

**CONCURRING STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: *In the Matter of Lingo Telecom, LLC*, File No.: EB-TCD-24-00036425, Notice of Apparent Liability for Forfeiture (May 23, 2024)

I agree that the FCC needs to continue its efforts to crack down on illegal robocalls. They are an unquestionable scourge—not only an annoyance to so many Americans, but also a way for bad actors to perpetuate fraud.

In this case, it is apparent that the person who orchestrated this robocall scheme violated the FCC’s rules. And I have voted to approve that Notice of Apparent Liability. With respect to the voice service provider that the caller used to originate the calls in question, the FCC alleges here that the provider failed to implement STIR/SHAKEN. The FCC’s argument is not that the provider took no steps to implement the STIR/SHAKEN framework. Rather, the NAL alleges that the steps the voice service provider took to implement the framework failed to apply the correction attestation level.

Although these allegations will require careful review, I will also be focused on ensuring that the FCC does not undertake “rulemaking through enforcement” by creating new, substantive obligations that go beyond the standards set forth in our existing rules. We need to be careful that we do not undermine reasonable reliance on prior FCC decisions and spring enforcement on parties seeking to comply in good faith. With that said, NALs are not final decisions on the merits. I will keep an open mind as the FCC reviews the record in this proceeding.