



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 Voice Service Providers of Rules Permitting Them to Block Calls Transmitting from Veriwave Telco, LLC.

File No. EB-TCD-24-00036355

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 tax relief robocalls originating from Veriwave Telco, LLC (Veriwave). **Pursuant to section 64.1200(k)(4) of the Commission's rules, we hereby notify all U.S.-based voice service providers that if Veriwave fails to effectively mitigate illegal traffic, including the identified traffic described in the cease-and-desist letter (CDL) listed below and substantially similar traffic, within 48 hours of the date of this *Public Notice*, U.S.-based voice service providers may block voice calls or cease to accept traffic¹ from Veriwave, without liability under the Communications Act of 1934, as amended, or the Commission's rules.²**

Contemporaneous with this *Public Notice*, the Bureau is issuing a CDL to the following voice service provider:³

- **Veriwave**

Veriwave apparently originated a substantial volume of unlawful robocalls related to tax debt relief to wireless telephone numbers that apparently violated the Telephone Consumer Protection Act (TCPA) and the Commission's implementing rules.⁴ Pursuant to the CDL, Veriwave must: (1) promptly investigate the traffic identified in the CDL; (2) block or cease accepting the identified traffic and substantially similar traffic on an ongoing basis (unless it determines that the identified traffic is legal and provides a reasonable explanation to support that conclusion); and (3) report the results of the investigation to the Bureau within 14 days of the date of the CDL.⁵ If Veriwave fails to comply with those requirements, the

¹ A voice service provider may not block a voice call if the call is an emergency call placed to 911. *See* 47 CFR § 64.1200(k)(5).

² *Id.* § 64.1200(k)(4) (permitting downstream voice service providers to block calls from a notified provider that fails to either (a) effectively 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).

³ Letter from Loyaan A. Egal, Chief, Enforcement Bureau, to Felix Hernandez, Compliance Officer, Veriwave Telco, LLC (April 4, 2024) (Veriwave Letter). This letter is available on the Commission's website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

⁴ *See* Traceback Consortium Subpoena Response (Jan. 31, 2024) (on file at EB-TCD-24-00036355); Traceback Consortium Subpoena Response (March 5, 2024) (on file at EB-TCD-24-00036355) (collectively, ITG Subpoena Responses); *see also* 47 U.S.C. § 227(b)(1)(A); 47 CFR § 64.1200(a)(1)-(2).

⁵ *See* 47 CFR § 64.1200(n)(2)(i)(A); *see also* Veriwave Letter at 5.

Bureau may ultimately issue a Final Determination Order, which would require downstream voice service providers to block and cease accepting all traffic from Veriwave.⁶

The CDL also serves as notice that downstream U.S.-based voice service providers may begin blocking all calls or cease accepting traffic from Veriwave after notifying the Commission of their decision, and providing a brief summary of their basis for making such determination, if Veriwave either (a) fails to effectively mitigate illegal traffic within 48 hours of the delivery date of the CDL or (b) fails to implement effective measures to prevent new and renewing customers from using its network to originate illegal calls within 14 days of the delivery date of the CDL.⁷ **U.S.-based voice service providers may block ALL call traffic transmitting from Veriwave’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.⁸ 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.⁹ The Commission permits voice service providers to block traffic from other voice service providers that the Bureau has warned are originating or transmitting suspected illegal robocalls, if the warned voice service providers fail to take appropriate and timely action to mitigate such traffic.¹⁰ The Bureau has issued numerous “cease-and-desist” letters, warning voice service providers that they were originating or transmitting suspected illegal robocalls and could be subject to blocking.¹¹ The Bureau may also ultimately order voice service providers that are immediately downstream to cease accepting traffic from an upstream voice service provider that does not comply with the Commission’s rules.¹²

Nature of Apparently Unlawful Robocall Traffic. YouMail, Inc. (YouMail)¹³ estimates that between November 1, 2023 and January 31, 2024, approximately 15.8 million robocalls playing prerecorded messages pertaining to an unknown¹⁴ “National Tax Relief Program” were placed to call recipients

⁶ 47 CFR § 64.1200(n)(2)-(3).

⁷ *Id.* § 64.1200(k)(4).

⁸ *Consumer Guide: Stop Unwanted Robocalls and Texts*, Fed. Comm’n’s Comm’n, <https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts> (last visited Mar. 6, 2024) (“Unwanted calls – including illegal and spoofed robocalls - are the FCC's top consumer complaint and our top consumer protection priority.”).

⁹ See 47 CFR § 64.1200(k); see, e.g., *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 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).

¹⁰ See *July 2020 Call Blocking Order*, 35 FCC Rcd at 7628-29, paras. 36-39; 47 CFR § 64.1200(k)(4).

¹¹ These letters are available on the Commission’s website at <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist>.

¹² 47 CFR § 64.1200(n)(2)-(3).

¹³ YouMail is a third-party robocall identification and blocking service. See *About Us*, YouMail, <https://www.youmail.com/home/corp/about> (last visited Mar. 4, 2024).

¹⁴ The Bureau has found no evidence of the existence of the “National Tax Relief Program.”

(recipients).¹⁵ This robocalling campaign increased in volume in the three months immediately preceding the 2024 filing season start date.¹⁶ This start date, and the lead up to it, may be particularly stressful for tax filers with arrears from prior years as their 2023 tax refund could be subject to withholding by the Internal Revenue Service.¹⁷ This robocall campaign apparently preyed upon these filers.

USTelecom's Industry Traceback Group (ITG)¹⁸ conducted tracebacks on 23 calls associated with the "National Tax Relief Program" made to wireless numbers between November 30, 2023 and January 29, 2024.¹⁹ All 23 calls, identified in Attachment A to this Notice, were part of an apparently illegal robocalling campaign featuring artificial or prerecorded voice messages from the "National Tax Relief Program" offering purported tax debt relief services under the same name.²⁰ Multiple messages were part of the campaign, but each pre-recorded message began by saying that the caller was contacting the called party to ensure the recipient received information on the new National Tax Relief Program.²¹ Many of the messages further appealed to recipients with the offer to "rapidly clear" their tax debt with the National Tax Relief Program.²² After describing the supposed benefit of the program, some recordings then prompted recipients to answer as to whether they owed any taxes.²³ In some instances, such as in the example transcript below, the recordings asked the recipient whether they had any tax debt, described the requirements of the program, and prompted them to press one to confirm if they qualified for the "special program":²⁴

Alright, uh, so I've been tasked to personally contact you and make sure that you have been provided the information about the new National Tax Relief Program. This relevant information is extremely important with helping those that owe back taxes to rapidly clear their debt. So can you tell me if you currently owe any back taxes at this time? Ok, let me go ahead and get you this information then. One moment please. Here we go.

Ok, so this special program has been recently approved as of August 2022. The purpose of the Tax Dismissal Program is to help those struggling with tax debt. However, there's certain requirements to be eligible. You cannot currently be in any other tax debt consolidation or settlement program. You cannot currently be in bankruptcy and you must have a household income of under \$250,000 a year, but you do have to have a

¹⁵ See *Daily Call Volume per Campaign*, YouMail, Inc., <https://app.sigmacomputing.com/youmailinc/workbook/> (last visited Mar. 19, 2023) (on file at EB-TCD-24-00036355).

¹⁶ *Id.*; *2024 Tax Filing Season Set for January 29; IRS Continues to Make Improvements to Help Taxpayers*, Internal Revenue Serv. (Jan. 8, 2024), <https://www.irs.gov/newsroom/2024-tax-filing-season-set-for-january-29-irs-continues-to-make-improvements-to-help-taxpayers#:~:text=January%2029%3A%20Filing%20season%20start,Due%20date%20for%20extension%20filers> (explaining the IRS began accepting 2023 tax returns on January 29, 2024).

¹⁷ See *Topic No. 201, The Collection Process*, Internal Revenue Serv., <https://www.irs.gov/taxtopics/tc201> (last visited Mar. 19, 2024) ("[A]ny future federal tax refunds or state income tax refunds that you're due may be seized and applied to your federal tax liability").

¹⁸ 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, DA 23-719, 2023 WL 5358422, at *1, para. 1 (EB Aug. 18, 2023).

¹⁹ See ITG Subpoena Responses, *supra* note 4.

²⁰ See *id.*

²¹ See *id.*

²² See *id.*

²³ See *id.*

²⁴ See *id.*

monthly income of at least \$2,000 a month. So I need to ask you, do you meet these minimum requirements for eligibility? Press 1 for yes, 2 for no.²⁵

If the recipient connected to a live operator, the live operator reportedly asked for personal information, including date of birth and social security number.²⁶ The calls did not provide any call back number.²⁷

The ITG investigated the traceback calls and determined that Veriwave was the originating provider.²⁸ The ITG notified Veriwave of these calls and provided the Company with supporting data identifying each call.²⁹ Veriwave did not contest it had originated the calls and identified one client as the source of all of the calls.³⁰ Veriwave did not offer evidence of consent for the calls or contest the unlawful nature of the calls.³¹ Nor did Veriwave contest that any exceptions to the rules applied.³² The Bureau reached out to Veriwave via the email address Veriwave provided to the Bureau for communication about its robocall mitigation efforts, but the email was returned as undeliverable.³³

Potential Further Enforcement Action. The Bureau may issue an Initial Determination Order stating the Bureau's initial determination that Veriwave is not in compliance with section 64.1200 of the Commission's rules if: (a) Veriwave fails to respond to the CDL; (b) Veriwave provides an insufficient response; (c) Veriwave continues to originate substantially similar traffic or 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 Veriwave's assertions to the contrary.³⁴ If the Bureau issues an Initial Determination Order, Veriwave will have an opportunity to respond.³⁵ If Veriwave does not provide an adequate response to the Initial Determination Order, or continues to originate or allow substantially similar traffic onto the U.S. network, the Bureau may issue a Final Determination Order in EB Docket No. 22-174 concluding that Veriwave is not in compliance with section 64.1200 of the Commission's rules.³⁶ **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 U.S.-based voice service providers shall be**

²⁵ See *id.*

²⁶ See FCC Complaint #6613274 (Nov. 30, 2023) (on file at EB-TCD-24-00036355) ("It goes on and on and on. They ask horrible personal questions."); see also FCC Complaint #6515954 (Oct. 12, 2023) (on file at EB-TCD-24-00036355).

²⁷ See ITG Subpoena Responses, *supra* note 4.

²⁸ See *id.*

²⁹ See *id.*

³⁰ See *id.*

³¹ See *id.*

³² See *id.*

³³ See Automatic response to e-mail from Caitlin Barbas, Attorney Advisor, Telecommunications Consumers Division, Enforcement Bureau, to Felix Hernandez, Compliance Officer, Veriwave Telco, LLC, (Feb. 2, 2024) (on file at EB-TCD-24-00036355) (showing email could not be delivered as the host platform was not found). The Bureau's email attempt also included the two email addresses provided to the Bureau by the ITG. See *id.*; see also ITG Subpoena Responses, *supra* note 4.

³⁴ 47 CFR § 64.1200(n)(2)(ii).

³⁵ *Id.*

³⁶ *Id.* § 64.1200(n)(2)(iii), (3); *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, FCC 23-37, 2023 WL 3686042, at *11, para. 37 (2023).

required to block Veriwave's traffic beginning 30 days from the release date of the Final Determination Order.³⁷

Contact Information. For further information, please contact Kristi Thompson, Division Chief, Telecommunications Consumers Division, Enforcement Bureau, at 202-418-1318 or by email at Kristi.Thompson@fcc.gov; or Daniel Stepanicich, Assistant Division Chief, Telecommunications Consumers Division, Enforcement Bureau, at 202-418-7451 or by email at Daniel.Stepanicich@fcc.gov.

ENFORCEMENT BUREAU
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Chief

³⁷ *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.*