

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
One Eye LLC
EB-TCD-20-00031678
EB Docket No. 22-174

FINAL DETERMINATION ORDER

Adopted: May 11, 2023

Released: May 11, 2023

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. By this Final Determination Order, the Enforcement Bureau (Bureau) determines that One Eye LLC (One Eye or Company) consistently failed to comply with the Federal Communications Commission's (Commission or FCC) call blocking rules for gateway providers and failed to respond to the Bureau's Notification of Suspected Illegal Traffic and Initial Determination Order. Thus, we require any voice service provider immediately downstream from One Eye to block and cease accepting traffic from One Eye no later than 30 days after release of this Final Determination Order.

II. BACKGROUND

A. Legal Framework for Gateway Provider Mandatory Blocking Rules

2. Protecting consumers in the United States from the dangers and risks of unwanted and illegal robocalls is the Commission's top consumer protection priority. Many of these calls originate overseas. Gateway providers are U.S.-based intermediate providers that receive calls directly from a foreign originating provider or foreign intermediate provider at its U.S.-based facilities before transmitting the call downstream to another U.S.-based provider. Such providers serve as critical choke points for reducing the number of illegal calls reaching consumers in the United States. In recognition of this fact, the Commission adopted the Gateway Provider Order on May 19, 2022, increasing the

1 One Eye LLC, Initial Determination Order, DA-23-279, (EB Apr. 3, 2023) (Initial Determination Order).

2 47 CFR § 64.1200(n)(6).

3 "Unwanted calls – including illegal and spoofed robocalls - are the FCC's top consumer complaint and our top consumer protection priority." FCC, Consumer Guide: Stop Unwanted Robocalls and Texts, https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts (last visited Apr. 7, 2023).

4 47 CFR § 64.1200(f)(19).

5 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. 24-25 (2022) (Gateway Provider Order).

obligations of gateway providers to police their own networks and imposing consequences on gateway providers that fail to do so.⁶

3. The *Gateway Provider Order* built upon the Commission's call blocking rules to require gateway providers to block illegal traffic when notified of such traffic by the Commission.⁷ Once a gateway provider receives a Notification of Suspected Illegal Traffic from the Bureau, the provider has a minimum of 14 days to comply with the notice by investigating and reporting the results of the investigation to the Bureau.⁸ The provider must also block the traffic if its investigation determines that it served as the gateway provider for the illegal traffic.⁹ If the gateway provider determines the identified traffic was not illegal, it must provide an explanation to support its conclusion.¹⁰

4. The Bureau may initiate a process to direct any provider immediately downstream from the gateway provider to block the notified gateway provider's traffic if the gateway provider fails to respond to the notification of suspected illegal traffic, we determine that the response is insufficient, we determine that the gateway provider continues to transmit substantially similar traffic onto the U.S. network, or we determine based on the evidence that the traffic is illegal despite the gateway provider's assertions.¹¹ The Bureau will issue an Initial Determination Order with its findings and provide the gateway provider with an opportunity to respond.¹² If the Bureau determines that the gateway provider's response to the Initial Determination Order is inadequate, or if it continues to transmit substantially similar traffic, the Bureau will release a Final Determination Order.¹³ All immediate downstream voice service providers must block and cease accepting all traffic that they receive from the gateway provider no later than 30 days from release of the Final Determination Order.¹⁴

B. One Eye's Transmission of Suspected Illegal Robocalls as a Gateway Provider

5. On February 15, 2023, the Bureau issued a Notification of Suspected Illegal Traffic (Notice) to One Eye for transmitting apparently illegal traffic as a gateway provider.¹⁵ The identified calls pertained to bank impersonation and claims of "preauthorized orders" placed "on your name."¹⁶

⁶ *Id.* at paras. 1-4.

⁷ *Id.* at para. 72; 47 CFR § 64.1200(n)(5).

⁸ 47 CFR § 64.1200(n)(5)(i)(A); *see also* Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Kaushal Bhavsar, CEO, One Eye LLC (Feb. 15, 2023) (Notice) (requiring gateway provider to respond within 14 days).

⁹ 47 CFR § 64.1200(n)(5)(i)(A). If the provider served as the gateway for the traffic, its report to the Bureau must include a certification that it is blocking the identified traffic and will continue to do so, as well as a description of the plan to identify and block substantially similar traffic on an ongoing basis. *Id.* § 64.1200(n)(5)(i)(A)(1)-(A)(2).

¹⁰ *Id.* § 64.1200(n)(5)(i)(B). If the gateway provider concludes that it did not serve as the gateway for the traffic, then it must identify the upstream provider(s) from which it received the identified traffic and take steps to mitigate the traffic. *Id.*

¹¹ *Id.* § 64.1200(n)(5)(ii).

¹² *Id.*

¹³ *Id.* § 64.1200(n)(5)(iii).

¹⁴ *Id.* § 64.1200(n)(6). A Final Determination Order may be adopted up to one year after release of the Initial Determination Order. *See id.* § 64.1200(n)(5)(iii).

¹⁵ *See* Notice, *supra* note 8. The Bureau issued the Notice to One Eye's business address listed in the Robocall Mitigation Database. The Commission published the Notice on its website and also sent the letter via certified mail. *See id.* The Notice is part of the Bureau's cease-and-desist letter initiative, which places obligations on notified providers to investigate and mitigate identified traffic. The Notice and past cease-and-desist letters are available on the Commission's website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

Between September 14, 2022, and November 1, 2022, USTelecom's Industry Traceback Group (ITG)¹⁷ investigated prerecorded voice message calls that Bank of America and Verizon had flagged as illegal spoofed robocalls or calls made without consent.¹⁸ The ITG conducted tracebacks and determined that the calls originated overseas and that One Eye acted as the gateway provider for the calls.¹⁹ The ITG previously notified One Eye about these calls and provided access to supporting data identifying each call.²⁰ One Eye did not respond to these tracebacks.²¹

6. Following One Eye's failure to respond, the Bureau sent a Notice that required One Eye to investigate and block the traffic and report the results of the investigation to the Bureau by March 2, 2023.²² The Notice warned One Eye that a failure to comply with those obligations would result in the Bureau requiring all immediate downstream providers to block its traffic pursuant to section 64.1200(n)(5) and (6).²³ The Notice also determined that One Eye was associated with a previous recipient of a Bureau cease-and-desist letter, PZ/Illum Telecommunications.²⁴ The CEO of PZ/Illum Telecommunications, an individual named Prince Anand, apparently created One Eye following the Bureau's enforcement efforts directed at PZ/Illum Telecommunications for transmitting suspected illegal calls.²⁵ One Eye did not respond to the Notice or file a report.²⁶

7. On April 3, 2023, the Bureau issued an Initial Determination Order to One Eye.²⁷ The Initial Determination Order again presented evidence that One Eye was acting as a gateway provider for suspected illegal traffic and reiterated One Eye's obligation to investigate and block the identified illegal traffic under the Commission's rules.²⁸ The Initial Determination Order directed One Eye to file a final response within 14 days explaining why the Bureau should not issue a Final Determination Order directing downstream providers to block all of One Eye's traffic.²⁹ One Eye failed to respond to the Initial Determination Order.

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¹⁶ ITG Subpoena Response on file at EB-TCD-20-00030805 (Nov. 22, 2022) (ITG Subpoena Response). The call script did not state what the order was for nor how the order was placed. *See id.*

¹⁷ The ITG is the registered industry consortium selected pursuant to the TRACED Act to conduct tracebacks. *See 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, para. 40 (EB 2022); *see also* Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, Sec. 13(d) (2019) (TRACED Act).

¹⁸ *See* ITG Subpoena Response.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *See id.*

²² Notice, *supra* note 8, at 3.

²³ *Id.* at 3-4.

²⁴ *Id.* at 2; *see also* Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Prince Anand, CEO, PZ/Illum Telecommunication (Oct. 21, 2022).

²⁵ *See* Notice, *supra* note 8, at 2.

²⁶ The Notice also directed One Eye to investigate and mitigate the identified traffic within 48 hours. *Id.* at 4; *see also* 47 CFR § 64.1200(k)(4). One Eye did not meet that deadline either.

²⁷ *See Initial Determination Order*, *supra* note 1; *see also* receipt of certified mailing to Kaushal Bhavsar, CEO, One Eye LLC (Apr. 3, 2023).

²⁸ *Initial Determination Order*, *supra* note 1, at paras. 5-8.

²⁹ *Id.* at para. 9; *see also* 47 CFR § 64.1200(n)(5)(ii).

III. DISCUSSION

8. The Bureau may issue a Final Determination Order if a gateway provider does not provide an adequate response to the Initial Determination Order or continues to allow substantially similar traffic onto the U.S. network. We issued an Initial Determination Order to One Eye after it failed to respond to the Notice.³⁰ The Initial Determination Order required One Eye to file a response within 14 days of the date of issuance.³¹ One Eye failed to file a response. Because One Eye did not file any response, we find that it failed to provide an adequate response to the Initial Determination Order.³² Therefore, we issue this Final Determination Order as a result of One Eye's failure to respond to the Initial Determination Order.³³

9. We direct all voice service providers immediately downstream from One Eye to initiate blocking all traffic from One Eye no later than 30 days from the release of this Final Determination Order.³⁴ Providers that choose to initiate blocking sooner than 30 days may do so.³⁵ This Final Determination Order will be published in EB Docket No. 22-174.³⁶

IV. ORDERING CLAUSES

10. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i), 4(j), 227(b), 251(e), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 227(b), 251(e), 403, and sections 0.111, 0.311, 1.1, 1.102(b)(1), and 64.1200 of the Commission's rules, 47 CFR §§ 0.111, 0.311, 1.1, 1.102(b)(1), 64.1200, and the *Gateway Provider Order*,³⁷ all immediate downstream providers **MUST BLOCK AND CEASE TO ACCEPT ALL TRAFFIC** directly from One Eye **beginning no later than 30 calendar days** from the release date of this Final Determination Order.³⁸

³⁰ See *Initial Determination Order*, *supra* note 1, at paras. 8-9; see also receipt of certified mailing to Kaushal Bhavsar, CEO, One Eye LLC (Apr. 3, 2023).

³¹ See *id.* at para. 9; see also 47 CFR § 64.1200(n)(5)(ii).

³² See 47 CFR § 64.1200(n)(5)(iii).

³³ *Id.*

³⁴ *Id.* § 64.1200(n)(6).

³⁵ *Id.*; see also *id.* § 64.1200(k)(4).

³⁶ *Id.* § 64.1200(n)(6).

³⁷ *Gateway Provider Order*, *supra* note 5, at para. 72.

³⁸ 47 CFR § 64.1200(n)(6).

11. **IT IS FURTHER ORDERED** that copies of this Initial Determination Order shall be filed in EB Docket No. 22-174 and sent by email and registered mail, return receipt requested, to: Kaushal Bhavsar, CEO, One Eye LLC, 500 Delaware Ave., Suite #1-1960, Wilmington, DE 19899.

FEDERAL COMMUNICATIONS COMMISSION

Loyaan A. Egal
Chief
Enforcement Bureau