



PUBLIC NOTICE

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ROBOCALL ENFORCEMENT NOTICE TO ALL U.S.-BASED VOICE SERVICE PROVIDERS

FCC Enforcement Bureau Notifies All U.S.-Based Providers of Rules Permitting Them to Block Robocalls Transmitting from DigitalIPvoice, Inc

File No. EB-TCD-23-00035954

By the Chief, Enforcement Bureau:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) issues this Public Notice to notify all U.S.-based voice service providers about substantial amounts of apparently unlawful robocalls transmitted by DigitalIPvoice, Inc (DigitalIPvoice). **Pursuant to section 64.1200(k)(4) of the Commission's rules, we hereby notify all U.S.-based voice service providers that if DigitalIPvoice fails to mitigate the identified traffic described in the cease-and-desist letter (CDL) listed below, U.S.-based voice service providers may block voice calls or cease to accept traffic from DigitalIPvoice, without liability under the Communications Act of 1934, as amended, or the Commission's rules.**¹

Contemporaneous with this *Public Notice*, the Bureau is issuing a CDL to the following voice service provider:²

- **DigitalIPvoice**

USTelecom's Industry Traceback Group (ITG)³ identified DigitalIPvoice as a gateway provider for substantial volumes of apparently unlawful robocalls, including calls related to student loans.⁴ Pursuant

¹ 47 CFR § 64.1200(k)(4) (permitting downstream providers to block calls from a notified provider that fails to either (a) mitigate the identified traffic within 48 hours or (b) implement effective measures to prevent new and renewing customers from using its network to originate illegal calls).

² Letter from Loyaan A. Egal, Chief, Enforcement Bureau, to Stephen Matlock, CEO, DigitalIPvoice Inc (Apr. 17, 2024) (DigitalIPvoice Letter). This letter is available on the Commission's website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

³ USTelecom's Industry Traceback Group is the registered industry consortium selected pursuant to the TRACED Act, to conduct tracebacks to identify suspected bad actors. *Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act*, Pub. L. No. 116-105 § 13(d), 133 Stat. 3274 (2019); *see also Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act*, EB Docket No. 20-22, Report and Order, DA 23-719, 2023 WL 5358422, at * 17, para. 43 (EB 2023).

⁴ *See* Traceback Consortium Subpoena Response (Dec. 20, 2023) (on file at EB-TCD-23-00035954) (ITG Subpoena Response).

to the CDL, DigitalIPvoice must: (1) promptly investigate the traffic identified in the CDL; (2) block the identified traffic; and (3) report the results of the investigation to the Bureau.⁵

The CDL also serves as notice that 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 new and renewing customers from using its network to originate illegal calls.⁶ **U.S.-based voice service providers may block ALL call traffic transmitting from DigitalIPvoice's network if it fails to act within either deadline.**

Purpose. Protecting individuals and entities from the dangers of unwanted and illegal robocalls is the Commission's top consumer protection priority.⁷ As part of its multi-pronged approach to combatting illegal robocalls, the Commission has taken steps to encourage voice service providers to block suspected illegal robocalls.⁸ The Commission permits voice service providers to block traffic from other voice service providers that the Bureau has warned are transmitting suspected illegal robocalls.⁹ The Bureau has issued numerous "cease-and-desist" letters, warning voice providers that they were transmitting suspected illegal robocalls and could be subject to blocking.¹⁰ The Commission placed additional obligations on gateway providers in May 2022 by requiring they block illegal traffic when the Bureau has notified them of such traffic.¹¹ Failure to do so may require providers that are immediately downstream from the gateway provider to block all of its traffic if the gateway provider continues to transmit substantially similar traffic or fails to respond to the Bureau's CDL.¹²

⁵ DigitalIPvoice Letter at 3-4.

⁶ 47 CFR § 64.1200(k)(4).

⁷ Fed. Comm'n's Comm'n, *Stop Unwanted Robocalls and Texts*, <https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts> (last visited Jan. 19, 2024) ("Unwanted calls – including illegal and spoofed robocalls – are the FCC's top consumer complaint and our top consumer protection priority.").

⁸ See 47 CFR § 64.1200(k); *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, 7622, para. 19 (2020) (*July 2020 Call Blocking Order*) (establishing safe harbor for blocking traffic from bad-actor upstream voice service providers); *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd 4876, 4887-88, paras. 34-46 (2019) (blocking based on reasonable analytics with consumer opt-out and consumer whitelists); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9709, para. 9 (2017) (blocking of certain categories of calls highly likely to be illegal).

⁹ *July 2020 Call Blocking Order*, 35 FCC Rcd at 7628-29, paras. 36-39; see 47 CFR § 64.1200(k)(4).

¹⁰ These letters are available on the Commission's website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

¹¹ *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, 6897-98, para. 74 (2022) (*Gateway Provider Order*).

¹² 47 CFR § 64.1200(n)(3) (requiring downstream providers to block a gateway provider's traffic if the Bureau issues a Final Determination Order); *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, at *11, para. 37 (2023); *Gateway Provider Order*, 37 FCC Rcd at 6897-98, para. 74.

Nature of Apparently Unlawful Robocall Traffic. DigitalIPvoice is transmitting unlawful prerecorded calls to cell phones, apparently without the requisite consent from called parties,¹³ including calls related to student loan assistance.¹⁴ Between December 4, 2023, and December 11, 2023, DigitalIPvoice appeared in seven tracebacks as gateway provider for suspected illegal robocalls pertaining to student loan assistance.¹⁵ The calls 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.¹⁶

Follow-Up Orders. The Bureau will issue an Initial Determination Order in the event that either: (a) DigitalIPvoice fails to respond to the CDL with respect to the calls for which DigitalIPvoice is the gateway provider; (b) the Bureau determines that the response is insufficient or that the traffic is illegal despite the provider's assertions; or (c) the Bureau determines that DigitalIPvoice is continuing to allow substantially similar traffic onto the U.S. network.¹⁷ DigitalIPvoice will have at least 14 days to respond to the Initial Determination Order.¹⁸ If DigitalIPvoice's response to the Initial Determination Order is insufficient, or DigitalIPvoice continues to allow substantially similar traffic onto the U.S. network, then the Bureau will publish a Final Determination Order in EB Docket No. 22-174.¹⁹ **In the event that the Bureau issues a Final Determination Order in this matter, pursuant to section 64.1200(n)(3) of the Commission's Rules, all immediately downstream U.S.-based voice service providers shall be required to block DigitalIPvoice's traffic.**²⁰

Contact Information. For further information, please contact Kristi Thompson, Division Chief, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-1318 or by email at Kristi.Thompson@fcc.gov; or Raul Rojo, Attorney Advisor, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-1336 or by email at Raul.Rojo@fcc.gov.

ENFORCEMENT BUREAU
Loyaan A. Egal
Chief

¹³ See 47 U.S.C. § 227(b); 47 CFR § 64.1200(a).

¹⁴ See ITG Subpoena Response, *supra* note 4.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ 47 CFR § 64.1200(n)(2)(ii).

¹⁸ *Id.*

¹⁹ *Id.* § 64.1200(n)(2)(iii).

²⁰ *Id.* § 64.1200(n)(3). Providers must monitor EB Docket No. 22-174 and initiate blocking beginning 30 days from the release date of the Final Determination Order. *Id.*