



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 of Rules Permitting Them to Block Robocalls Transmitting from Identidad Advertising Development LLC

File No. at EB-TCD-24-00037229

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 robocalls transmitted by Identidad Advertising Development LLC (Identidad).

Pursuant to section 64.1200(k)(4) of the Commission's rules, we hereby notify all U.S.-based voice service providers that if Identidad fails to mitigate the identified traffic described in the cease-and-desist letter (CDL) listed below, U.S.-based voice service providers may block voice calls or cease to accept traffic from Identidad, without liability under the Communications Act of 1934, as amended, or the Commission's rules.¹

Contemporaneous with this *Public Notice*, the Bureau is issuing a CDL to the following voice service provider:²

- **Identidad**

USTelecom's Industry Traceback Group (ITG)³ identified Identidad as a gateway provider for substantial volumes of apparently unlawful robocalls, including calls that impersonate financial institutions.⁴

Pursuant to the CDL, Identidad must: (1) promptly investigate the traffic identified in the CDL; (2) block 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

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

² Letter from Loyaan A. Egal, Chief, Enforcement Bureau, to Andres Sanchez, Chief Executive Officer, Identidad Advertising Development LLC (Oct. 18, 2024) (Identidad Letter). This letter is available on the Commission's website at <https://www.fcc.gov/robocall-facilitators-must-cess-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. See *Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act*, Pub. L. No. 116-105 § 13(d), 133 Stat. 3274, 3287 (2019); *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act Act)*, EB Docket No. 20-22, Report and Order, 38 FCC Rcd 7561, 7578, para. 43 (EB 2023).

⁴ See ITG Subpoena Response (Sept. 30, 2024) (on file at EB-TCD-24-00037229) (ITG Subpoena Response).

the results of the investigation to the Bureau within 14 days of the date of the CDL.⁵ If Identidad 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 Identidad.⁶

The CDL also serves as notice that downstream U.S.-based voice service providers may begin blocking all calls from Identidad after notifying the Commission of their decision, and providing a brief summary of their basis for making such a determination, if either (a) after 48 hours Identidad fails to effectively mitigate illegal traffic, or (b) to the extent that Identidad originates traffic, after 14 days Identidad fails to implement effective measures to prevent new and renewing customers from using its network to originate illegal calls.⁷ **U.S.-based voice service providers may block ALL call traffic transmitting from Identidad’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.⁸ 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.⁹ The Commission permits voice service providers to block traffic from other voice service providers that the Bureau has warned are transmitting suspected illegal robocalls.¹⁰ 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.¹¹ The Commission placed additional obligations on gateway providers in May 2022 by requiring they block illegal traffic when the Bureau has notified them of such traffic.¹² If the gateway provider continues to transmit substantially similar traffic or fails to respond to the Bureau’s CDL, the Commission may ultimately issue a final

⁵ Identidad Letter at 4-5.

⁶ 47 CFR § 64.1200(n)(2)-(3).

⁷ *Id.* § 64.1200(k)(4).

⁸ Fed. Comm’n Comm’n, *Stop Unwanted Robocalls and Texts*, <https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts> (last visited Sept. 30, 2024) (“Unwanted calls – including illegal and spoofed robocalls – are the FCC’s top consumer complaint and our top consumer protection priority.”).

⁹ See 47 CFR § 64.1200(k)(1)-(4), (11); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, 35 FCC Rcd 15221, 15234-35, para. 39 (2020) (expanding existing safe harbor to cover network-level blocking of traffic based on reasonable analytics that includes caller ID authentication information where available without consumer opt-in or opt-out); *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, 7622-23, para. 19 (2020) (*July 2020 Call Blocking Order*) (establishing safe harbors for blocking traffic based on reasonable analytics or from bad-actor upstream voice service providers that fail to effectively mitigate illegal traffic following Commission notification); *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, 4890-91, paras. 34-35, 43-46 (2019) (blocking based on reasonable analytics with consumer opt-out and consumer whitelists with consumer opt-in); *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) (blocking of certain categories of calls that are highly likely to be illegal).

¹⁰ See 47 CFR § 64.1200(k)(4); *July 2020 Call Blocking Order*, 35 FCC Rcd at 7628-29, paras. 36-39.

¹¹ These letters are available on the Commission’s website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

¹² *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, 37 FCC Rcd 6865, 6897-98, para. 74 (2022) (*Gateway Provider Order*).

determination order that requires providers immediately downstream from the gateway provider to block all of its traffic.¹³

Nature of Apparently Unlawful Robocall Traffic. Between August 8, 2024, and September 14, 2024, Identidad appeared in five tracebacks as the gateway provider for suspected illegal robocalls that impersonated financial institutions.¹⁴ The calls were made to cell phone numbers using a prerecorded voice without the called party's consent or an emergency purpose.¹⁵ The robocalls played variations of the following prerecorded message:

This is a transaction alert call from Visa and Mastercard support. There has [sic] been two transactions done on your card for \$299.00 on Walmart and \$3,950.00 on Western Union. If you have made these transactions and accept the charges simply hangup. If you have not made these transactions and you wish to report fraud please press 1 immediately.¹⁶

Consumers who responded to similar calls under of this robocall campaign assert that they were instructed to make payments or provide sensitive financial information:

Received a call from "chase bank" it wasn't chase and they said I had fraudulent activity so I called them back knowing they weren't chase and they tried to get me to send \$2,000 to them [].¹⁷

Potential Further Enforcement Action. The Bureau will issue an Initial Determination Order in the event that either: (a) Identidad fails to respond to the CDL; (b) the Bureau determines that the response is insufficient or that the traffic is illegal despite the provider's assertions; or (c) the Bureau determines that Identidad is continuing to allow substantially similar traffic onto the U.S. network.¹⁸ Identidad will have at least 14 days to respond to the Initial Determination Order.¹⁹ If Identidad fails to provide an adequate and timely response to the Initial Determination Order, or Identidad continues to allow substantially similar traffic onto the U.S. network, then the Bureau will publish a Final Determination Order in EB Docket No. 22-174.²⁰ **In the event that the Bureau issues a Final Determination Order in this matter, pursuant to section 64.1200(n)(3) of the Commission's rules, all immediately downstream U.S.-based voice service providers shall be required to block Identidad's traffic.**²¹

Contact Information. For further information, please contact Kristi Thompson, Division Chief, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-1318 or by email at

¹³ 47 CFR § 64.1200(n)(3) (requiring downstream providers to block a gateway provider's traffic if the Bureau issues a Final Determination Order); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, WC Docket No. 17-97, Seventh Report and Order in CG Docket 17-59 and WC Docket 17-97, Eighth Further Notice of Proposed Rulemaking in CG Docket 17-59, and Third Notice of Inquiry in CG Docket 17-59, 38 FCC Rcd 5404, 5417-18, para. 37 (2023); *Gateway Provider Order*, 37 FCC Rcd at 6897-98, para. 74.

¹⁴ See ITG Subpoena Response, *supra* note 4.

¹⁵ See 47 U.S.C. § 227(b)(1)(A)(iii); 47 CFR § 64.1200(a)(1)(iii); see ITG Subpoena Response, *supra* note 4.

¹⁶ ITG Subpoena Response, *supra* note 4.

¹⁷ FCC Complaint #7157632 (July 15, 2024) (on file at EB-TCD-24-00037229).

¹⁸ 47 CFR § 64.1200(n)(2)(ii).

¹⁹ *Id.*

²⁰ *Id.* § 64.1200(n)(2)(iii).

²¹ *Id.* § 64.1200(n)(3). Providers must monitor EB Docket No. 22-174 and initiate blocking beginning 30 days from the release date of the Final Determination Order. *Id.*

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ENFORCEMENT BUREAU
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Chief