



FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau
Telecommunications Consumers Division
45 L Street, NE
Washington, D.C. 20554

November 27, 2023

VIA ELECTRONIC DELIVERY AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: David Morken
Chief Executive Officer
Bandwidth Inc.
c/o Greg Rogers
Head of Global Policy and Regulatory Affairs
2230 Bandmate Way
Raleigh, NC 27607
grogers@bandwidth.com

cc: voicesecurity@bandwidth.com

Re: Notice of Important Gateway Provider Obligations

Dear David Morken,

Bandwidth Inc. (Company) has received a significant volume of traceback requests from USTelecom's Industry Traceback Group (ITG) concerning apparently illegal traffic that the Company has transmitted as a gateway provider on behalf of overseas providers. The Company has also received notice from the Federal Trade Commission alerting the Company of apparently illegal traffic.

This letter provides the Company with notice of important legal obligations under Federal Communications Commission (the Commission or FCC) rules. All gateway providers must "take reasonable and effective steps to ensure that any foreign originating provider or foreign intermediate provider from which it directly receives traffic is not using the gateway provider to carry or process a high volume of illegal traffic onto the U.S. network."¹ Failure to abide by that rule may result in enforcement action. Moreover, if a gateway provider allows illegal traffic on to the U.S. network, the Commission may issue a Notification of Suspected Illegal Traffic to the provider, which may ultimately result in an order by the Commission to downstream voice providers to "block and cease accepting all traffic received directly from the identified gateway provider."² The Commission has previously not hesitated to take such action to protect consumers from pernicious illegal robocalls originating abroad.³

As part of a multi-pronged approach, the FCC has solidified its illegal robocall defenses when it comes to gateway providers and has increased the obligations of these providers to police their own networks.⁴ Pursuant to a provider's obligations to "know" their immediate upstream foreign provider,⁵ we encourage the Company to work with its foreign upstream providers to mitigate illegal robocall traffic.

¹ 47 CFR § 64.1200(n)(4).

² *See id.* § 64.1200(n)(5), (6).

³ *See One Eye LLC*, Final Determination Order, DA 23-389, 2023 WL 3530737 (EB May 11, 2023).

⁴ *See 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, 2022 WL 1631842, at *1, para. 1 (2022).

⁵ *See id.* at *29, para. 96; *see also* 47 CFR § 64.1200(n)(4).

Additionally, complete responses to traceback requests are required within 24 hours by our rules and such compliance is vital to law enforcement and private efforts to combat illegal robocalls.⁶ The Company should encourage its foreign upstream providers to participate in traceback efforts by the ITG, to the extent its foreign upstream providers do not do so already. Illegal robocalling is a global problem and requires every provider in the call path to be an active participant in mitigation efforts. The Commission will continue to monitor the Company's traffic.

Please direct any inquiries or responses regarding this letter to Caitlin Barbas, Attorney Advisor, Telecommunications Consumers Division, Enforcement Bureau, FCC, at caitlin.barbas@fcc.gov or (202) 418-2985; and cc: to Kristi Thompson, Division Chief, Telecommunications Consumers Division, Enforcement Bureau, FCC, at kristi.thompson@fcc.gov.

Sincerely,

Kristi Thompson
Division Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission

⁶ See 47 CFR § 64.1200(n)(1)(ii); *Advanced Methods to Target & Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, 35 FCC Rcd 15221, 2020 WL 7873751, at *4, para. 15 (2020) (“Traceback is an essential tool for determining the source of illegal calls. It is useful to prevent further calls from the same source and to inform enforcement actions.”).