



# PUBLIC NOTICE

Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

News Media Information 202-418-0500  
Internet: [www.fcc.gov](http://www.fcc.gov)  
TTY: 888-835-5322

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

**FCC Enforcement Bureau Notifies All U.S.-Based Providers of Rules Permitting Them to Block Robocalls Transmitting from Lingo Telecom, LLC**

**File No. EB-TCD-00036094**

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 significant apparently unlawful robocalls originating from or transmitted by Lingo Telecom, LLC (Company or Lingo).<sup>1</sup>

**Pursuant to section 64.1200(k)(4) of the Commission's rules, we hereby notify all U.S.-based voice service providers that if Lingo fails to effectively mitigate illegal traffic, including the identified traffic described in the cease-and-desist letter listed below and substantially similar traffic, within 48 hours of the date of this *Public Notice*, U.S.-based voice service providers may block voice calls or cease to accept traffic from Lingo, without liability under the Communications Act of 1934, as amended, or the Commission's rules.<sup>2</sup>**

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<sup>1</sup> The Company has also used the following names: Americatel, BullsEyeComm, Clear Choice Communications, Excel Telecommunications, Impact Telecom, Lingo, Lingo Communications, Matrix Business Technologies, Startec Global Communications, Trinsic Communications, and VarTec Telecom. Mich. Dept. of Licensing and Regulatory Affairs, Corps., Sec. & Commercial Licensing Bureau, Lingo Telecom, LLC Assumed Names, <https://cofs.lara.state.mi.us/CorpWeb/UAA/UAAAssumedNames.aspx?CID=6C3UB4&PageType=VIEW> (last visited Jan. 31, 2024). Matrix Telecom, LLC, changed its name to Lingo Telecom, LLC, effective on or around December 6, 2021. Mich. Dept. of Licensing and Regulatory Affairs, Corps., Sec. & Commercial Licensing Bureau, Lingo Telecom, LLC, <https://cofs.lara.state.mi.us/CorpWeb/CorpSearch/CorpSummary.aspx?token=nBxILn58HwVtv4JMRDwTm1cWblOpjnzIqg3FCQzRMH7Z0mRAdeXC1B8Va3CnnoIhDhcDYIqcZVi3dnJnNFadHcdniZEijQeGJopTfqFPI7xqod2qV9s3eFoRRs6vbQ31YZ9JKvSoWIBevAl/0WYMX15VF0uhH0/B2ptav4Vx+pXtHOIGguaG+65R+yK8NLn8H0peRsN54rS2E1h/UFsK0+93HMxX3O6dZnll15QDIzP43EspnS12cr4bpHjiYIMa7Mr5LIWav3kL6ckNbA+9pHqU0SoLj66u+MAzDwFzFSMw1hQImJv1gZModh1MPjejGmFGt8T7tYaYm7BNoIvy+KJDmSIHZzP7> (last visited Jan. 31, 2024).

<sup>2</sup> 47 CFR § 64.1200(k)(4) (permitting downstream providers to block calls from a notified provider that fails to either (a) effectively mitigate illegal traffic within 48 hours or (b) implement effective measures to prevent new and renewing customers from using its network to originate illegal calls).

Contemporaneous with this *Public Notice*, the Bureau is issuing a cease-and-desist letter to the following voice service provider:<sup>3</sup>

- **Lingo Telecom, LLC**

Lingo apparently originated unlawful spoofed<sup>4</sup> robocalls carrying deepfake<sup>5</sup> prerecorded messages in a voice that was artificially created to sound like U.S. President Joseph R. Biden, Jr.<sup>6</sup> Pursuant to the cease-and-desist letter, Lingo must: (1) promptly investigate the traffic identified in the letter; (2) block or cease accepting the identified traffic and substantially similar traffic on an ongoing basis (unless it determines that the identified traffic is legal and provides a reasonable explanation to support that conclusion); and (3) report the results of the investigation to the Bureau within 14 days of the date of the letter.<sup>7</sup> If Lingo fails to comply with those requirements, the Bureau may ultimately issue a Final Determination Order, which would require downstream voice service providers to block and cease accepting all traffic from Lingo.<sup>8</sup>

The cease-and-desist letter also serves as notice that downstream U.S.-based voice service providers may begin blocking all calls or cease accepting traffic from Lingo after notifying the Commission of their decision and providing a brief summary of their basis for making such a determination, if Lingo either (a) fails to effectively mitigate illegal traffic within 48 hours of the date of this *Public Notice*, or (b) fails to implement effective measures to prevent new and renewing customers from using its network to originate illegal calls within 14 days of the date of this *Public Notice*.<sup>9</sup> **U.S.-based voice service providers may block ALL call traffic transmitting from Lingo’s network if it fails to act within either deadline.**

*Purpose.* Protecting individuals and entities from the dangers of unwanted and illegal robocalls is the Commission’s top consumer protection priority.<sup>10</sup> As part of its multi-pronged approach to combatting illegal robocalls, the Commission has taken steps to encourage voice service providers to block suspected illegal robocalls.<sup>11</sup> The Commission permits blocking of traffic from voice service providers that the

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<sup>3</sup> Letter from Loyaan A. Egal, Chief, Enforcement Bureau, to Alex Valencia, Chief Compliance Officer, Lingo Telecom, LLC (Feb. 2, 2024) (Lingo Letter). This letter is available on the Commission’s website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

<sup>4</sup> “Spoofing is when a caller deliberately falsifies the information transmitted to your caller ID display to disguise their identity.” Fed. Comm’n’s Comm’n, *Caller ID Spoofing* (last updated Mar. 7, 2022), <https://www.fcc.gov/spoofing>.

<sup>5</sup> “Deepfake” is defined as “an image or recording that has been convincingly altered and manipulated to misrepresent someone as doing or saying something that was not actually done or said.” *Deepfake*, Merriam-Webster (last updated Feb. 24, 2024), <https://www.merriam-webster.com/dictionary/deepfake#dictionary-entry-1>.

<sup>6</sup> Lingo Letter at 1-2.

<sup>7</sup> *See id.* at 5.

<sup>8</sup> *See* 47 CFR § 64.1200(n)(2)(iii), (n)(3).

<sup>9</sup> *Id.* § 64.1200(k)(4).

<sup>10</sup> *Consumer Guide: Stop Unwanted Robocalls and Texts*, Fed. Comm’n’s Comm’n, <https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts> (last visited Jan. 29, 2024) (“Unwanted calls – including illegal and spoofed robocalls – are the FCC’s top consumer complaint and our top consumer protection priority.”).

<sup>11</sup> *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) (blocking based on reasonable analytics with consumer opt-out and consumer whitelists); *Advanced Methods to Target and Eliminate Unlawful*

(continued....)

Bureau has warned are transmitting suspected illegal robocalls if such voice service providers fail to take appropriate and timely action to mitigate such traffic.<sup>12</sup> The Bureau has issued numerous “cease-and-desist” letters, warning voice providers that they were originating or transmitting suspected illegal robocalls and could be subject to blocking.<sup>13</sup> The Bureau may also ultimately order immediately downstream providers to cease accepting traffic from an upstream provider that does not comply with the Commission’s rules.<sup>14</sup>

*Nature of Apparently Unlawful Robocall Traffic.* Lingo is responsible for apparently originating illegal robocalls that violated the Truth in Caller ID Act and our implementing rules.<sup>15</sup> The calls were placed on Sunday, January 21, 2024—two days before the New Hampshire Presidential Primary Election—and played an apparently deepfake prerecorded message from a voice that was artificially created to sound like President Biden.<sup>16</sup> According to news reports, the caller identification information indicated that the calls came from a phone number that appeared as though it belonged to the spouse of Kathy Sullivan (Sullivan), a former New Hampshire Democratic Party chair who is running a super Political Action Committee (PAC) that led an effort to have New Hampshire Democrats write in President Biden’s name in the state’s primary election.<sup>17</sup> The message advised potential Democratic voters to *refrain* from voting in the upcoming primary election:

This coming Tuesday is the New Hampshire Presidential Preference Primary. Republicans have been trying to push nonpartisan and democratic voters to participate in their primary. What a bunch of malarkey. We know the value of voting democratic when our votes count. It’s important that you save your vote for the November election. We’ll need your help in electing Democrats up and down the ticket. Voting this Tuesday only enables the Republicans in their quest to elect Donald Trump again. Your vote makes a difference in November, not this Tuesday. If you would like to be removed from

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*Robocalls*, CG Docket No. 17-59, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9709, para. 9 (2017) (blocking of certain categories of calls highly likely to be illegal).

<sup>12</sup> See *July 2020 Call Blocking Order*, 35 FCC Rcd at 7628-29, paras. 36-39; 47 CFR § 64.1200(k)(4).

<sup>13</sup> These letters are available on the Commission’s website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

<sup>14</sup> 47 CFR § 64.1200(n)(2)(iii), (3).

<sup>15</sup> See 47 U.S.C. § 227(e)(1); 47 CFR § 64.1604(a).

<sup>16</sup> Numerous news outlets have concluded that the recorded voice resembled the voice of President Biden. See, e.g., Alex Seitz-Wald and Mike Memoli, *Fake Joe Biden robocall tells New Hampshire Democrats not to vote Tuesday*, NBC News (Jan. 22, 2024, Updated 11:45 AM EST), <https://www.nbcnews.com/politics/2024-election/fake-joe-biden-robocall-tells-new-hampshire-democrats-not-vote-tuesday-rcna134984> (“The call, an apparent imitation or digital manipulation of the president’s voice . . .”); Jacob Rosen, *Fake Biden robocall encourages voters to skip New Hampshire Democratic primary*, CBS News (Jan. 23, 2024, 9:17 AM EST), <https://www.cbsnews.com/news/fake-biden-robocall-new-hampshire-primary/> (“A fake robocall impersonating President Biden . . .”); Sasha Pezenik and Brittany Shepherd, *Fake Biden robocall urges New Hampshire voters to skip their primary*, ABC News (Jan. 22, 2024, 8:08 PM EST), <https://abcnews.go.com/Politics/fake-biden-robocall-urges-new-hampshire-voters-skip/story?id=106580926> (“A robocall appearing to impersonate the voice of President Joe Biden . . .”); Em Steck and Andrew Kaczynski, *Fake Joe Biden robocall urges New Hampshire voters not to vote in Tuesday’s Democratic primary*, CNN (Jan. 22, 2024, Updated 5:44 PM EST), <https://www.cnn.com/2024/01/22/politics/fake-joe-biden-robocall/index.html> (“A robocall that appears to be an AI voice resembling President Joe Biden . . .”).

<sup>17</sup> See Traceback Consortium Subpoena Response (Jan. 31, 2024) (on file at EB-TCD-24-00036094) (ITG Subpoena Response); see also Tiffany Hsu, *New Hampshire Officials to Investigate A.I. Robocalls Mimicking Biden*, N.Y. Times (Jan. 22, 2024), <https://www.nytimes.com/2024/01/22/business/media/biden-robocall-ai-new-hampshire.html> (“Ms. Sullivan said recipients of the unauthorized robocalls saw her husband’s name in their caller ID and were given her personal cellphone number to call to request removal from the call list.”).

future calls, please press two now. Call {{[REDACTED]}}<sup>18</sup> to be removed from future calls.<sup>19</sup>

The Bureau's investigation, conducted in coordination with the New Hampshire Attorney General, the bipartisan Anti-Robocall Multistate Litigation Task Force (Task Force),<sup>20</sup> and USTelecom's Industry Traceback Group (ITG),<sup>21</sup> revealed Lingo as the originating provider for these calls.<sup>22</sup> The ITG notified Lingo of these calls and provided the Company with supporting data identifying each call.<sup>23</sup> Lingo identified an entity named Life Corp. (Life) as the party initiating the calls.<sup>24</sup> Lingo did not contest the illegality of the calls and purported to warn Life.<sup>25</sup> Artificial intelligence technology was apparently used to generate the artificial prerecorded voice message.<sup>26</sup> The caller also apparently "spoofed" the calls to have a number associated with Sullivan displayed in the caller ID field.<sup>27</sup>

This is not the first time Lingo and Life have been subjects of an illegal robocall investigation. Since 2021, the ITG has identified Lingo as the gateway provider responsible for 61 suspected illegal calls originating overseas that entered the United States.<sup>28</sup> On August 21, 2022, the Task Force issued Lingo a Civil Investigative Demand to identify, investigate, and mitigate suspected illegal call traffic transmitting from its network.<sup>29</sup> On August 23, 2022, the Federal Trade Commission issued Matrix Telecom, LLC, which was Lingo's prior corporate name, a Cease and Desist Demand that identified numerous illegal

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<sup>18</sup> Material set off by double brackets {{[ ]}} is confidential and is redacted from the public version of this document.

<sup>19</sup> See ITG Subpoena Response.

<sup>20</sup> The Anti-Robocall Multistate Litigation Task Force is a 51-member collective of state Attorneys General—led by the Attorneys General of Indiana, North Carolina, and Ohio—that is focused on actively investigating and pursuing enforcement actions against various entities in the robocall ecosystem that are identified as being responsible for significant volumes of illegal and fraudulent robocall traffic routed into and across the country.

<sup>21</sup> 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 23-719, 2023 WL 5358422, at \*1, para. 1 (EB Aug. 18, 2023).

<sup>22</sup> ITG Subpoena Response, *supra* note 17; see also Attachment A (identifying the calls).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> Pindrop, *Pindrop Reveals TTS Engine Behind Biden AI Robocall*, <https://www.pindrop.com/blog/pindrop-reveals-tts-engine-behind-biden-ai-robocall> (last visited Jan. 27, 2024) (concluding ElevenLabs Inc.'s text-to-speech engine generated the audio clip); see also *Watch: White House holds briefing amid reports of AI-generated robocalls impersonating Biden in New Hampshire*, PBS News Hour (Jan. 22, 2024, Updated 3:51 PM EST), <https://www.pbs.org/newshour/politics/watch-live-white-house-holds-daily-briefing-as-biden-and-harris-focus-on-reproductive-rights> ("White House press secretary Karine Jean-Pierre confirmed Monday that the call 'was indeed fake and not recorded by the president.'").

<sup>27</sup> See ITG Subpoena Response, *supra* note 17; Tiffany Hsu, *New Hampshire Officials to Investigate A.I. Robocalls Mimicking Biden*, N.Y. Times (Jan. 22, 2024), <https://www.nytimes.com/2024/01/22/business/media/biden-robocall-ai-new-hampshire.html>.

<sup>28</sup> See ITG Portal, Lingo Hops Report (Jan. 28, 2024) (on file at EB- TCD-24-00036094).

<sup>29</sup> See Letter from Tracy Nayer, Special Deputy Attorney General, North Carolina Dept. of Justice, to Lingo Telecom, LLC (Nov. 3, 2023), <https://ncdoj.gov/wp-content/uploads/2023/11/State-AG-Task-Force-NOTICE-Letter-to-LINGO.pdf> (Task Force Letter).

calls that the company was apparently transmitting.<sup>30</sup> On November 3, 2023, after observing that Lingo continued to transmit suspected illegal traffic, the Task Force further demanded that Lingo take steps to protect its network.<sup>31</sup> With regards to Life, more than two decades ago, in 2003, the FCC issued Life a citation for delivering apparently illegal prerecorded and unsolicited advertisements to residential lines.<sup>32</sup>

*Contact Information.* For further information, please contact Raul Rojo, Attorney Advisor, Telecommunications Consumers Division, Enforcement Bureau, FCC, at [Raul.Rojo@fcc.gov](mailto:Raul.Rojo@fcc.gov) or (202) 418-1336; and cc: to Kristi Thompson, Division Chief, Telecommunications Consumers Division, Enforcement Bureau, FCC, at [kristi.thompson@fcc.gov](mailto:kristi.thompson@fcc.gov).

ENFORCEMENT BUREAU  
Loyaan A. Egal  
Chief

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<sup>30</sup> See Letter from Jon Miller Steiger, Regional Director, Bureau of Consumer Protection, Fed. Trade Comm'n, to Matrix Telecom, LLC (Aug. 23, 2022), [https://www.ftc.gov/system/files/ftc\\_gov/pdf/pointofnoentry-matrixtelecomdletter.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/pointofnoentry-matrixtelecomdletter.pdf); Lingo Name Change, *supra* note 1.

<sup>31</sup> See Task Force Letter.

<sup>32</sup> Citation from Kurt Schroeder, Deputy Chief, Enforcement Bureau, to Life Corporation (July 29, 2003).