

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Dialing Services, LLC*, File No. EB-TCD-12-00001812.

This FCC has made consumers' top priority—stopping unlawful robocalls—one of the agency's top priorities. We're taking steps to allow voice providers to block spoofed phone numbers. We're exploring ways to make sure that calls can be authenticated. Last month, we proposed the largest fine in FCC history—\$120 million—against an individual who apparently unleashed almost 100 million robocalls on American consumers in just three months.

And today, we impose a \$2.88 million fine against Dialing Services for its willful and repeated violations of the Telephone Consumer Protection Act, or TCPA.

Here's why we are imposing this fine.

An investigation by our Enforcement Bureau found that Dialing Services was responsible for more than 4.7 million robocalls to cell phones in just three months—all without prior express consent. Then, after Dialing Services was issued a citation, staff found in a follow-up investigation that it was responsible for yet *more* unauthorized robocalls to cell phones.

Dialing Services offers a software-based robocalling service to third-party clients. But make no mistake: Although it may not have physically placed the calls itself, Dialing Services was not the unwitting conduit or passive technical support service it claims to be. Indeed, one of the Company's featured services is a spoofing functionality designed to provide deceptive information about a call's originating point or to hide that information altogether. But even more significant, the Company directly assists its clients in crafting and structuring their messages to help them conceal their true intentions, all for one purpose: to maximize the effectiveness of the illegal robocall campaigns that Dialing Services helps facilitate.

This is not the conduct of a merely passive actor. No, these are the actions of a company "so involved" in the making of the illegal calls that it can itself be deemed the maker or initiator of the calls for purposes of liability under the TCPA.

This substantial forfeiture order is the latest step we've taken to stop the scourge of illegal robocalls. But it won't be the last.

I want to thank my colleague, Commissioner Clyburn, for her support on this item and her commitment to combating illegal robocalls. I also want to thank the staff who worked so hard to bring this order to fruition: Michael Carowitz, Lloyd Collier, Lisa Gelb, Rosemary Harold, Richard Hindman, Michael Janson, Michael Scurato, and Kristi Thompson from the Enforcement Bureau; Rick Mallen, from the Office of General Counsel; and John B. Adams, Kurt Schroeder, Mark Stone, and Kristi Thornton from the Consumer and Governmental Affairs Bureau. It's been a long time coming, but your work has given voice to millions of American consumers who have been spammed by these illegal robocalls.