



FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau
Telecommunications Consumers Division

45 L Street, NE
Washington, DC 20554

April 17, 2024

VIA ELECTRONIC DELIVERY AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: DigitalIPvoice, Inc
Stephen Matlock
CEO
PO Box 2219
Payson, AZ 85541
smatlock@prescott-clearwater.com

Re: Notification of Suspected Illegal Robocall Traffic

Dear Mr. Matlock,

DigitalIPvoice, Inc (DigitalIPvoice or Company) is a gateway provider¹ and is apparently transmitting illegal robocall traffic pertaining to student loan services. As explained more fully below, this letter provides notice of important legal obligations and steps DigitalIPvoice must take to address this apparently illegal traffic. The Company should investigate the identified traffic and take the steps described below, including blocking the traffic if necessary, and take action to prevent its 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 permanently blocking all of DigitalIPvoice's traffic.**

Why DigitalIPvoice Is Receiving This Letter

DigitalIPvoice is receiving this letter because it apparently served as the gateway provider for multiple illegal robocalls.² These calls apparently were prerecorded messages directed to cellphones and lacked the requisite consent of the called consumers.³ Regardless of the content, calls to cellphones containing prerecorded or artificial voice messages are illegal absent an emergency purpose or prior express consent.⁴ As discussed below, gateway providers can face serious consequences for allowing such illegal traffic onto their networks.

The Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) works closely with the USTelecom's Industry Traceback Group (ITG), which is the

¹ See 47 CFR § 64.1200(f)(19) (defining "gateway provider" as a U.S.-based intermediate provider that receives a call directly from a foreign originating provider or foreign intermediate provider at its U.S.-based facilities before transmitting the call downstream to another U.S.-based provider).

² See Attachment A (identifying calls).

³ See 47 CFR § 64.1200(a)(1)(iii); Traceback Consortium Subpoena Response (Dec. 20, 2023) (on file at EB-TCD-23-00035954) (ITG Subpoena Response); see also Attachment A (identifying such calls).

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

registered industry consortium selected pursuant to the TRACED Act to conduct tracebacks.⁵ The ITG investigated apparent prerecorded voice message calls placed to cell phones of customers of Verizon Communications Inc. and YouMail, Inc. (YouMail)⁶ without the requisite consent between December 4 and December 11, 2023.⁷

The ITG identified DigitalIPvoice as the gateway provider responsible for seven of these apparently unlawful calls.⁸ The calls pertained to loan assistance for graduates and played variations of the following prerecorded message:

Hello this is [name] from graduate support. Our records indicate you are eligible for an income driven program but never completed the required documents. If you want to proceed with this application we need to speak to you today. Please give us a call back at [phone number] to secure your benefits.⁹

Due to the use of prerecorded or artificial voices in all seven identified calls to consumers' cell phones apparently without consent and absent an emergency purpose, these calls were illegal.¹⁰ The ITG notified DigitalIPvoice of these calls, including supporting data identifying each call, as shown in Attachment A.¹¹ DigitalIPvoice did not dispute that the calls were illegal.¹²

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

Applicable FCC Rules

This letter is based on several FCC rules that apply to gateway providers, such as DigitalIPvoice.

First, section 64.1200(n)(2)(i)(A) requires gateway providers to block all identified illegal traffic and any substantially similar traffic (unless investigation determines that the traffic is not illegal) when it receives a "Notification of Suspected Illegal Traffic" from the Bureau.¹³ This letter provides that notice, summarizes the steps that must be taken in response, and describes what will happen if DigitalIPvoice continues to transmit identified traffic, including an FCC order directing all providers immediately downstream from DigitalIPvoice to block all traffic from the Company.

Second, section 64.1200(k)(4) permits any downstream provider to block all traffic from an upstream originating or intermediate 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

⁵ *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, at * 17, para. 43 (EB 2023); *see also Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act*, Pub. L. No. 116-105 § 13(d), 133 Stat. 3274 (2019).

⁶ YouMail is a third-party robocall identification and blocking service. *See* YouMail, *About Us*, <https://www.youmail.com/> (last visited Feb. 9, 2024).

⁷ ITG Subpoena Response.

⁸ *See id.*

⁹ *See id.*

¹⁰ *See* 47 CFR § 64.1200(a)(1)(iii).

¹¹ *See* ITG Subpoena Response, *supra* note 3.

¹² *See id.*

¹³ 47 CFR § 64.1200(n)(2)(i)(A).

renewing customers from using its network to transmit illegal calls.¹⁴ This letter provides notice to DigitalIPvoice and describes what mitigation steps it must take pursuant to section 64.1200(k)(4).

Third, section 64.6305(g)(3) permits providers to accept calls directly from a gateway provider only if that gateway provider's filing appears in the FCC's Robocall Mitigation Database.¹⁵ As explained below, if DigitalIPvoice continues to transmit illegal robocalls, the Bureau may initiate proceedings to remove its certification from the database, thereby precluding providers from accepting calls directly from DigitalIPvoice.¹⁶

Fourth, sections 64.1200(n) and 64.6305 prescribe various additional obligations for mitigating and preventing illegal robocalls.¹⁷ We remind DigitalIPvoice that failure to comply with any of these obligations may result in additional enforcement action.¹⁸

Notification of Suspected Illegal Traffic Under Section 64.1200(n)(2)

This letter serves as the "Notification of Suspected Illegal Traffic" required by the Commission's mandatory blocking rules applicable to gateway providers.¹⁹ DigitalIPvoice must take the following actions in response to this notice:

1. Promptly investigate the transmissions identified in Attachment A for which DigitalIPvoice served as the gateway provider.²⁰
2. If the Company's investigation determines that DigitalIPvoice served as the gateway provider for the identified transmissions, block all of the identified traffic within 14 days of the date of transmission of this letter and continue to block the identified gateway traffic as well as substantially similar traffic on an ongoing basis.²¹
3. Within 14 days of the date of transmission of this letter, report the results of the Company's investigation to the Bureau.²² DigitalIPvoice should copy the ITG on communications to the Bureau. Depending on the outcome of the investigation, the report must contain certain details, which are set forth below.
 - a. If DigitalIPvoice determines it is the gateway provider for the identified illegal traffic, the report must include a certification that DigitalIPvoice is blocking the

¹⁴ *Id.* § 64.1200(k)(4).

¹⁵ *Id.* § 64.6305(g)(3).

¹⁶ *See id.*

¹⁷ *Id.* §§ 64.1200(n), 64.6305.

¹⁸ *See* 47 U.S.C. § 503; 47 CFR §§ 64.1200(n), 64.6305.

¹⁹ 47 CFR § 64.1200(n)(2)(i)(A); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, WC Docket No. 17-97, Seventh Report and Order in CG Docket 17-59 and WC Docket 17-97, Eighth Further Notice of Proposed Rulemaking in CG Docket 17-59, and Third Notice of Inquiry in CG Docket 17-59. FCC 23-37, 2023 WL 3686042 (2023) (*2023 Robocalls Order*); *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, 6899, para. 80 (2022) (*Gateway Provider Order*).

²⁰ 47 CFR § 64.1200(n)(2)(i)(A).

²¹ *Id.*

²² *Id.*

traffic and will continue to do so and a description of the Company's plan to identify and block substantially similar traffic on an ongoing basis.²³

- b. If DigitalIPvoice determines that the identified traffic is not illegal, the report must provide an explanation as to why DigitalIPvoice reasonably concluded that the identified traffic is not illegal and what steps it took to reach that conclusion.²⁴
- c. If DigitalIPvoice determines that it did not serve as the gateway provider for the identified traffic, the report must provide an explanation as to how it reached that conclusion and, if it is a non-gateway intermediate or terminating provider for the identified traffic, identify the upstream provider(s) from which the Company received the identified traffic.²⁵ DigitalIPvoice should also take lawful steps to effectively mitigate this traffic.²⁶

If DigitalIPvoice fails to respond to this letter, provides an insufficient response, continues to act as the gateway provider for the traffic identified in Attachment A or substantially similar traffic after the timeframe specified in the Notification of Suspected Illegal Traffic, or the Enforcement Bureau determines based on the evidence that the traffic is illegal despite the provider's assertions, we may ultimately direct all downstream providers to block the Company's traffic.²⁷ In that case, we will publish and release an Initial Determination Order stating the Bureau's initial determination that DigitalIPvoice is not in compliance with section 64.1200 of the Commission's rules and provide DigitalIPvoice with an opportunity to respond.²⁸ If we determine that the Company did not provide an adequate response to the Initial Determination Order within the timeframe permitted in that Order or it continues to transmit the traffic identified in Attachment A, or substantially similar traffic, we will publish a Final Determination Order in EB Docket No. 22-174 **directing all downstream providers to both block and cease accepting all traffic that they receive from DigitalIPvoice beginning 30 days from release of the Final Determination Order.**²⁹

Other Mitigation Requirements Under Section 64.1200(k)(4)

This letter also serves as notice that DigitalIPvoice must immediately take certain actions identified below to address the identified apparently illegal traffic in order to avoid downstream providers blocking *all* of the Company's traffic.³⁰

Downstream U.S.-based voice service providers may begin blocking all calls from DigitalIPvoice's traffic after notifying the Commission of their decision and providing a brief summary of their basis for making such a determination, if either (a) after 48 hours DigitalIPvoice fails to effectively mitigate illegal traffic, or (b) after 14 days DigitalIPvoice fails to implement effective measures to prevent

²³ *Id.* § 64.1200(n)(2)(i)(A)(1-2).

²⁴ *Id.* § 64.1200(n)(2)(i)(B).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* § 64.1200(n)(2)-(3).

²⁸ *Id.* § 64.1200(n)(2)(ii).

²⁹ *Id.* § 64.1200(n)(2)-(3); *2023 Robocalls Order*, *supra* note 19, at para. 37; *see also* 47 CFR § 64.1200(n)(2)(iii) ("A Final Determination Order may be issued up to one year after the release date of the Initial Determination Order.").

³⁰ *See* 47 CFR § 64.1200(k)(4).

new and renewing customers from using its network to transmit illegal calls.³¹ **U.S.-based voice service providers may block ALL call traffic transmitting from DigitalIPvoice’s network if it fails to take effective action within either deadline.** Finally, DigitalIPvoice 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.³²

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

If DigitalIPvoice fails to take the actions listed above, or knowingly or negligently continues to carry or process illegal robocalls after responding to this letter, it may be subject to additional consequences. **Continued transmission of illegal robocalls following this notice may be used as evidence that DigitalIPvoice’s certification in the Robocall Mitigation Database is deficient, and the Bureau may initiate proceedings to remove its certification from the database.**³³ If DigitalIPvoice’s certification is removed from the Robocall Mitigation Database, all intermediate providers and terminating voice service providers must immediately cease accepting all of the Company’s calls.³⁴ If the Bureau initiates a proceeding to remove the Company’s certification from the Robocall Mitigation Database, DigitalIPvoice will have an opportunity to respond.³⁵

Please direct any inquiries 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 Traceback Consortium.

Sincerely,

Loyaan A. Egal
Chief
Enforcement Bureau
Federal Communications Commission

³¹ *Id.*

³² See 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).

³³ See *Gateway Provider Order*, *supra* note 19, at para. 40; see also 47 CFR § 64.6305(d) (prescribing Robocall Mitigation Database certification requirements for gateway providers).

³⁴ 47 CFR § 64.6305(g).

³⁵ *Gateway Provider Order*, *supra* note 19, at para. 40.

ATTACHMENT A

Customer	Call Date & Time	Date of ITG Notification	Calling No.	Called No.	Description	Violation
Icon Global Services	Dec 4, 2023 17:32 UTC	Dec 11, 2023 21:22 UTC	{{ [REDACTED] }} ³⁶	{{ [REDACTED] }}	StudentLoan-GraduateSupport	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Icon Global Services	Dec 11, 2023 20:55 UTC	Dec 12, 2023 19:08 UTC	{{ [REDACTED] }}	{{ [REDACTED] }}	StudentLoan-GraduateSupport	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Icon Global Services	Dec 11, 2023 15:33 UTC	Dec 12, 2023 19:12 UTC	{{ [REDACTED] }}	{{ [REDACTED] }}	StudentLoan-GraduateSupport	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Icon Global Services	Dec 11, 2023 16:18 UTC	Dec 12, 2023 19:14 UTC	{{ [REDACTED] }}	{{ [REDACTED] }}	StudentLoan-GraduateSupport	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Icon Global Services	Dec 11, 2023 16:22 UTC	Dec 12, 2023 20:06 UTC	{{ [REDACTED] }}	{{ [REDACTED] }}	StudentLoan-GraduateSupport	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Icon Global Services	Dec 11, 2023 15:20 UTC	Dec 12, 2023 19:17 UTC	{{ [REDACTED] }}	{{ [REDACTED] }}	StudentLoan-GraduateSupport	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Icon Global Services	Dec 11, 2023 15:27 UTC	Dec 13, 2023 21:02 UTC	{{ [REDACTED] }}	{{ [REDACTED] }}	StudentLoan-GraduateSupport	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)

³⁶ Material set off by double brackets {{ }} is confidential and is redacted from the public version of this document.