



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: Robert Nuzzolese
Chief Executive Officer
Solid Double, LLC
7952 E Camino Real,
Scottsdale, AR, 85255
robert@soliddoublevoip.com

Re: Notice of Suspected Illegal Robocall Traffic

Dear Mr. Nuzzolese,

Solid Double, LLC (Solid Double or Company) is apparently originating illegal robocall traffic on behalf of one or more of its clients. As explained more fully below, this letter provides notice of important legal obligations and steps the Company must take to address this apparent illegal traffic. Failure to comply with the steps outlined in this letter **may result in downstream voice service providers blocking all of Solid Double's traffic, permanently.**

Why Solid Double Is Receiving This Letter. Solid Double is receiving this letter because one or more investigations that the Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) conducted revealed that Solid Double apparently originated illegal robocalls from the sources listed in Attachment A.

On December 20, 2022, the Bureau established the Private Entity Robocall and Spoofing Portal (Portal).¹ Pursuant to the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, the Commission created the Portal to allow small businesses and other non-governmental entities to alert the Bureau to suspicious robocall, robotext, and spoofing campaigns.²

The Bureau received a complaint in the Portal from a private entity (Private Entity) reporting that a malicious party was using one of its business telephone numbers to offer grants to called parties.³ As a result of this campaign, the Private Entity received at least 10 to 20 calls in the course of just three weeks from people who believed they had received a call from the Private Entity in reference to a grant program.⁴ Shortly thereafter, the Bureau initiated an investigation and issued a subpoena to the Industry

¹ See Press Release, Fed. Commc'ns Comm'n, *Enforcement Bureau opens new portal for private entities to alert the FCC about illegal robocalls* (Dec. 20, 2022), <https://docs.fcc.gov/public/attachments/DOC-390310A1.pdf>.

² Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, 3284 § 10(a) (2019).

³ See Private Entity Portal complaint from { [REDACTED] } (Complaint) (on file at EB-TCD-23-00035209) ("One of our business telephone #'s { [REDACTED] } is being used in a spoofing campaign by a malicious party. My understanding is the party is calling [individuals], spoofed to our business telephone # and offering them some kind of grant scheme. This activity has been happening for at least 3 weeks. . . . The #'s that call us do not appear in our PBX records so the calls are not originating from our end that these parties are receiving.").

⁴ *Id.*

Traceback Group (ITG) to identify the origin of the purportedly spoofed calls, identified in Attachment A.⁵

The ITG traced back the calls and determined that Solid Double originated the calls on behalf of a handful of clients, including an entity identified as “Sham Telecom.”⁶ The ITG notified Solid Double of these calls and provided the Company access to supporting data identifying each call.⁷ In response to the ITG’s inquiry, Solid Double stated it had terminated clients that used Solid Double to originate the spoofed calls.⁸ Solid Double has provided similar responses to each of the 21 tracebacks it has received this year.⁹ After each traceback, Solid Double has purported to terminate the relevant client but then continued to originate illegal traffic from new clients.¹⁰ This continued pattern provides strong evidence that Solid Double does not currently have in place effective measures to prevent new customers from using its network to originate illegal calls.

The Commission’s investigation also confirmed that Solid Double’s clients were apparently illegally spoofing calls. It is unlawful to “knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value.”¹¹ An intent to harm exists where, among other things, the harms are consequences which are “substantially certain” to result from the action (in this case, spoofing).¹² Although there are two exceptions to the prohibition of using inaccurate caller identification, neither of those exceptions applies here.¹³ The calls at issue in this case displayed the caller identification information of an unrelated private entity rather than the caller’s identification information.¹⁴ Solid Double’s clients transmitted this false information knowingly as they did not own the phone number reflected in the caller identification field of their calls. The caller identification information transmitted was inaccurate because it did not belong to the caller. It was also misleading because the spoofed number reflected the same area code as the numbers that were called—a practice referred to as “neighbor spoofing.”¹⁵ Solid Double’s clients transmitted the calls with apparent intent to harm, as there was substantial certainty that at least some of

⁵ Traceback Consortium Subpoena Response (May 9, 2023) (on file at EB-TCD-23-00035209) (ITG Subpoena Response).

⁶ *See id.*

⁷ *See id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ 47 U.S.C. § 227(e)(1); *see* 47 CFR 64.1604(a).

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, para. 6 n.9 (2022).

¹³ *See* 47 U.S.C. § 227(e)(3)(B)(ii) (exempting activities undertaken by U.S. law enforcement or pursuant to a court order); 47 CFR § 64.1604(b) (same).

¹⁴ ITG Subpoena Response, *supra* note 5.

¹⁵ *Id.*; Complaint, *supra* note 3; *see also Sumco Panama SA et al.*, Notice of Apparent Liability for Forfeiture, FCC 22-99, 2022 WL 17958841, para. 58 (2022), *forfeiture issued*, Forfeiture Order, FCC 23-64, 2023 WL 5013646 (2023); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Notice of Apparent Liability for Forfeiture, 32 FCC Red 5418, 5422-23, para 13 (2017), *forfeiture issued*, Forfeiture Order, 33 FCC Red 4663 (2018); *FCC Enforcement Bureau Warns All U.S.-Based Voice Service Providers to Avoid or Cease Carriage of Auto Warrantly Robocall Traffic from Cox/Jones/Sumco Panama Operation*, DA 22-784, at 5, para. 8 (EB July 21, 2022).

the called parties would try to return the call, thereby (a) creating a nuisance for the innocent party whose number was spoofed and (b) frustrating the called party trying to return the call. Accordingly, the spoofed calls Solid Double originated apparently were illegal. Solid Double has not disputed this, nor offered any evidence to the contrary.¹⁶ The numerous tracebacks to Solid Double with respect to at least four different clients also indicate that Solid Double is knowingly or negligently originating illegal robocall traffic.¹⁷

Under our rules, and as explained further below, providers that originate illegal robocall traffic face serious consequences, **including blocking by downstream providers of all of the originating provider's traffic.** To avoid such blocking, Solid Double must take corrective actions immediately.

Applicable FCC Rules. This letter is based on several FCC rules that apply to originating providers like Solid Double.

First, under the safe harbor set forth in section 64.1200(k)(4), any downstream provider may block all traffic 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.”¹⁸ This letter provides notice under 64.1200(k)(4), describes the mitigation steps Solid Double must take, and provides notice to other providers.

Second, section 64.6305(g)(1) permits providers to accept calls directly from a domestic voice service provider (which includes an originating provider) only if that domestic voice service provider's filing appears in the FCC's Robocall Mitigation Database.¹⁹ If Solid Double continues to transmit illegal robocalls, the Bureau may initiate proceedings to remove the Company's certification from the database; and if it is removed from the database, all providers would be required to cease accepting calls directly from Solid Double.²⁰

Third, sections 64.1200(n) and 64.6305 prescribe various additional obligations for mitigating and preventing illegal robocalls. We remind Solid Double that failure to comply with any of these obligations may result in additional enforcement action.²¹

Mitigation Requirements Under Section 64.1200(k)(4) and (n)(2). This letter serves as notice that Solid Double must immediately take certain actions to address the identified apparently illegal traffic in order to avoid downstream providers blocking *all* of Solid Double's traffic.²² Specifically Solid Double must:

1. Promptly investigate the apparently illegal traffic identified in Attachment A;²³
2. Effectively mitigate the identified unlawful traffic by determining the source of the traffic and preventing that source from continuing to originate such traffic;²⁴

¹⁶ ITG Subpoena Response, *supra* note 5.

¹⁷ *See id.* (reflecting Solid Double was the originator in 21 traceback requests in just over eight weeks).

¹⁸ 47 CFR § 64.1200(k)(4).

¹⁹ *Id.* § 64.6305(g)(1).

²⁰ *See id.*; *see also Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1902-03, para. 83 (2020) (*Call Authentication Trust Anchor*).

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

²² 47 CFR § 64.1200(k)(4).

²³ *Id.* § 64.1200(n)(2).

²⁴ *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.”).

3. Implement effective measures to prevent new and renewing customers from using the Company's network as a platform to originate illegal calls;²⁵
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 apparent illegal traffic.²⁶ If Solid Double's investigation produces evidence that the transmissions identified in Attachment A were legal calls, it must present that evidence to the Bureau.²⁷ Solid Double 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 Solid Double is taking to prevent new or renewing customers from using its network to originate illegal robocalls.²⁸ The Company is required to include truthful and accurate statements in its response.²⁹ Failure to provide this information within 14 days shall be equivalent to having failed to put effective measures in place.³⁰ Solid Double should copy the ITG on communications to the Bureau.

Downstream U.S.-based voice service providers may begin blocking all calls from Solid Double after notifying the Commission of their decision and providing a brief summary of their basis for making such a determination if Solid Double fails to either (a) effectively mitigate traffic within 48 hours of the issuance of this letter; 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.³¹ **U.S.-based voice service providers may block ALL call traffic transmitting from Solid Double's network if the Company fails to take effective action within either deadline.**

Additional Consequences Under Section 64.6305(g) and Other Robocalling Rules. If Solid Double fails to take the actions listed above, or knowingly or negligently continues to originate illegal robocalls after responding to this letter, the Company may be subject to additional consequences. **Continued transmission of illegal robocalls following this notice may be used as evidence that Solid Double's certification in the Robocall Mitigation Database is deficient, and the Bureau may initiate proceedings to remove the Company's certification from the database.**³² If Solid Double's certification is removed from the Robocall Mitigation Database, all intermediate providers and

²⁵ *Id.* § 64.1200(n)(3).

²⁶ *Id.* § 64.1200(k)(4), (n)(2); *see 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*). Other providers may block voice calls or cease to accept traffic from Solid Double without liability under the Communications Act or the Commission's rules if Solid Double fails to effectively mitigate illegal traffic within 48 hours. *See* 47 CFR § 64.1200(k)(4).

²⁷ *See* 47 CFR § 64.1200(n)(2); *Call Blocking Safe Harbor Report and Order* at 7630, para. 42.

²⁸ *See* 47 CFR § 64.1200(k)(4), (n)(3); *see also Call Blocking Safe Harbor Report and Order* at 7630, para. 43 ("A notified voice service provider should also inform the Commission and the Traceback Consortium within a reasonable period of time of the steps it takes to prevent new and renewing customers from originating illegal calls."). We designate 14 days as the "reasonable period of time" in this case.

²⁹ 47 CFR § 1.17.

³⁰ *See Call Blocking Safe Harbor Report and Order* at 7630, para. 43. Solid Double is encouraged to reach out to the Commission before the deadline if the Company anticipates needing more time to execute this step.

³¹ 47 CFR § 64.1200(k)(4).

³² *See Call Authentication Trust Anchor*, *supra* note 20, at 1902-03, para. 83 (2020); *see also* 47 CFR § 64.6305(d) (prescribing Robocall Mitigation Database certification requirements for originating providers).

terminating voice service providers must immediately cease accepting calls directly from the Company.³³ If the Bureau initiates a proceeding to remove Solid Double's certification from the Robocall Mitigation Database, the Company will have an opportunity to respond.³⁴ Finally, Solid Double 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.³⁵

Please direct any inquiries or responses regarding this letter to Raul Rojo, Attorney Advisor, Telecommunications Consumers Division, Enforcement Bureau, FCC, at Raul.Rojo@fcc.gov or (202) 418-1336; 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

³³ 47 CFR § 64.6305(g)(1). The only exceptions would be for emergency calls placed to 911 and calls from public safety answering points and government emergency numbers. *See id.* § 64.6305(g)(5).

³⁴ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, FCC 23-18, 2023 WL 2582652, para. 60 (2023).

³⁵ *See* 47 CFR § 64.1200(n)(1)-(3) (prescribing steps voice service providers must take to address and prevent illegal robocalls); *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	Traceback Consortium Notification Date	Date of Call	Caller ID	Called Number	Description	Violation
Sham Telecom	May 02, 2023 21:41 UTC	May 01, 2023 22:02 UTC	{[REDACTED]}	{[REDACTED]}	Impersonation-Fraud	47 USC 227(e); 47 CFR 64.1604(a)
Camio Telecom	May 03, 2023 12:41 UTC	May 01, 2023 17:48 UTC	{[REDACTED]}	{[REDACTED]}	Impersonation-Fraud	47 USC 227(e); 47 CFR 64.1604(a)
Ronnie Telecom	May 02, 2023 21:00 UTC	April 21, 2023 17:44 UTC	{[REDACTED]}	{[REDACTED]}	Impersonation-Fraud	47 USC 227(e); 47 CFR 64.1604(a)
Amalia Community	May 03, 2023 15:36 UTC	April 04, 2023 17:14 UTC	{[REDACTED]}	{[REDACTED]}	Impersonation-Fraud	47 USC 227(e); 47 CFR 64.1604(a)