



FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau
Telecommunications Consumers Division
45 L Street, NE
Washington, DC 20554

December 20, 2023

VIA ELECTRONIC DELIVERY AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: Muhammed Rizwan
Chief Executive Officer
CallWin LLC
30 N Gould St.
Ste 4000
Sheridan, WY 82801
info@callwin.net
support@callwin.net

Re: Notice of Suspected Illegal Robocall Traffic

Dear Mr. Rizwan,

CallWin LLC (CallWin or Company) is apparently originating illegal robocall traffic on behalf of at least four clients. As explained more fully below, this letter provides notice of important legal obligations and steps CallWin must take to address this apparently illegal traffic. CallWin should investigate the identified traffic and take the steps described below, including blocking the traffic if necessary, and take steps to prevent CallWin's network from continuing to be a source of apparently illegal robocalls. Failure to comply with the steps outlined in this letter **may result in downstream voice service providers blocking all of CallWin's traffic, permanently.**¹

CallWin Apparently Originated Illegal Calls

CallWin is receiving this letter because CallWin apparently originated multiple illegal robocall campaigns. These calls were apparently prerecorded and often included advertisements, were directed towards cellular phones, and lacked the requisite consent of the called consumers.² Originating providers have an obligation to know the customers for whom they originate calls onto the network and must take certain steps to prevent originating illegal calls.³ As discussed below, originating providers can face serious consequences for allowing their customers to originate illegal calls on their networks. Federal law and our rules protect consumers from certain types of calls.⁴ Regardless of the content, calls to cellphones containing prerecorded or artificial voice messages are illegal absent an emergency purpose or

¹ A response by CallWin to this letter does not constitute a response to any other actions, notifications, letters, or orders of the Federal Communications Commission (FCC or Commission) or its Enforcement Bureau (Bureau). Likewise, a response to any other action, notification, letter, or order of the Commission or its Enforcement Bureau does not satisfy CallWin's obligation to respond to this letter.

² See 47 CFR § 64.1200(a)(1)(iii), (a)(2); ITG Subpoena Response on file at EB-TCD-20-00031678 (Aug. 15, 2023) (August Traceback Response); see also Attachment A (identifying such calls).

³ See, e.g., 47 CFR § 64.1200(n)(3) (stating that voice service providers are obligated to "[t]ake affirmative, effective measures to prevent new and renewing customers from using its network to originate illegal calls, including knowing its customers and exercising due diligence in ensuring that its services are not used to originate illegal traffic.").

⁴ See generally 47 U.S.C. § 227; 47 CFR § 64.1200.

prior express consent.⁵ Additionally, prerecorded or artificial voice message calls to cellphones containing advertisement or telemarketing content⁶ are illegal absent prior express written consent.⁷

The Bureau works closely with the USTelecom’s Industry Traceback Group (ITG), which is the registered industry consortium selected pursuant to the TRACED Act to conduct tracebacks.⁸ Between July 12, 2023 and August 1, 2023, the ITG investigated prerecorded voice message calls that customers of Verizon Wireless flagged as illegal robocalls made without consent—written or otherwise.⁹ These calls were made to cellular telephones.¹⁰ The ITG conducted tracebacks and determined that CallWin originated the calls.¹¹

CallWin originated 13 apparently unlawful calls on behalf of its clients, identified in Attachment A. The identified calls played prerecorded messages prompting consumers to respond and asked questions with pauses for consumers to answer.¹² The identified calls followed a specific opening script: “Hi, this is [Name] with [Company]. How are you today?”¹³ Names and companies mentioned in the calls include “Tim Daniels with Pro American Solar” and “Lynette” and “Julie” with the “Medicare Department at Healthcare Benefits.”¹⁴ “Julie” also encouraged the purchase of additional Medicare service options by touting “better access” to health-related benefits, stating, “I’m calling because the updated plan for Medicare has been released and it may give you some better access to things like dental, vision, hearing, and over the counter benefits.”¹⁵ Due to the use of prerecorded and artificial voices in all 13 identified calls to consumers’ cell phones—apparently without consent and absent an emergency purpose—including some of which also advertised various offerings, these calls were apparently illegal.¹⁶

The ITG previously notified CallWin of these calls and provided CallWin with access to supporting data identifying each call.¹⁷ CallWin did not contest that it had originated the calls or the unlawful nature of the traffic.¹⁸ Nor did CallWin contest that any exceptions to the rules applied.¹⁹

⁵ 47 U.S.C. § 227(b)(1)(A); 47 CFR § 64.1200(a)(1).

⁶ See 47 CFR § 64.1200(f)(1) (“The term ‘advertisement’ means any material advertising the commercial availability or quality of any property, goods, or services.”); *id.* § 64.1200(f)(13) (“The term ‘telemarketing’ means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.”).

⁷ *Id.* § 64.1200(a)(2).

⁸ *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 (EB Aug. 18, 2023); see also *Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act*, Pub. L. No. 116-105, 133 Stat. 3274, Sec. 13(d) (2019) (TRACED Act).

⁹ See August Traceback Response, *supra* note 2.

¹⁰ See *id.*

¹¹ See *id.*

¹² See *id.*

¹³ See *id.*

¹⁴ *Id.*

¹⁵ See *id.*

¹⁶ 47 U.S.C. § 227(b)(1)(A)(iii); 47 CFR § 64.1200(a)(1)(iii), (a)(2).

¹⁷ See August Traceback Response, *supra* note 2.

¹⁸ See *id.*

¹⁹ See *id.*

Accordingly, CallWin is responsible for allowing these apparently unlawful calls to originate on its network repeatedly.

CallWin’s Potential Consequences

This letter notifies CallWin of relevant rules binding upon it as an originating provider, as well as rules binding upon other downstream providers that may interact with CallWin.

First, any downstream provider may block calls from an upstream originating provider that, when notified by the Commission, “fails to effectively mitigate illegal traffic within 48 hours or fails to implement effective measures to prevent new and renewing customers from using its network to originate illegal calls.”²⁰ Independently, a voice service provider must “[t]ake steps to effectively mitigate illegal traffic when it receives actual written notice of such traffic from the Commission through its Enforcement Bureau.”²¹ This letter provides notice under section 64.1200(k)(4) and (n)(2)²² and describes the mitigation steps CallWin must take.

Second, “providers shall accept calls directly from a domestic voice service provider *only* if that voice service provider’s filing appears in the Robocall Mitigation Database.”²³ As explained below, if CallWin continues to transmit illegal robocalls, the Bureau may initiate proceedings to remove CallWin’s certification from the FCC’s Robocall Mitigation Database, thereby requiring providers to cease accepting calls directly from CallWin pursuant to section 64.6305.²⁴

Third, sections 64.1200(n) and 64.6305 prescribe various additional obligations for mitigating and preventing illegal robocalls.²⁵ We remind CallWin that failure to comply with any of these obligations may result in additional enforcement action pursuant to the Communications Act and our rules.²⁶

CallWin’s Mitigation Obligations Under Section 64.1200(k)(4) and (n)

CallWin must immediately take certain actions to address the identified apparently illegal traffic in order to avoid downstream providers blocking *all* of CallWin’s traffic.²⁷ Specifically CallWin must:

1. Promptly investigate the apparently illegal traffic identified in Attachment A;²⁸
2. “Effectively mitigate” any unlawful traffic by “identifying the source of the traffic and preventing that source from continuing to originate traffic of the same or similar nature”;²⁹

²⁰ 47 CFR § 64.1200(k)(4).

²¹ *Id.* § 64.1200(n)(2).

²² *Id.* § 64.1200(k)(4), (n)(2).

²³ *Id.* § 64.6305(g)(1) (emphasis added).

²⁴ *See id.*

²⁵ *Id.* § 64.1200(n).

²⁶ 47 U.S.C. § 503; 47 CFR §§ 64.1200(n), 64.6305.

²⁷ 47 CFR § 64.1200(k)(4), (n)(2).

²⁸ *Id.* § 64.1200(n)(2).

²⁹ *Id.*; *see also id.* § 64.1200(f)(18) (“The term effectively mitigate means identifying the source of the traffic and preventing that source from continuing to originate traffic of the same or similar nature.”); *id.* § 64.1200(k)(4).

3. “[I]mplement effective measures to prevent new and renewing customers from using [CallWin’s] network to originate illegal calls”;³⁰
4. Within 48 hours of the time stamp on the email transmitting this letter, inform the Bureau of steps taken to effectively mitigate the identified apparently illegal traffic.³¹ If CallWin’s investigation produces evidence that the transmissions identified in Attachment A were legal calls, it must present that evidence to the Bureau.³² CallWin should copy the ITG on communications to the Bureau; and
5. Within 14 days of the email transmitting this letter, inform the Bureau of the steps CallWin is taking to prevent customers from using its network to originate illegal robocalls.³³ The Company is required to include truthful and accurate statements in its response.³⁴ Failure to provide this information within 14 days shall be equivalent to having failed to put effective measures in place.³⁵ CallWin should copy the ITG on communications to the Bureau.

Downstream U.S.-based voice service providers may begin blocking all calls from CallWin after notifying the Commission of their decision and providing a brief summary of their basis for making such a determination if CallWin fails to either (a) effectively mitigate traffic within 48 hours; or (b) implement effective measures to prevent new and renewing customers from using the Company’s network to originate unlawful robocall traffic within 14 days from issuance of this letter.³⁶ **U.S.-based voice service providers may block ALL call traffic transmitting from CallWin’s network if the Company fails to take effective action within *either* deadline.**³⁷

Additional Consequences Under Section 64.6305(g) and Other Robocalling Rules

If CallWin fails to take the actions listed above, or knowingly or negligently continues to originate illegal robocalls after responding to this letter, CallWin may be subject to additional consequences. **Continued transmission of illegal robocalls following this notice may be used as evidence that CallWin’s certification in the Robocall Mitigation Database is deficient, and the Bureau may initiate proceedings to remove the Company’s certification from the database.**³⁸ If CallWin’s certification is removed from the Robocall Mitigation Database, all voice service providers and intermediate providers must immediately cease accepting calls directly from the Company.³⁹ If the

³⁰ *Id.* § 64.1200(k)(4); *see also id.* § 64.1200(n)(3) (“A voice service provider must . . . [t]ake affirmative, effective measures to prevent new and renewing customers from using its network to originate illegal calls, including knowing its customers and exercising due diligence in ensuring that its services are not used to originate illegal traffic.”).

³¹ *Id.* § 64.1200(k)(4), (n)(2); *see also 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, 7630, para. 42 (2020) (*Call Blocking Safe Harbor Report and Order*).

³² 47 CFR § 64.1200(n)(2).

³³ *See id.* § 64.1200(k)(4), (n)(3); *see Call Blocking Safe Harbor Report and Order*, 35 FCC Rcd at 7630, para. 43.

³⁴ 47 CFR § 1.17.

³⁵ *See Call Blocking Safe Harbor Report and Order*, 35 FCC Rcd at 7630, para. 43. CallWin is encouraged to reach out to the Commission before the deadline if it anticipates needing more time to execute this step.

³⁶ 47 CFR § 64.1200(k)(4).

³⁷ *Id.*

³⁸ *See Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1902-03, para. 83 (2020) (*Second Call Authentication Trust Anchor Report and Order*); *see also* 47 CFR § 64.6305(d) (prescribing Robocall Mitigation Database certification requirements for originating providers).

³⁹ 47 CFR § 64.6305(g)(1).

Bureau initiates a proceeding to remove CallWin's certification from the Robocall Mitigation Database, the Company will have an opportunity to respond.⁴⁰ Finally, CallWin may also be subject to additional enforcement penalties, including monetary penalties, for failing to take steps to address illegal robocall traffic on its network as required by the Commission's rules.⁴¹

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. A copy of this letter has been sent to the ITG.

Sincerely,

Loyaan A. Egal
Chief
Enforcement Bureau
Federal Communications Commission

⁴⁰ *Second Call Authentication Trust Anchor Report and Order*, 36 FCC Rcd at 1903, para. 83.

⁴¹ *See* 47 CFR § 64.1200(n)(1)-(3) (prescribing steps voice service providers must take to address and prevent illegal robocalls); *Second Call Authentication Trust Anchor Report and Order*, 36 FCC Rcd at 1902, para. 83; *see also* 47 U.S.C. § 503 (providing that a forfeiture penalty may be imposed on any person who willfully or repeatedly violates the Commission's rules).

ATTACHMENT A

Customer	Date of ITG Notification	Date of Call	Caller ID	Called Number	Description	Violation
transonic tech	July 12, 2023 00:43 UTC	July 05, 2023 23:10 UTC	{[REDACTED]}	{[REDACTED]}	Solar-Offer-P1	47 USC 227(b); 47 CFR 64.1200(a)
Transonic bpo	July 12, 2023 00:42 UTC	July 05, 2023 16:19 UTC	{[REDACTED]}	{[REDACTED]}	Solar-Offer-P1	47 USC 227(b); 47 CFR 64.1200(a)
transonic tech	July 12, 2023 00:42 UTC	July 05, 2023 13:38 UTC	{[REDACTED]}	{[REDACTED]}	Solar-Offer-P1	47 USC 227(b); 47 CFR 64.1200(a)
transonic tech	July 12, 2023 00:43 UTC	July 04, 2023 19:30 UTC	{[REDACTED]}	{[REDACTED]}	Solar-Offer-P1	47 USC 227(b); 47 CFR 64.1200(a)
transonic	July 12, 2023 00:44 UTC	June 27, 2023 20:34 UTC	{[REDACTED]}	{[REDACTED]}	Solar-Offer-P1	47 USC 227(b); 47 CFR 64.1200(a)
lyfesolve	July 12, 2023 00:44 UTC	July 06, 2023 14:43 UTC	{[REDACTED]}	{[REDACTED]}	Medicare-Program-Benefits-P1	47 USC 227(b); 47 CFR 64.1200(a)
Shaivites Connection	July 25, 2023 18:14 UTC	July 19, 2023 20:12 UTC	{[REDACTED]}	{[REDACTED]}	Solar-Offer-P1	47 USC 227(b); 47 CFR 64.1200(a)
Shaivites Connection	July 25, 2023 18:14 UTC	July 19, 2023 15:38 UTC	{[REDACTED]}	{[REDACTED]}	Solar-Offer-P1	47 USC 227(b); 47 CFR 64.1200(a)
Shaivites Connection	July 25, 2023 18:15 UTC	July 18, 2023 19:36 UTC	{[REDACTED]}	{[REDACTED]}	Solar-Offer-P1	47 USC 227(b); 47 CFR 64.1200(a)
Shaivites Connection	July 25, 2023 18:13 UTC	July 17, 2023 16:34 UTC	{[REDACTED]}	{[REDACTED]}	Solar-Offer-P1	47 USC 227(b); 47 CFR 64.1200(a)
MKT	July 31, 2023 22:22 UTC	July 29, 2023 16:32 UTC	{[REDACTED]}	{[REDACTED]}	Medicare-Dept	47 USC 227(b); 47 CFR 64.1200(a)
mkt	Aug. 01, 2023 20:48 UTC	July 28, 2023 20:52 UTC	{[REDACTED]}	{[REDACTED]}	Medicare-Dept	47 USC 227(b); 47 CFR 64.1200(a)
mkt	July 31, 2023 22:21 UTC	July 28, 2023 15:27 UTC	{[REDACTED]}	{[REDACTED]}	Medicare-Dept	47 USC 227(b); 47 CFR 64.1200(a)