



FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau
Telecommunications Consumers Division

45 L Street, NE
Washington, DC 20554

October 18, 2024

VIA ELECTRONIC DELIVERY AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: Identidad Advertising Development LLC
Andres Sanchez
Chief Executive Officer
848 Brickell Ave Suite 810
Miami, FL 33131
ssanchez@identidadtech.com

Re: Notification of Suspected Illegal Robocall Traffic

Dear Mr. Sanchez,

Identidad Advertising Development LLC (Identidad or Company) is a gateway provider¹ and is apparently transmitting illegal robocalls from callers impersonating financial institutions. Both the Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC) and the Federal Trade Commission previously warned Identidad of its obligations to mitigate illegal traffic emanating from overseas.²

This letter provides notice of important legal obligations and steps Identidad must take to address this apparently illegal traffic. Failure to comply with the steps outlined in this letter **may result in downstream voice service providers permanently blocking all of Identidad's traffic.**

I. Background

A. The Nature of the Identified Traffic

USTelecom's Industry Traceback Group (ITG)³ traced the sources of five calls, identified in Attachment A, placed to wireless numbers between August 8, 2024 and September 14, 2024.⁴ The calls

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 Letter from Kristi Thompson, Division Chief, Telecommunications Consumers Division, Enforcement Bureau, to Andres Sanchez, Chief Executive Officer, Identidad Advertising Development LLC (Nov. 27, 2023), <https://docs.fcc.gov/public/attachments/DOC-398676A1.pdf>; Letter from Jon Miller Steiger, Director, East Central Region, Federal Trade Commission, to Andres Sanchez, Chief Executive Officer, Identidad Advertising Development LLC (Nov. 27, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/pointofnoentry-identidadcease-desistletter.pdf.

³ The ITG is the registered industry consortium selected pursuant to the TRACED Act to conduct tracebacks. See *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, 38 FCC Rcd 7561, 7561-62, para. 1 (EB 2023).

⁴ See ITG Subpoena Response (Sept. 30, 2024) (on file at EB-TCD-24-00037229) (ITG Subpoena Response).

impersonated financial institutions such as banks and credit card issuers and played variations of the following prerecorded message:

This is a transaction alert call from Visa and Mastercard support. There has [sic] been two transactions done on your card for \$299.00 on Walmart and \$3,950.00 on Western Union. If you have made these transactions and accept the charges simply hang up. If you have not made these transactions and you wish to report fraud please press 1 immediately.⁵

Consumers who responded to similar calls under this robocall campaign assert that they were instructed to make payments or provide sensitive financial information:

Received a call from “chase bank” it wasn’t chase and they said I had fraudulent activity so I called them back knowing they weren’t chase and they tried to get me to send \$2,000 to them [].⁶

YouMail, Inc. (YouMail) estimates that between July and September 2024, more than one million robocalls – similar to the five traced back to Identidad – were placed to call recipients.⁷ Robocalls that impersonate legitimate financial institutions and attempt to acquire personal information are particularly pernicious.⁸ These calls not only exploit the recipient’s fear of falling victim to financial fraud, they may also undermine attempts by legitimate financial institution to protect their customers.⁹

B. The Company Served as the Gateway Provider for the Identified Traffic

The ITG identified Identidad as the gateway provider responsible for the apparently illegal calls to wireless telephone numbers identified in Attachment A.¹⁰ The ITG notified Identidad of these calls, including supporting data identifying each call.¹¹ Identidad did not provide to the ITG evidence of

⁵ *Id.*

⁶ FCC Complaint #7157632 (July 15, 2024) (on file at EB-TCD-24-00037229); *see also*, FCC Complaint #7292959 (Sept. 9, 2024) (on file at EB-TCD-24-00037229) (“FAKE ‘CHASE’ FRAUD ALERT. WANTS PERSONAL PRIVATE INFORMATION. FRAUDULENT PERSONAL INFO THIEVES CALLING.”).

⁷ *See* Email from {[]}, Senior Threat Analyst, YouMail, Inc. to Raul Rojo, Attorney Advisor, Telecommunications Consumers Division, FCC Enforcement Bureau (Oct. 4, 2024) (on file at EB-TCD-24-00037229). Material set off by double brackets {[]} is confidential and is redacted from the public version of this document.

⁸ *See* Impersonation scams: not what they used to be, Fed. Trade Comm’n (Apr. 1, 2024), <https://www.ftc.gov/news-events/data-visualizations/data-spotlight/2024/04/impersonation-scams-not-what-they-used-be> (reporting that business impersonation scams such as financial institution scams exceeded \$1.1 billion in 2023).

⁹ *See, e.g.*, FCC Complaint #7169662 (July 1, 2024) (on file at EB-TCD-24-00037229) (“Scammer called claiming they were Chase Bank Fraud Protection. I hung up and called Chase and let them know there’s a scammer claiming to be them.”).

¹⁰ *See* ITG Subpoena Response, *supra* note 4.

¹¹ *See id.*

consent for these calls or dispute that the calls were illegal.¹² Nor did Identidad assert that any exceptions to the rules prohibiting these calls applied.¹³

II. Apparent Violations

It is unlawful to make a call to a cell phone number using an artificial or prerecorded voice message absent an emergency purpose or prior express consent of the called party.¹⁴ Here, the identified calls were all made using an artificial or prerecorded voice message and were placed to cell phone numbers.¹⁵ The Company has not provided any evidence of prior express consent, written or otherwise, or an emergency purpose.¹⁶ Accordingly, the calls were apparently illegal.¹⁷ The Company has not disputed that it served as the gateway provider for the calls.¹⁸

III. Potential Consequences

As a result of serving as the gateway provider for the apparently illegal calls, the Company potentially faces permissive blocking under section 64.1200(k)(4)¹⁹ of the Commission's rules, mandatory blocking under section 64.1200(n)(3)²⁰ of the Commission's rules, and additional consequences under section 64.6305(g)²¹ of the Commission's rules.

A. The Company Faces Permissive Blocking Under Section 64.1200(k)(4)

Under the safe harbor set forth in section 64.1200(k)(4) of the Commission's rules, any downstream provider may (without any liability under the Communications Act of 1934, as amended, or the Commission's rules) block all traffic from an upstream originating or intermediate provider (including a gateway provider) that, when notified by the Commission, fails to either (a) effectively mitigate illegal traffic within 48 hours or (b) implement effective measures to prevent new and renewing customers from using its network to originate illegal calls.²² Prior to initiating blocking, the downstream provider shall provide the Commission with notice and a brief summary of the basis for its determination that the originating or intermediate provider meets one or more of these two conditions for blocking.²³

This letter serves as notice, pursuant to section 64.1200(k)(4), that Identidad should effectively mitigate illegal traffic within 48 hours of electronic delivery of this letter and, to the extent that it originates traffic, implement effective measures to prevent new and renewing customers from using its network to originate illegal calls within 14 days of this letter in order to avoid downstream providers from blocking *all* of the Company's traffic pursuant to the safe harbor in section 64.1200(k)(4).²⁴ The

¹² *See id.*

¹³ *See id.*

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

¹⁵ *See* ITG Subpoena Response, *supra* note 4.

¹⁶ *See id.*

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

¹⁸ *See* ITG Subpoena Response, *supra* note 4.

¹⁹ 47 CFR § 64.1200(k)(4).

²⁰ *Id.* § 64.1200(n)(3).

²¹ *Id.* § 64.6305(g).

²² *Id.* § 64.1200(k)(4).

²³ *Id.*

²⁴ *See id.*

Company should inform the Commission and the ITG, within 48 hours of the electronic delivery of this letter, of the specific steps it has taken to mitigate illegal traffic on its network.²⁵

B. The Company Faces Mandatory Blocking Under Section 64.1200(n)(2) and (n)(3)

The Commission may order all providers that are immediately downstream to block all traffic from an upstream provider that does not comply with the obligations identified in section 64.1200(n)(2) of the Commission's rules.²⁶

This letter serves as a Notification of Suspected Illegal Traffic (Notice) under section 64.1200(n)(2) of the Commission's rules.²⁷ Identidad must take the following actions in response to this Notice:

1. Promptly investigate the calls identified in Attachment A for which Identidad served as the gateway provider;²⁸
2. If the Company's investigation determines that Identidad served as the gateway provider for the identified calls, block all of the identified traffic within 14 days of the date of this letter and continue to block the identified gateway traffic as well as substantially similar traffic on an ongoing basis;²⁹ and
3. Within 14 days of the date of this Notice, report the results of the Company's investigation to the Bureau.³⁰ Identidad 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.

1. If Identidad determines it is the gateway provider for the identified illegal traffic, the report must include a certification that Identidad is blocking the 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;³¹

²⁵ 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).

²⁶ 47 CFR § 64.1200(n)(2), (3).

²⁷ *Id.* § 64.1200(n)(2)(i)(A); see also *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, 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, 38 FCC Rcd 5404, 5418, para. 39 (2023) (*Seventh Call Blocking 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*).

²⁸ 47 CFR § 64.1200(n)(2)(i)(A).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* § 64.1200(n)(2)(i)(A)(1-2).

2. If Identidad determines that the identified traffic is not illegal, the report must provide an explanation as to why Identidad reasonably concluded that the identified traffic is not illegal and what steps it took to reach that conclusion;³² and
3. If Identidad 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.³³ Identidad should also take lawful steps to effectively mitigate this traffic.³⁴

1. Initial Determination Order

The Bureau may issue an initial determination order stating the Bureau's initial determination that Identidad is not in compliance with section 64.1200 of the Commission's rules if: (a) the Company fails to respond to this Notice; (b) the Company provides an insufficient response; (c) the Company continues to allow substantially similar traffic onto the U.S. network after the 14-day period identified above; or (d) the Bureau determines the traffic is illegal despite the Company's assertions to the contrary.³⁵ If the Bureau issues an initial determination order, the Company will have an opportunity to respond.³⁶

2. Final Determination Order

The Bureau may issue a final determination order in EB Docket No. 22-174 concluding that the Company is not in compliance with section 64.1200 of the Commission's rules and directing all downstream providers both to block and cease accepting all traffic from Identidad beginning 30 days from the release of the final determination order if: (a) the Company does not provide an adequate response to the initial determination order within the timeframe specified in the initial determination order; or (b) the Company continues to originate or allow substantially similar traffic onto the U.S. network.³⁷ A final determination order may be issued up to one year after the release date of the initial determination order.³⁸

C. The Company Faces Removal from the Robocall Mitigation Database and Mandatory Blocking Under Section 64.6305(g)

Pursuant to section 64.6305(g) of the Commission's rules, intermediate and voice service providers shall only accept traffic from a gateway provider if that provider's certification appears in the Robocall Mitigation Database (RMD).³⁹ Such filings must include the specific reasonable steps the provider has taken to avoid originating, carrying, or processing illegal robocall traffic as part of its

³² *Id.* § 64.1200(n)(2)(i)(B).

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* § 64.1200(n)(2)(ii).

³⁶ *Id.*

³⁷ *Id.* § 64.1200(n)(2)(iii), (3); *Seventh Call Blocking Order*, 38 FCC Rcd at 5417-18, para. 37.

³⁸ 47 CFR § 64.1200(n)(2)(iii).

³⁹ *Id.* § 64.6305(g)(3). This requirement also extends to accepting traffic from foreign providers using "North American Number Plan resources that pertain to the United States in the caller ID field to send voice traffic." *Id.* § 64.6305(g)(2).

robocall mitigation program.⁴⁰ If a provider's filing is deficient in some way, the Bureau may initiate a proceeding to remove it.⁴¹

Identidad certified in its RMD filing, under penalty of perjury, that it will cooperate with the FCC in investigating and stopping any illegal robocallers that use its service to carry or process calls.⁴²

Failure to respond to this letter as described above may be used as evidence that the Company's certification is deficient with respect to its commitment to cooperate, and the Bureau may initiate proceedings to remove its filing from the database. If Identidad's filing is removed from the RMD for any reason, all intermediate providers and terminating voice service providers must cease accepting all of the Company's calls.⁴³ If the Bureau initiates a proceeding to remove the Company's certification from the Robocall Mitigation Database, Identidad will have an opportunity to cure the deficiency.⁴⁴

Please direct any inquiries regarding this letter to Raul Rojo, Attorney Advisor, Telecommunications Consumers Division, Enforcement Bureau, FCC, at Raul.Rojo@fcc.gov and cc: 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 *Id.* § 64.6305(d)(2)(ii), (e)(2)(ii).

⁴¹ See *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1904, para. 83 (2020) (noting that if a certification "is deficient in some way," the Commission may take enforcement action as appropriate, including "removing a defective certification from the database after providing notice to the voice service provider and an opportunity to cure the filing"); *Gateway Provider Order*, 37 FCC Rcd at 6882, para. 40 (noting that the Commission can take the same enforcement actions against gateway providers as it takes against voice service providers, including removal from the RMD); see also *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, 38 FCC Rcd 2573, 2604, para. 60 (2023) (*Sixth Caller ID Authentication Order*) (describing the three-step removal procedure for removal from the RMD).

⁴² See Identidad Advertising Development LLC Listing (No. RMD0001654), Fed. Comm'n's Comm'n, Robocall Mitigation Database (filed Apr. 11, 2024), https://fccprod.servicenowservices.com/rmd?id=rmd_form&table=x_g_fmc_rmd_robocall_mitigation_database&sys_id=5df112261b103050003c43f1f54bcbbf&view=sp.

⁴³ 47 CFR § 64.6305(g)(3).

⁴⁴ *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2604, para. 60; *Gateway Provider Order*, 37 FCC Rcd at 6882, para. 40.

ATTACHMENT A

Customer	Call Date & Time	Date of ITG Notification	Calling No.	Called No.	Description	Suspected Violation
Orange Romania (Romania)	Sept. 14, 2024 13:30 UTC	Sept. 16, 2024 18:21 UTC	{[	{[	Financial Institution Impersonator (Spanish)	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Orange Romania (Romania)	Sept. 12, 2024 22:11 UTC	Sept. 17, 2024 18:26 UTC	{[	{[	Financial Institution Impersonator (Spanish)	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Telin Neutrafix (Indonesia)	Aug. 08, 2024 21:03 UTC	Aug. 09, 2024 15:01 UTC	{[	{[	Financial Institution Impersonator	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Telin Neutrafix (Indonesia)	Aug. 08, 2024 17:56 UTC	Aug. 09, 2024 19:51 UTC	{[	{[	Financial Institution Impersonator	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)
Telin Neutrafix (Indonesia)	Aug 08, 2024 18:00 UTC	Aug 09, 2024 14:46 UTC	{[	{[	Financial Institution Impersonator	47 U.S.C. § 227(b); 47 CFR § 64.1200(a)