 CFR § 64.1200(n)(2)).

¹² 47 CFR § 64.1200(n)(2).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ We encourage voice service providers to perform due diligence when evaluating mitigation options.

<i>Individuals:</i>	<i>Companies:</i>
Fawaz Saleem , resident of Loma Linda, California	Urth Access, LLC (CEO)
Catherine McCormick	Urth Access, LLC (Employee or Agent); Global Lynks LLC (CEO); Fire Data LLC (Incorporator and Administrator); US Acquisitions, LLC (Agent)
Amir Nathan Dawood , resident of Irvine, California	US Acquisitions, LLC (Manager and Member); Dawood & Dawood (Member); Dawood and Company (Officer, Director and Agent)
Chad Smanjak , resident of Newport Beach, California	SMAC Digital Inc

8. It appears that the Student Loan Robocall Operation is responsible for making millions of student loan-related robocalls.¹⁷ The Student Loan Robocall Operation used Urth Access to originate these calls. Individuals associated with the Student Loan Robocall Operation are closely intertwined with the operation of Urth Access. In particular, the same people who purport to be customers of Urth Access are also affiliated with Urth Access. These individuals registered Urth Access “customer” websites with the same domain registrar and are associated with Urth Access.¹⁸

9. Catherine McCormick is the incorporator and administrator for Fire Data LLC, formerly Sales Data Pro LLC, which registered at least one of Urth Access’s customer websites.¹⁹ She also paid for several other domains linked to Urth Access customers.²⁰ Additionally, Catherine McCormick is the chief executive officer and incorporator of Global Lynks LLC.²¹ The Bureau sent a cease-and-desist letter to Global Lynks LLC on July 7, 2022, for its role in originating auto warranty robocalls.²² We also ordered all U.S.-based voice service providers to mitigate (including by blocking, if necessary) traffic from Global Lynks LLC for its failure to respond to that letter.²³ Subsequent to that *Order*, Catherine McCormick (via Global Lynks LLC) continued to receive number resources from an intermediate provider to use for Urth Access’s calls.

10. Furthermore, Catherine McCormick appears to be an employee or agent of Amir Nathan Dawood (Nathan Dawood) and his companies: (1) Dawood & Dawood; (2) Dawood and Company; and (3) US Acquisitions, LLC. Nathan Dawood previously held a 51 percent interest in a telecom company,

¹⁷ It appears that many of the individuals and entities also are responsible for making auto warranty and health insurance telemarketing calls.

¹⁸ Namecheap Subpoena Response on file at EB-TCD-22-00034232 (Oct. 19, 2022).

¹⁹ Articles of Incorporation, Sales Data Pro LLC, Cal. Sec’y of State (Apr. 28, 2021); Amendment to Articles of Organization of a Limited Liability Company, Sales Data Pro LLC, Cal. Sec’y of State (Nov. 22, 2021).

²⁰ Namecheap Subpoena Response on file at EB-TCD-22-00034232 (Oct. 19, 2022).

²¹ Global Lynks LLC Form 499, FCC (Apr. 1, 2022); Articles of Incorporation, Global Lynks LLC, Cal. Sec’y of State (Apr. 22, 2021).

²² Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Catherine McCormick, CEO, Global Lynks LLC (July 7, 2022).

²³ *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 6 (EB 2022).

Whisl Telecom LLC, which he sold on May 9, 2022.²⁴ Whisl Telecom LLC is also the immediate downstream provider for Urth Access.²⁵ Catherine McCormick registered Urth Access's customer websites with physical addresses and phone numbers associated with Nathan Dawood or his companies.²⁶ Catherine McCormick's companies, Global Lynks LLC and Fire Data LLC, share the same address as Nathan Dawood. Moreover, these companies and individuals share the same postal addresses as Urth Access.²⁷ The addresses are the following:

- 500 N. State College Blvd., Suite 1100, Orange, CA 92868;
- 2901 W. Coast Highway Suite 200, Newport Beach, CA 92663; and
- P.O. Box 393 Irvine, CA 92650.

11. Lastly, the Bureau identified SMAC Digital Inc and its chief executive officer, Chad Smanjak,²⁸ as part of the Student Loan Robocall Operation. SMAC Digital Inc is a lead generation and marketing company that provides call center outsourcing solutions incorporated in California.²⁹ It has registered hundreds of domains related to health insurance, auto warranty, and debt reduction telemarketing calls similar to ones Urth Access serviced.³⁰ Urth Access listed one of these domains as a customer.

2. Characteristics of the Suspected Illegal Robocall Traffic

12. The Student Loan Robocall Operation appears to be responsible for making approximately 40 percent of all student loan robocalls reaching consumers in October 2022.³¹ 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, 2022.³² News reports and consumer complaints

²⁴ See iQSTEL Inc., Securities & Exchange Comm'n Current Report (SEC Form 8-K) (May 9, 2022), *available at* <https://sec.report/Document/0001663577-22-000279/> (reporting that iQSTEL Inc. bought Nathan Dawood's interest in Whisl Telecom LLC).

²⁵ 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).

²⁶ Namecheap Subpoena Response on file at EB-TCD-22-00034232 (Oct. 19, 2022).

²⁷ 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).

²⁸ The California Attorney General indicted Mr. Smanjak's ex-wife, Angela Kathryn Mirabella for fraud related to student loan call centers in September 2021. See Indictment, California v. Angela Kathryn Mirabella et al., Case No. 21ZF0019 (Cal. Sup. Ct. 2021); see also Leila Miller, *State announces charges in alleged student loan debt relief scam with more than 19,000 victim*, L.A. Times (Sept. 21, 2021), <https://www.latimes.com/california/story/2021-09-21/la-me-attorney-general-student-debt-relief-fraud>.

²⁹ Articles of Incorporation, SMAC Digital Inc, Cal. Sec'y of State (Apr. 17, 2019); *Services*, SMAC Digital, <https://www.smacdigital.com/service> (last visited Oct. 27, 2022); *Call Center Outsourcing*, SMAC Digital, <https://smac-digital.com/smac-digital-call-center-solutions/> (last visited Oct. 28, 2022).

³⁰ Namecheap Subpoena Response on file at EB-TCD-22-00034232 (Oct. 19, 2022).

³¹ See YouMail Student Loan Update on file at EB-TCD-22-00034232 (Nov. 1, 2022).

³² 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, U.S. 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),

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show that there has been an increase in scams regarding student loans since that announcement.³³ Using data from YouMail, a call blocking application available to wireless subscribers, the Bureau identified two robocall campaigns and requested the Traceback Consortium to trace the origination of calls identified by YouMail.³⁴ The Traceback Consortium identified Urth Access as the originator for nearly all of the identified calls.

13. The Student Loan Robocall Operation apparently made these prerecorded voice message calls without consent of the called parties and absent an emergency purpose, in violation of section 227(b) of the Telephone Consumer Protection Act (TCPA) and section 64.1200 of the Commission's rules.³⁵ The robocalls include prerecorded messages informing consumers that they need to verify their income by "press[ing] 5" in order to receive loan dismissal. 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.³⁶

14. The calls involved student loan services. Although Urth Access told the Traceback Consortium that the calling parties were "GoHealth" or "Get Your Health Now," which sound as if they provide health care services,³⁷ every recording that the Bureau reviewed involved student loan services, and did not discuss health care.³⁸ The Bureau sent a subpoena on October 13, 2022, to Urth Access for additional information about its customers and the calls, but Urth Access did not respond to our

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<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>.

³³ 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>.

³⁴ The evidence thus suggests that a large portion, if not all, of the calls went to mobile telephones. The November 10, 2022 cease-and-desist letter to Urth Access, LLC listed these calls. See Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Fawaz Saleem, CEO, Urth Access, LLC (Nov. 10, 2022). The Bureau also identified two other student loan campaigns active in August 2022 that originated from Urth Access, LLC. Traceback Consortium Subpoena Response on file at EB-TCD-22-00034232 (Oct. 1, 2022).

³⁵ Telephone Consumer Protection Act of 1991, 1991 Enacted S. 1462, 102 Enacted S. 1462, 105 Stat. 2394; 47 U.S.C. § 227(b); 47 CFR § 64.1200(a)(2)-(3).

³⁶ See Petition Will be Filed Recording on file at EB-TCD-22-00034232.

³⁷ The websites for these companies all involve health insurance marketing. See generally *Home, Go Health*, <http://www.gohealth/healthcare> (last visited Nov. 15, 2022); *Welcome to GetYourHealth Now*, GetYourHealth Now, <http://www.getyourhealth-now.healthcare> (last visited Nov. 15, 2022).

³⁸ These services often involve assistance with filing paperwork for a fee. *Avoiding Student Loan Scams*, U.S. Dep't of Education, Federal Student Aid, <https://studentaid.gov/resources/scams> (last visited Nov. 15, 2022). Some of these services are fraudulent schemes to steal personal information or money. Ann Carrns, *Beware of Scammers Trying to Capitalize on Student Loan Forgiveness* (Sept. 2, 2022), <https://www.nytimes.com/2022/09/02/your-money/spam-calls-student-loans.html>.

subpoena.³⁹ The cease-and-desist letter afforded Urth Access another opportunity to clarify its customers' behavior; yet Urth Access also failed to respond to that letter. In light of the evidence in the record, we conclude that the Student Loan Robocall Operation apparently originated student loan robocalls, and that the calls were unlawful.

15. The Student Loan Robocall Operation did not receive adequate consent of the called parties for its robocalls. Urth Access claimed, in a response to the Traceback Consortium, that its customers had properly obtained the called parties' consent for the robocalls.⁴⁰ Urth Access provided the Traceback Consortium "consent logs" that included website addresses that allegedly captured the called party's consent.⁴¹ But none of these websites through which the Student Loan Robocall Operation allegedly captured "consent" appear to have any connection with student loan assistance. At best, they arguably represent consent to receive robocalls about health insurance products/services. Moreover, the Student Loan Robocall Operation was advised that these student loan robocalls were not related to health insurance.⁴²

16. In addition, the consent logs apparently fail to provide adequate disclosure that would constitute effective consent as required by the FCC's rules. For example, for telemarketing calls, the Commission requires the caller to provide a "clear and conspicuous disclosure" when obtaining prior express written consent.⁴³ The websites included TCPA consent disclosures whereby the consumer agreed to receive robocalls from "marketing partners." These "marketing partners" would only be visible to the consumer if the consumer clicked on a specific hyperlink to a second website that contained the names of each of 5,329 entities.⁴⁴ 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 from any one of these "marketing partners." 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 the Student Loan Robocall Operation apparently lacked consent for the robocalls it made to consumers.⁴⁵ We direct voice service providers to Attachment A of this *Order*, which contains examples of traceback data (from October 2022 to the present) of suspected illegal robocalls made by the Student Loan Robocall Operation, for further and more detailed specifics of the suspected illegal traffic.⁴⁶

B. Order to Investigate, Mitigate, and Report

17. *Investigate and Mitigate.* By this *Order*, the Bureau directs all U.S.-based voice service providers to investigate promptly the apparently illegal robocall traffic. We further direct all voice

³⁹ Commission rules require all originating providers to respond fully and in a timely manner to traceback requests. 47 CFR § 64.1200(n)(1)(i).

⁴⁰ Traceback Consortium Subpoena Response on file at EB-TCD-22-00034232 (Oct. 25, 2022).

⁴¹ 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.

⁴² 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).

⁴³ 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).

⁴⁴ Marketing Partners, <http://marketingpartners.business> (last visited Oct. 27, 2022).

⁴⁵ 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.

⁴⁶ See Attachment A.

service providers that locate any of the apparently illegal robocall traffic described in this *Order* to take immediate steps to effectively mitigate and prevent further transmission of the apparently unlawful calls.⁴⁷

18. *Partial Waiver of Reporting Obligation.* Pursuant to section 1.3 of the Commission's rules,⁴⁸ the Bureau finds that good cause exists in this instance to waive in part the reporting obligations otherwise required by section 64.1200(n)(2) of the rules. In particular, the Bureau concludes that obligating all U.S.-based voice service providers to generate a written report documenting their investigation of the suspected illegal robocall traffic identified in this *Order* would result in an excessively voluminous record, given the millions of calls at issue. Accordingly, a voice service provider shall not be required to file a report with the Commission if it terminates a customer relationship with the Student Loan Robocall Operation or blocks all traffic from Urth Access.⁴⁹ **However, if any voice service provider, after investigation of the suspected illegal robocall traffic identified in this *Order*, thereafter does NOT terminate a customer relationship or block the traffic, it will be required to provide a written report to the Bureau with the results of its investigation, as required by section 64.1200(n)(2) of the rules.** If the voice service provider concludes that the identified traffic was not illegal, the report must include an explanation as to why the provider has reasonably concluded that the identified calls were not illegal and what steps the voice service provider took to reach that conclusion. If the voice service provider concludes that the traffic is illegal but is unable to effectively mitigate the traffic by terminating the customer relationship or blocking traffic from the Student Loan Robocall Operation identified above, the report must include any alternative steps the voice service provider has taken to effectively mitigate that traffic, and identify the source of the traffic should the notified provider find that the traffic comes from an upstream provider with direct access to the U.S. Public Switched Telephone Network.

19. Any provider filing such a report must do so within two weeks of this *Order* and shall demonstrate its ongoing efforts to mitigate the traffic associated with the Student Loan Robocall Operation. Reports must be filed electronically by email sent to Kristi Thompson, Division Chief, Enforcement Bureau, Telecommunications Consumers Division, at Kristi.Thompson@fcc.gov; with copies sent to Lisa Zaina, Asst. Chief, Enforcement Bureau, Telecommunications Consumers Division, at Lisa.Zaina@fcc.gov; and Daniel Stepanicich, Enforcement Bureau, Telecommunications Consumers Division, at Daniel.Stepanicich@fcc.gov. Reports and/or supporting documentation that exceed 5MB must be transmitted by an alternative mechanism; providers must contact Daniel Stepanicich for alternative filing instructions.

⁴⁷ Our rules define "effectively mitigate" as "identifying the source of the traffic and preventing that source from continuing to originate traffic of the same or similar nature." 47 CFR § 64.1200(f)(18). As we noted in the *Notice* and in the cease-and-desist letters, we construe this to include taking all actions necessary to cease carrying such illegal traffic. See *Notice* at p. 4. For the purposes of effective mitigation when notified by the Bureau of suspected illegal traffic under section 64.1200(n)(2) of the rules, the Commission has advised that such actions may include "ending a customer relationship, limiting access to high-volume origination services, or any other steps that have the effect of stopping this traffic and preventing future, similar traffic." See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Fourth Report and Order, 35 FCC Rcd 15221 15231, para. 26 (2020). The Commission also encouraged downstream voice service providers without a direct relationship with the makers of such calls to block calls from bad-actor providers to the extent permissible under section 64.1200(k)(4) of the rules. See *id.* at 15230-31, paras. 24, 27.

⁴⁸ 47 CFR § 1.3 ("The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.").

⁴⁹ Because Urth Access has failed to effectively mitigate the illegal traffic within 48 hours, downstream providers may block all of their traffic without liability under the Communications Act or the Commission's rules. 47 CFR § 64.1200(k)(4).

20. Any questions may be directed to Kristi Thompson, Division Chief, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-1318 or by email at Kristi.Thompson@fcc.gov; Lisa Zaina, Asst. Chief, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-2803 or by email at Lisa.Zaina@fcc.gov; or Daniel Stepanicich, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-7451 or by email at Daniel.Stepanicich@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

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