

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

In the Matter of
One Owl Telecom Inc.
EB-TCD-23-00035574
EB Docket No. 22-174

INITIAL DETERMINATION ORDER

Adopted: September 19, 2023

Released: September 19, 2023

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. By this Initial Determination Order, the Enforcement Bureau (Bureau) apparently finds that One Owl Telecom Inc. (One Owl or Company) has not complied with the Federal Communications Commission’s (Commission or FCC) call blocking rules for gateway providers. This Initial Determination Order follows the Bureau’s August 1, 2023 Notification of Suspected Illegal Traffic (Notice), which identified apparently illegal traffic One Owl was transmitting and instructed One Owl to investigate the traffic, block it if necessary, and provide a report to the Bureau within 14 days. One Owl never responded, and the Bureau is not aware of any measures One Owl has taken to comply with the Notice. Pursuant to section 64.1200(n)(5)(ii) of the Commission’s rules, One Owl now has 14 days to respond to this Initial Determination Order with a final response to our apparent finding and to demonstrate compliance with our rules. If One Owl fails to provide an adequate response within 14 days or continues to transmit substantially similar unlawful traffic, the Bureau will issue a Final Determination Order. Any provider immediately downstream from One Owl will then be required to block and cease accepting all traffic received from One Owl beginning 30 days after release of the 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 their U.S.-based facilities before

1 See Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Aashay Khandelwal, CEO, One Owl Telecom Inc., 2023 WL 4931051 (Aug. 1, 2023), https://docs.fcc.gov/public/attachments/DOC-395607A1.pdf (Notice).

2 See 47 CFR § 64.1200(n)(5)(iii).

3 Id. § 64.1200(n)(6).

4 FCC, Stop Unwanted Robocalls and Texts, https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts (last visited Sept. 7, 2023) (“Unwanted calls – including illegal and spoofed robocalls – are the FCC’s top consumer complaint and our top consumer protection priority.”).

transmitting the call downstream to another U.S.-based provider.⁵ Such providers serve as critical choke points for reducing the number of illegal calls reaching consumers in the United States.⁶ In recognition of this fact, the Commission adopted the *Gateway Provider Order* on May 19, 2022, increasing the obligations of gateway providers to police their own networks and imposing consequences on gateway providers that fail to do so.⁷

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.⁸ Once a gateway provider receives a Notice from the Bureau, the provider must comply with the Notice by investigating and reporting the results of the investigation to the Bureau.⁹ If the provider's investigation determines it served as the gateway provider for the traffic, the provider must: (i) block the traffic, (ii) certify in its report to the Bureau that it is blocking the traffic and will continue to do so, and (iii) in its report to the Bureau, describe its plan to identify and block substantially similar traffic on an ongoing basis.¹⁰ If the gateway provider does not block the traffic, it must explain to the Bureau why the identified traffic was not illegal.¹¹ If the provider concludes that it did not serve as the gateway for the traffic, then it must provide an explanation and identify the upstream provider(s) from which it received the identified traffic, as well as take lawful steps, if possible, to mitigate that traffic.¹²

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 Notice, fails to respond sufficiently, continues to transmit substantially similar traffic, or the Bureau determines the identified traffic is illegal despite the provider's assertions.¹³ In such circumstances, the Bureau may issue an Initial Determination Order with its apparent findings and provide the gateway provider with an opportunity to respond.¹⁴ If the Bureau determines that the gateway provider's response to the Initial Determination Order is inadequate (including instances where the gateway provider fails to respond), or if it continues to transmit substantially similar traffic, the Bureau may issue a Final Determination Order mandating all immediate downstream providers to block and cease accepting all traffic that they receive from the gateway provider starting 30 days from release of the Final Determination Order.¹⁵

⁵ 47 CFR § 64.1200(f)(19).

⁶ *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, 37 FCC Rcd 6865, 6875, para. 24 (*Gateway Provider Order*).

⁷ *Id.* at paras. 1-4.

⁸ *Id.* at para. 72; 47 CFR § 64.1200(n)(5)(i)(A).

⁹ *See* 47 CFR § 64.1200(n)(5)(i)(A).

¹⁰ *See id.*

¹¹ *See id.* § 64.1200(n)(5)(i)(B).

¹² *See id.*

¹³ *See id.* § 64.1200(n)(5)(ii)-(iii), (n)(6).

¹⁴ *Id.* § 64.1200(n)(5)(ii).

¹⁵ *Id.* § 64.1200(n)(5)-(6); *see also id.* § 64.1200(n)(5)(iii) (permitting issuance of a Final Determination Order up to one year after release of the Initial Determination Order); *One Eye LLC Final Determination Order*, EB Docket No. 22-174, DA 23-389 at 4, 2023 WL 3530737, para. 8 (EB May 11, 2023) (*One Eye Final Determination Order*) (finding that One Eye's failure to respond to the Initial Determination Order was an inadequate response).

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

5. One Owl is both an originating provider and a gateway provider.¹⁶ On August 1, 2023, the Bureau issued a Notice to One Owl for originating and transmitting apparently illegal traffic.¹⁷ The calls apparently transmitted prerecorded voice messages without the requisite consent of the called party under the Communications Act of 1934, as amended, and our rules.¹⁸ Many of these calls apparently pertained to fictitious product orders.¹⁹ Some calls purported to be from "AMC Trading LLC" and stated that "your product is ready to ship."²⁰ The calls asked consumers to confirm the order.²¹ Other calls stated that a "pre-authorized order" had been "placed on your name."²² The calls did not state what the order was for or where the order was placed.²³ USTelecom's Industry Traceback Group (ITG)²⁴ investigated purportedly prerecorded voice message calls made without consent between February 3, 2023 and May 31, 2023.²⁵ The ITG conducted tracebacks and determined that the calls originated overseas and that One Owl acted as the originator for some of the calls and the gateway provider for other calls.²⁶ The ITG previously notified One Owl of these calls and provided it access to supporting data identifying each call.²⁷ One Owl did not provide the ITG proof of the requisite consent for the calls.²⁸

6. The Notice required One Owl to investigate and block the traffic and report the results of the investigation to the Bureau by August 15, 2023.²⁹ The Notice warned One Owl that a failure to

¹⁶ See Notice, *supra* note 1, Attachment A; ITG Subpoena Response on file at EB-TCD-23-00035574 (Mar. 3, 2023) (March ITG Subpoena Response); ITG Subpoena Response on file at EB-TCD-23-00035574 (Apr. 17, 2023) (April ITG Subpoena Response); ITG Subpoena Response on file at EB-TCD-23-00035574 (June 22, 2023) (June ITG Subpoena Response).

¹⁷ See Notice, *supra* note 1. The Notice also found that One Owl apparently originated illegal traffic, but this order only applies to One Owl's conduct as a gateway provider.

¹⁸ See *id.*, Attachment A (identifying calls); 47 U.S.C. § 227(b) (requiring callers obtain consent before placing certain types of pre-recorded calls); 47 CFR § 64.1200(a) (same).

¹⁹ See March ITG Subpoena Response; April ITG Subpoena Response; June ITG Subpoena Response.

²⁰ See March ITG Subpoena Response.

²¹ See *id.*; April ITG Subpoena Response, June ITG Subpoena Response.

²² See March ITG Subpoena Response, *supra* note 16; April ITG Subpoena Response, *supra* note 16; June ITG Subpoena Response, *supra* note 16.

²³ See March ITG Subpoena Response, *supra* note 16; April ITG Subpoena Response, *supra* note 16; June ITG Subpoena Response, *supra* note 16.

²⁴ 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).

²⁵ See March ITG Subpoena Response, *supra* note 16; April ITG Subpoena Response, *supra* note 16; June ITG Subpoena Response, *supra* note 16.

²⁶ See March ITG Subpoena Response, *supra* note 16; April ITG Subpoena Response, *supra* note 16; June ITG Subpoena Response, *supra* note 16; Notice, *supra* note 1, Attachment A (noting One Owl's role as the originator or the gateway provider for each identified call).

²⁷ See March ITG Subpoena Response, *supra* note 16; April ITG Subpoena Response, *supra* note 16; June ITG Subpoena Response, *supra* note 16.

²⁸ See March ITG Subpoena Response, *supra* note 16; April ITG Subpoena Response, *supra* note 16; June ITG Subpoena Response, *supra* note 16. One Owl claimed to have warned its clients about transmitting illegal traffic and terminated some originators. Notice, *supra* note 1, at 2.

²⁹ Notice, *supra* note 1, at 5.

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).³⁰ One Owl has not responded to the letter or filed any report.³¹

7. The Notice also determined that One Owl was associated with two previous recipients of Bureau cease-and-desist letters: Illum Telecommunication Limited (Illum) and One Eye LLC (One Eye).³² One Eye was also the subject of an order which directed all immediate downstream providers to block and cease accepting One Eye's traffic.³³ In response to the FCC's enforcement action against Illum in October 2021, the CEO and Director of Illum, Prince Anand (Anand), who sometimes uses the alias "Frank Murphy," created One Eye.³⁴ To deflect the FCC's scrutiny, Anand intended to keep his name off One Eye's corporate documents.³⁵ Kaushal Bhavsar, a director of Illum, became One Eye's CEO.³⁶ Aashay Khandelwal, the Human Resource Representative for Illum, subsequently formed One Owl and became the CEO.³⁷ Julya Barros, a seemingly close acquaintance of Anand,³⁸ became Vice President of Sales and Marketing at One Owl.³⁹ One Owl and One Eye used the same IP address to conduct their business.⁴⁰ One Owl and One Eye communicated under the same email domain, @oneeyetelecom.com.⁴¹ One Owl and One Eye also shared customers that the FCC has explicitly identified as the source of illegal traffic,⁴² and the content of the calls carried by both companies pertained to orders purportedly placed by the called parties.⁴³ The personnel connections between One Owl, One Eye, and Illum are summarized in the table below.

³⁰ *Id.* at 6.

³¹ The Notice also directed One Owl to investigate and mitigate the identified traffic within 48 hours, consistent with section 64.1200(k)(4). *Id.*; see 47 CFR § 64.1200(k)(4). One Owl did not meet that deadline, either.

³² Letter from Rosemary C. Harold, Chief, Enforcement Bureau, to Prince Anand, CEO, Illum Telecommunication (Oct. 21, 2021), <https://docs.fcc.gov/public/attachments/DOC-376749A1.pdf>; Letter from Loyaan A. Egal, Chief, Enforcement Bureau, to Kaushal Bhavsar, CEO, One Eye LLC (Feb. 15, 2023), <https://docs.fcc.gov/public/attachments/DOC-391103A1.pdf>.

³³ *One Eye Final Determination Order*, *supra* note 15.

³⁴ Notice, *supra* note 1, at 2.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* at 2-3.

³⁸ *Id.* at 3.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ Compare *id.* at 2, with *One Eye Final Determination Order*, *supra* note 15, para. 5.

INDIVIDUALS	COMPANIES
Aashay Khandelwal , resident of Maryland, ⁴⁴ with a presence in Las Vegas, Nevada, ⁴⁵ and Mumbai, India ⁴⁶	CEO at One Owl ⁴⁷ Human Resources Representative at Illum ⁴⁸
Julya Barros , resident of Mumbai, India ⁴⁹ and Dubai, United Arab Emirates ⁵⁰	Vice President of Sales and Marketing at One Owl ⁵¹
Prince Anand, also known as Frank Murphy , ⁵² with a presence in Mumbai, India ⁵³ and Dubai, United Arab Emirates ⁵⁴	CEO & Director at Illum ⁵⁵ De facto Founder of One Eye ⁵⁶
Kaushal Bhavsar , resident of Ahmedabad, Gujarat, India, ⁵⁷ with a presence in Delaware ⁵⁸	Director at Illum ⁵⁹ CEO at One Eye ⁶⁰

III. DISCUSSION

8. Pursuant to Section 64.1200(n)(5) of the Commission's rules, One Owl must investigate and block traffic identified by the Bureau after receiving the Notice.⁶¹ One Owl must then report the

⁴⁴ See Aashay Khandelwal, LinkedIn, <https://www.linkedin.com/in/aashay-khandelwal-ab6179238> (last visited July 14, 2023) (screenshots on file at EB-TCD-20-00030805).

⁴⁵ See *id.*

⁴⁶ See Incorp Services Interrogatories Response at para. 3 (on file at EB-TCD-20-00030805).

⁴⁷ One Owl Telecom Inc. Listing, Fed. Commc'ns Comm'n, Robocall Mitigation Database (Apr. 25, 2022), https://fccprod.servicenowservices.com/rmd?id=rmd_form&table=x_g_fmc_rmd_robotcall_mitigation_database&sys_id=b1ab8b061bcb4110823a419ae54bcb64&view=sp (showing Khandelwal as the CEO of One Owl).

⁴⁸ Illum Telecommunication, <https://www.illumtelecommunication.com/> (last visited Sept. 12, 2023).

⁴⁹ See Julya Barros (@julyabarross), Instagram, <http://www.instagram.com/julyabarross/> (last visited July 14, 2023) (screenshots on file at EB-TCD-20-00030805).

⁵⁰ See Julya Barros, LinkedIn, <https://ae.linkedin.com/in/julya-barros-928008245> (last visited July 13, 2023) (screenshots on file at EB-TCD-20-00030805).

⁵¹ See *id.*

⁵² Prince Anand Skype Chat, June 10, 2021 at 8:18:53 PM (on file at EB-TCD-20-00030805) (Anand Skype Chat).

⁵³ *Id.* at June 17, 2021 at 3:26:34 PM.

⁵⁴ *Id.* at November 30, 2021 at 3:53:35 AM.

⁵⁵ See Illum Telecommunication, <https://www.illumtelecommunication.com/> (last visited Sept. 12, 2023); Illum Telecommunication Limited Listing, Fed. Commc'ns Comm'n, Robocall Mitigation Database (Sept. 15, 2021), https://fccprod.servicenowservices.com/rmd?id=rmd_form&table=x_g_fmc_rmd_robotcall_mitigation_database&sys_id=1e1084661ba6bc107cf20ecac4bcb93&view=sp (showing Anand as the CEO of Illum).

⁵⁶ Anand Skype Chat, at October 24, 2021 at 9:02:21 AM.

⁵⁷ See Kaushal Bhavsar, LinkedIn, <https://in.linkedin.com/in/kaushal-bhavsar-a69a3a255> (last visited Sept. 12, 2023) (screenshots on file at EB-TCD-20-00030805).

⁵⁸ See One Eye LLC, Fed. Commc'ns Comm'n, Form 499 Filer Database, Detailed Information, <https://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=834729> (last visited July 14, 2023).

⁵⁹ Illum Telecommunication, <https://www.illumtelecommunication.com/> (last visited Sept. 12, 2023).

⁶⁰ One Eye LLC Listing, Fed. Commc'ns Comm'n, Robocall Mitigation Database (Oct. 26, 2021), https://fccprod.servicenowservices.com/rmd?id=rmd_form&table=x_g_fmc_rmd_robotcall_mitigation_database&sys_id=9e1373b31b53b0107cf20ecac4bcb3b&view=sp.

⁶¹ 47 CFR § 64.1200(n)(5)(i)(A).

results of its investigation to the Bureau.⁶² The rules direct the Bureau to provide at least 14 days for One Owl to comply with the Notice.⁶³

9. The Bureau issued the Notice to One Owl on August 1, 2023.⁶⁴ The Notice directed One Owl to take the following actions: (i) promptly investigate the suspected unlawful transmissions identified in the Notice; (ii) if One Owl's investigation determined that One Owl served as the gateway provider for the identified transmissions, block all of the identified unlawful traffic within 14 days of the Notice (and continue to block the identified traffic as well as substantially similar traffic on an ongoing basis); and (iii) report the results of One Owl's investigation to the Bureau within 14 days of the date of the Notice.⁶⁵ The Notice required One Owl to respond within 14 days (by August 15, 2023).⁶⁶ The Bureau has received no information to suggest One Owl has done any of these things.

10. We direct One Owl to reply with a final response to this Initial Determination Order. The response should provide an explanation as to why the Bureau should not issue a Final Determination Order mandating that providers immediately downstream from One Owl block *all* of One Owl's traffic.⁶⁷ One Owl shall file its response with the Bureau within 14 calendar days of the date of this Initial Determination Order. Failure to respond to this Initial Determination Order or submit an adequate response providing a reasonable basis for why the identified traffic is legal, or continued transmission of substantially similar traffic, will result in the Bureau issuing a Final Determination Order.⁶⁸ The Final Determination Order will be published in EB Docket No. 22-174 and serve as notification to all immediate downstream providers that they must block and cease accepting all traffic received directly from One Owl beginning 30 days after release of the Final Determination Order.⁶⁹

IV. ORDERING CLAUSES

11. 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; 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*,⁷⁰ One Owl **SHALL FILE** a written final response to this Order **within 14 calendar days** from the release date of this Initial Determination Order.⁷¹

12. The response must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, ATTN: Enforcement Bureau – Telecommunications Consumers Division. The response must also be e-mailed to Kristi Thompson, Division Chief, Telecommunications Consumers Division, at kristi.thompson@fcc.gov, Daniel Stepanicich, Assistant Division Chief, Telecommunications Consumers Division, at daniel.stepanicich@fcc.gov, and Jessica Manuel, Attorney Advisor, Telecommunications Consumers Division, at jessica.manuel@fcc.gov.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Notice, *supra* note 1, at 1.

⁶⁵ *Id.* at 5.

⁶⁶ *Id.*

⁶⁷ See 47 CFR § 64.1200(n)(5)(ii)-(iii), (n)(6).

⁶⁸ *Id.* § 64.1200(n)(5)(iii).

⁶⁹ *Id.* § 64.1200(n)(6).

⁷⁰ *Gateway Provider Order*, *supra* note 6, at 6897-6898, para. 74.

⁷¹ 47 CFR § 64.1200(n)(5)(ii).

13. **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: Aashay Khandelwal, CEO, One Owl Telecom Inc., 1519 York Road, Lutherville, MD 21093.

FEDERAL COMMUNICATIONS COMMISSION

Loyaan A. Egal
Chief
Enforcement Bureau