

**STATEMENT OF COMMISSIONER
GEOFFREY STARKS**

Re: *John C. Spiller; Jakob A. Mears; Rising Eagle Capital Group LLC; JSquared Telecom LLC; Only Web Leads LLC; Rising Phoenix Group; Rising Phoenix Holdings; RPG Leads; and Rising Eagle Capital Group – Cayman*, File No.: EB-TCD-18-00027781.

The facts are pretty clear cut here, and Messrs. Spiller and Mears appear to have merited every penny of the forfeiture we propose today for their prolific robocalling campaign. They admitted to using spoofed numbers that were not assigned to them to peddle short-term health insurance plans in over 1 billion calls. They also acknowledged intentionally making calls to consumers on the National Do Not Call Registry because they found those calls led to substantially more sales. It is particularly upsetting that these robocalls involved scams related to healthcare, given that medical communications are now more important than ever. I therefore approve this action; stopping illegal robocalls is the Commission's top consumer protection priority, and we must remain aggressive in the fight to bring consumers relief from these annoying and often harmful intrusions.

But what now? What is the plan for following through to make sure this forfeiture is paid (assuming there's something to collect) and that these offenders get out of the robocalling business for good?

According to a Wall Street Journal Article, between 2015 and March of 2019 the FCC issued forfeitures totaling \$208.4 million for robocall violations, but collected only \$6,790.¹ I asked the Enforcement Bureau about our progress in collecting on large forfeitures, and was told that the Bureau does not maintain a list of proposed forfeitures and collections. Notably in 2015, then Commissioner Pai observed how the Enforcement Bureau's process had "gone off the rails," in part by how "extremely hard [it is to] find out just how much money is actually being collected after the media headlines fade into the rear-view mirror."² He wanted the same answers then that I want now, but five years later we appear to be in the same place.

The threat of large fines as a deterrent means nothing if we systematically fail to actually collect on them, including coordinating with the Department of Justice. That means better follow-through on the entire life of an enforcement action. We must work harder to ensure on the back end that our enforcement efforts reap actual, measurable results, and then be transparent about how we're doing to put violators on notice that we mean business. Otherwise, we're just creating more headlines.

¹ Sarah Krause, The Wall Street Journal, "The FCC Has Fined Robocallers \$208 Million. It's Collected \$6,790." (Mar. 28, 2019) (also noting that during Ajit Pai's tenure as FCC chairman since January 2017, the FCC had issued \$202 million in forfeiture orders against robocallers but had collected none of it), <https://www.wsj.com/articles/the-fcc-has-fined-robocallers-208-million-its-collected-6-790-11553770803>.

² Remarks of Commissioner Ajit Pai at the PLI/FCBA 33rd Annual Institute on Telecommunications Policy & Regulation, Washington, DC (Dec. 3, 2015), <https://www.fcc.gov/document/commissioner-pai-plifcba-remarks>. Commissioner Pai also mentioned a then-recent POLITICO headline that read, "FCC proposes millions in fines, collects \$0."