

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
Lingo Telecom, LLC )
File No.: EB-TCD-24-00036425
NAL/Acct. No.: 202432170004
FRN: 0035440734

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: May 23, 2024 Released: May 28, 2024

By the Commission: Chairwoman Rosenworcel and Commissioners Starks and Gomez issuing separate statements; Commissioners Carr and Simington concurring and issuing separate statements.

I. INTRODUCTION

1. Following an investigation by the Federal Communications Commission’s (Commission or FCC) Enforcement Bureau (Bureau), we propose a penalty of \$2,000,000 against Lingo Telecom, LLC (Lingo or Company) for applying incorrect Secure Telephone Identity Revisited and Signature-based Handling of Asserted information using toKENs (STIR/SHAKEN) attestations in apparent violation of section 64.6301(a) of the Commission’s rules.1 Specifically, Lingo, in a failure to utilize reasonable “Know Your Customer” (KYC) protocols, applied incorrect STIR/SHAKEN attestations to spoofed robocalls carrying a deepfake2 generative artificial intelligence (AI) voice message purporting to be from the president of the United States (Deepfake Message) that targeted New Hampshire primary election voters two days before the state’s 2024 Democratic Presidential Primary Election (Primary Election). The Deepfake Message told primary election voters not to vote in the upcoming Primary Election.

2. The STIR/SHAKEN framework allows for the authentication and verification of caller identification (ID) information and is a vital tool designed to give consumers more confidence that caller ID information is accurate. The last two decades have seen a proliferation in the misuse of spoofing technology by malicious actors as a means of evading liability for illegal robocalls and other abusive communications. Accordingly, restoring the reliability of caller ID information is a top consumer protection priority for the Federal Communications Commission (Commission or FCC). In recent years, the Commission has undertaken multiple proceedings to ensure rapid adoption of the technology required to bring STIR/SHAKEN to telecommunications networks across the country.3 The framework uses three

1 47 CFR § 64.6301(a).

2 “Deepfake” is defined as “an image or recording that has been convincingly altered and manipulated to misrepresent someone as doing or saying something that was not actually done or said.” Deepfake, Merriam-Webster (last updated Mar. 21, 2024), https://www.merriam-webster.com/dictionary/deepfake.

3 See, e.g., Call Authentication Trust Anchor, Implementation of TRACED Act Section 6(a) – Knowledge of Customers by Entities with Access to Numbering Resources, WC Docket Nos. 17-97 and 20-67, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241 (2020) (First Call Authentication Order); Call Authentication Trust Anchor, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859 (2020) (Second Call Authentication 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, Fifth Report and Order, Order on Reconsideration, Order, Seventh Further Notice of Proposed Rulemaking, Fifth Further Notice of Proposed Rulemaking, 37 FCC Rcd 6865 (2022) (Gateway Provider Order); Call Authentication Trust Anchor, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, 38 FCC Rcd 2573 (2023) (Sixth Call Authentication Order).

attestation levels that indicate the level of the signing provider's validation of the caller ID information. False or incorrect attestations undermine years of regulatory and industry efforts to enable caller ID authentication, and diminish the integrity of the STIR/SHAKEN framework. The Commission mandates that providers like Lingo fully implement STIR/SHAKEN and adhere to the technical standards therein.<sup>4</sup>

3. Two days before the Primary Election, illegal spoofed and malicious robocalls carrying a deepfake audio recording of President Biden's voice told the state's voters not to vote in the upcoming primary. These calls, carrying the deepfake generative AI-produced cloned voice of the president of the United States, were made at the behest of a political consultant named Steve Kramer (Kramer), who engaged Voice Broadcasting Corp., which used the services and equipment of Life Corp. (Life) to transmit the calls. Life, in turn, used Lingo to originate the traffic onto the public switched telephone network (PSTN). Lingo, in apparent violation of the Commission's rules, sent 2,000 calls through its network to potential New Hampshire voters, falsely authenticating spoofed traffic with the highest level of attestation permitted under the STIR/SHAKEN rules. This false "A-level" attestation, in turn, harmed the public by making it less likely that these spoofed, deepfake calls would be blocked or flagged as suspicious by terminating voice service providers and reducing consumers' trust in their voice service providers and the nation's communications network.

## II. BACKGROUND

### A. Legal Framework

4. The Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) and the Commission's implementing rules required voice providers to implement the STIR/SHAKEN authentication framework on their Internet protocol (IP) networks by June 30, 2021,<sup>5</sup> subject to certain exceptions.<sup>6</sup> The STIR/SHAKEN framework<sup>7</sup> helps protect consumers from illegal spoofed calls<sup>8</sup> by enabling authenticated caller ID information to travel securely with the call itself through the entire call path.<sup>9</sup> The framework consists of two components: (1) the technical process of authenticating and verifying caller ID information; and (2) the certificate governance process that maintains trust in caller ID authentication information that accompanies a call.<sup>10</sup> The first component relies on public key cryptography to transmit information securely that a service provider knows about the caller and its relationship to the phone number it is using for the call, including an attestation level for the

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<sup>4</sup> See, e.g., *First Call Authentication Order*, 35 FCC Rcd at 3257-59, paras. 32-36; see also *Gateway Provider Report and Order*, 37 FCC Rcd at 6887-88, para. 53 (requirements for gateway providers), *Sixth Call Authentication Order*, 38 FCC Rcd at 2585, para. 21 (requirements for non-gateway intermediate providers).

<sup>5</sup> See Pub. L. No. 116-105, § 4, 133 Stat. 3274, 3276 (2019) (TRACED Act), 47 CFR § 64.6301(a) (requiring STIR/SHAKEN implementation by voice service providers).

<sup>6</sup> See 47 CFR §§ 64.6304, 64.6306.

<sup>7</sup> The STIR/SHAKEN framework is a set of technical standards and protocols that enable providers to authenticate and verify caller ID information transmitted with Session Initiation Protocol (SIP) calls. A working group of the Internet Engineering Task Force (IETF) called the Secure Telephony Identity Revisited (STIR) developed several protocols for authenticating caller ID information. The Alliance for Telecommunications Industry Solutions (ATIS), in conjunction with the SIP Forum, produced the Signature-based Handling of Asserted information using toKENS (SHAKEN) specification, which standardizes how the protocols produced by STIR are implemented across the industry using digital certificates. *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1862-3, para. 7 (2020) (*Second Call Authentication Order*).

<sup>8</sup> See 47 U.S.C. § 227(e) (prohibiting the transmission of inaccurate or misleading caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value); 47 CFR § 64.1604 (same).

<sup>9</sup> *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, FCC 23-18, 38 FCC Rcd 2573, 2575, para. 4 (2023) (*Sixth Call Authentication Order*).

<sup>10</sup> *Second Call Authentication Order*, 36 FCC Rcd at 1862-63, para. 7.

call (addressed in more detail below).<sup>11</sup> This encrypted information is contained within a unique part of the Session Initiation Protocol (SIP) message known as the “Identity” header field.<sup>12</sup> After the service provider authenticates this caller ID information for a particular call and adds this attestation information, the Identity header travels along with the call from the authenticating service provider, through any intermediate providers, to the terminating voice service provider.<sup>13</sup> When the terminating voice service provider receives the call with the Identity header attached, it can decrypt it, verify the caller ID information, and then use that information (including the attestation level), along with other information, to protect its subscribers from unwanted and illegal calls.<sup>14</sup> The second component of the STIR/SHAKEN framework relies on digital certificates issued to a provider through a neutral governance system to maintain trust and accountability among providers; a digital certificate indicates that: (i) the authenticating service provider is who it claims to be; (ii) the service provider is authorized to authenticate the caller ID information; and (iii) the provider’s claims about the caller ID information it is authenticating can thus be trusted.<sup>15</sup> This system is overseen by a Governance Authority—currently an entity called the Secure Telephone Identity Governance Authority (STI-GA)—which establishes the policies and procedures regarding how providers may acquire and maintain certificates.<sup>16</sup>

5. Section 64.6301(a) of the Commission’s rules requires that “not later than June 30, 2021, a voice service provider shall fully implement the STIR/SHAKEN authentication framework in its internet Protocol networks.”<sup>17</sup> Related to this obligation,

[A] voice service provider shall:

- (1) Authenticate and verify caller identification information for all SIP calls that exclusively transit its own network;
- (2) Authenticate caller identification information for all SIP calls it originates and that it will exchange with another voice service provider or intermediate provider and, to the extent technically feasible, transmit that call with authenticated caller identification information to the next voice service provider or intermediate provider in the call path; and
- (3) Verify caller identification information for all SIP calls it receives from another voice service provider or intermediate provider which it will terminate and for which the caller identification information has been authenticated.<sup>18</sup>

The Commission’s rules define the term “STIR/SHAKEN authentication framework” to mean the “secure telephone identity revisited and signature-based handling of asserted information using tokens

<sup>11</sup> See *id.* at 1863, paras. 8, 10.

<sup>12</sup> See *id.* at 1863, para. 8. SIP is a signaling protocol used in IP telephony calls. See *id.* at 1862, para. 6, n.16.

<sup>13</sup> See *Sixth Call Authentication Order*, 38 FCC Rcd at 2576, para. 5.

<sup>14</sup> See *id.*

<sup>15</sup> See *Call Authentication Trust Anchor, Implementation of TRACED Act Section 6(a) – Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket Nos. 17-97 and 20-67, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241, 3246, para. 9 (2020) (*First Call Authentication Order*); see also *Sixth Call Authentication Order*, 38 FCC Rcd at 2576, para. 6.

<sup>16</sup> See *Second Call Authentication Order*, *supra* note 7, at 1864, para. 11; see also Secure Telephone Identity Governance Authority (STI-GA), STI Governance Authority, <https://sti-ga.atis.org> (last visited Apr. 19, 2024).

<sup>17</sup> 47 CFR § 64.6301(a). In accordance with section 4, of the TRACED Act, the FCC rules permitted various extensions and exceptions, see *id.* §§ 64.6304, 64.6306, but none of these are relevant to Lingo.

<sup>18</sup> See *id.* § 64.6301(a).

*standards.*<sup>19</sup> The “standards” are three technical standards developed jointly by the Internet Engineering Task Force (IETF) and the Alliance for Telecommunications Industry Solutions (ATIS) for implementation of STIR/SHAKEN, which are identified in the Commission’s *First Call Authentication Order*: ATIS-1000074, ATIS-1000080, and ATIS-1000084.<sup>20</sup> For voice service providers, “[c]ompliance with the most current versions of these three standards as of March 31, 2020, including any errata as of that date or earlier, represents the *minimum requirement to satisfy our rules.*”<sup>21</sup>

6. Of particular relevance to this Notice of Apparent Liability for Forfeiture, ATIS-1000074 describes the three attestation levels that a provider can apply to a call.<sup>22</sup> An “A” attestation or “Full Attestation” means that the signing provider: (1) “is responsible for the origination of the call onto the IP-based service provider voice network;” (2) “has a direct authenticated relationship with the customer and can identify the customer;” and (3) “has established a verified association with the telephone number used for the call.”<sup>23</sup> A “B” attestation or “Partial Attestation” means that the provider can meet the first two criteria of the A-level attestation but the provider “has NOT established a verified association with the telephone number being used for the call.”<sup>24</sup> Finally, a “C” attestation or “Gateway Attestation” means that the signing provider “has no relationship with the originator of the call (e.g., international gateways).”<sup>25</sup> Thus, the attestation level assigned by a voice service provider signifies “what it knows about the identity of the calling party,” and thus how much trust downstream providers can ascribe to the caller ID number.<sup>26</sup>

7. STIR/SHAKEN is a “key component” in the Commission’s fight to protect consumers from the scourge of robocalls.<sup>27</sup> “The STIR/SHAKEN caller ID authentication framework protects consumers from illegally spoofed robocalls by enabling authenticated caller ID information to securely travel with the call itself throughout the entire call path.”<sup>28</sup> When providers do not do their part in

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<sup>19</sup> *Id.* § 64.6300(m) (emphasis added); *see also* TRACED Act § 4(a)(1) (defining “STIR/SHAKEN authentication framework” to mean “the [STIR/SHAKEN] standards proposed by the information and communications technology industry”).

<sup>20</sup> *See First Call Authentication Order*, 35 FCC Rcd at 3258-59, para. 36; *see also* Alliance for Telecommunications Industry Solutions, Signature-based Handling of Asserted information using toKENs (SHAKEN), ATIS-1000074-E19E (2019),(ATIS-1000074); Errata to Signature-based Handling of Asserted information using toKENs (SHAKEN): Governance Model and Certificate Management, ATIS-1000080-E19 (2019 (ATIS-1000080); Errata to Technical Report on Operational and Management Considerations for SHAKEN STI Certification Authorities and Policy Administrators, ATIS-1000084-E19 (2019) (ATIS-1000084).

<sup>21</sup> *First Call Authentication Order*, *supra* note 15, 35 FCC Rcd at 3258-59, para. 36; *see also Sixth Call Authentication Order*, *supra* note 9, at 2585, para. 21 (stating that voice service providers, gateway providers, and intermediate providers that received unauthenticated calls directly from originating providers are “obligated to comply with, *at a minimum*, the version of the STIR/SHAKEN standards ATIS-1000074, ATIS-1000080, and ATIS-1000084 and all of the documents referenced therein in effect at the time of their respective compliance deadlines, including any errata as of those dates or earlier”) (emphasis in original). A gateway provider is a U.S.-based intermediate provider that receives a call directly from a foreign provider and transmits it to another U.S.-based provider, thus serving as a gateway onto the public switched telephone network for calls originating outside the United States. *See* 47 CFR § 64.6300(d).

<sup>22</sup> ATIS-1000074 § 5.2.3 at 9-10.

<sup>23</sup> *Id.* at 9.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 10.

<sup>26</sup> *Second Call Authentication Order*, *supra* note 7, at 1863, para. 10.

<sup>27</sup> *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, 38 FCC Rcd 2573, 2574, at para. 2 (2023).

<sup>28</sup> *Id.* at 2575, para. 4.

properly authenticating a call and verifying the use of a telephone number, the framework breaks down and consumers are left exposed without protection to malign actors who will exploit the vulnerability.

## B. Factual Background

8. Lingo is a voice service provider headquartered in Southfield, Michigan, with operations in Dallas, Texas; Atmore, Alabama; and Macon, Georgia.<sup>29</sup> Lingo’s parent company, Lingo Management, LLC (Lingo Management), describes itself as a provider of “IP-based Cloud voice and data [services] along with other unified communications technologies to small-to-medium sized businesses and consumers.”<sup>30</sup> Lingo formerly conducted business as Matrix Telecom, LLC (Matrix).<sup>31</sup> Matrix certified that it had implemented STIR/SHAKEN throughout its network in the FCC’s Robocall Mitigation Database (RMD) on June 30, 2021.<sup>32</sup> Matrix changed its listed business name in the RMD to “Lingo Telecom, LLC” on January 11, 2023. Lingo also holds an international section 214 authorization.<sup>33</sup>

9. On January 21, 2024, two days before the Primary Election, potential voters received 9,581 calls<sup>34</sup>—3,978 originated by Lingo<sup>35</sup>— carrying the following prerecorded and generative AI Deepfake Message—all but the last sentence of which was spoken in a fake voice that was used to create the impression that President Biden created the message:<sup>36</sup>

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<sup>29</sup> See Meet Lingo, Lingo, <https://www.lingo.com/meet-lingo/> (last visited on Mar. 15, 2024). In its April 2023 filing in the FCC Form 499 database, Lingo lists nine “other trade names” (Bullseye Telecom, Inc.; Trinsic Communications; Excel Telecommunications; Clear Choice Communications; VarTec Telecom; Impact Telecom; Startec; Americatel; and Lingo). See Lingo Telecom, LLC, FCC Form 499A, 802572 (Apr. 3, 2023), <https://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=802572>. A February 26, 2024 filing in the RMD by its parent company, Lingo Management, LLC, identified seven d/b/a names for Lingo Telecom, LLC (Lingo, Impact Telecom, Excel Telecommunications, Trinsic, Vartec Telecom, Americatel, and Startec). See Lingo Management, LLC Robocalling Mitigation Plan v2.2024, at Appx. A (on file in EB-TCD-24-00036425). An April 9, 2024 filing by Lingo Management revised its robocall mitigation plan to list eight d/b/a names for Lingo (adding “Bullseye” to the previously listed seven names). See Lingo Management, LLC Robocalling Mitigation Plan v4.2024, at Appx. A (Lingo Management April 2024 Robocalling Mitigation Plan), [https://fccprod.servicenowservices.com/I?id=I\\_form&table=x\\_g\\_fmc\\_rmd\\_robocall\\_mitigation\\_database&sys\\_id=5008f0e287644a101dda87f9cebb3581&view=sp](https://fccprod.servicenowservices.com/I?id=I_form&table=x_g_fmc_rmd_robocall_mitigation_database&sys_id=5008f0e287644a101dda87f9cebb3581&view=sp) (“Download PDF”) (last viewed Apr. 15, 2024).

<sup>30</sup> Lingo Management April 2024 Robocalling Mitigation Plan at 2.

<sup>31</sup> See *id.* at Appx. A; Matrix Telecom, LLC, Certificate of Amendment, 802357352, Tex. Sec’y of State (Oct. 13, 2021) (changing name to Lingo Telecom, LLC).

<sup>32</sup> See Lingo Telecom, LLC Robocall Mitigation Database certification, Fed. Commc’ns Comm’n (June 30, 2021) (Lingo 2021 RMD Certification) (on file in EB-TCD-24-00036425). Lingo deleted its RMD certification on February 26, 2024. See Lingo Telecom, LLC Robocall Mitigation Database certification, Fed. Commc’ns Comm’n (Feb. 26, 2024) (on file in EB-TCD-24-00036425). On that same date, Lingo Management filed a certification in the RMD.

<sup>33</sup> Lingo Telecom, LLC, International Section 214 Authorization, ITC-214-19900713-00004 (Dec. 12, 1990).

<sup>34</sup> Subpoena Response of Life Corp. (Feb. 7, 2024) (on file in EB-TCD-24-00036425) (Life Subpoena Response), at Response to Request for Information (RFI) No. 1.

<sup>35</sup> Lingo Subpoena Response, at Lingo 05-000202 (Mar. 27, 2024) (Call Detail Records) (on file at EB-TCD-24-00036425).

<sup>36</sup> Numerous news outlets have concluded that the recorded voice resembled the voice of President Biden. See, e.g., Alex Seitz-Wald and Mike Memoli, *Fake Joe Biden robocall tells New Hampshire Democrats not to vote Tuesday*, NBC News (Jan. 22, 2024, Updated 11:45 AM EST), <https://www.nbcnews.com/politics/2024-election/fake-joebiden-robocall-tells-new-hampshire-democrats-not-vote-tuesday-rcna134984> (“The call, an apparent imitation or digital manipulation of the president’s voice . . . .”); Jacob Rosen, *Fake Biden robocall encourages voters to skip*

(continued...)

This coming Tuesday is the New Hampshire Presidential Preference Primary. Republicans have been trying to push nonpartisan and democratic voters to participate in their primary. What a bunch of malarkey. We know the value of voting Democratic when our votes count. It's important that you save your vote for the November election. We'll need your help in electing Democrats up and down the ticket. Voting this Tuesday only enables the Republicans in their quest to elect Donald Trump again. Your vote makes a difference in November, not this Tuesday. If you would like to be removed from future calls, please press two now. Call {{ }} to be removed from future calls.<sup>37</sup>

10. The caller ID information indicated that the calls came from the phone number of a New Hampshire Political Operative (NHPO) (for which their spouse is the subscriber). NHPO is a former New Hampshire Democratic Party chair and treasurer of a super Political Action Committee (PAC) that led an effort to encourage New Hampshire Democrats to write in President Biden's name in the state's Primary Election.<sup>38</sup> However, neither NHPO nor their spouse were in any way involved in making the calls, or authorized the number to be used in connection with the calls.<sup>39</sup> Indeed, the Deepfake Message was directly counter to the very purpose of NHPO's efforts with regards to the Primary Election; NHPO's PAC encouraged voters to write in President Biden's name in the Primary Election, but the Deepfake Message told potential voters not to vote at all.<sup>40</sup>

11. The Bureau conducted an investigation into these robocalls in coordination with the New Hampshire Attorney General, the bipartisan Anti-Robocall Multistate Litigation Task Force (Task

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*New Hampshire Democratic primary*, CBS News (Jan. 23, 2024, Updated Jan. 23, 2024 9:17 AM EST), <https://www.cbsnews.com/news/fake-biden-robocall-new-hampshire-primary/> (“A fake robocall impersonating President Biden . . .”); Sasha Pezenik and Brittany Shepherd, *Fake Biden robocall urges New Hampshire voters to skip their primary*, ABC News (Jan. 22, 2024, 8:08 PM), <https://abcnews.go.com/Politics/fake-biden-robocallurges-new-hampshire-voters-skip/story?id=106580926> (“A robocall appearing to impersonate the voice of President Joe Biden . . .”); Em Steck and Andrew Kaczynski, *Fake Joe Biden robocall urges New Hampshire voters not to vote in Tuesday's Democratic primary*, CNN (Jan. 22, 2024, Updated 5:44 PM EST), <https://www.cnn.com/2024/01/22/politics/fake-joe-biden-robocall/index.html> (“A robocall that appears to be an AI voice resembling President Joe Biden . . .”).

<sup>37</sup> See Subpoena Response of Steve Kramer (Mar. 20, 2024) (on file in EB-TCD-24-00036425) (Kramer Subpoena Response), at email from Voice Broadcasting to Kramer (Jan. 28, 2024 at 2:34 PM); see also Life Subpoena Response (Feb. 7, 2024) (on file in EB-TCD-24-00036425) (Life Subpoena Response), at Response to Request for Information (RFI) No. 1, LIFE-03-0023, LIFE-03-0024. Material set off by double brackets {{ }} is confidential and is redacted from the public version of this document.

<sup>38</sup> Life Subpoena Response, at Response to RFI No. 2 (Feb. 7, 2024) (on file in EB-TCD-24-00036425) (Life Subpoena Response); Complaint by [NHPO] to the Office of the New Hampshire Attorney General (Jan. 22, 2024) (on file in EB-TCD-24-00036094) (NHPO Complaint); Lisa Kashinsky & Holly Otterbein, *Dems launch pro-Biden super PAC in New Hampshire, give Dean Phillips the cold shoulder*, Politico (Dec. 2, 2023), <https://www.politico.com/news/2023/12/02/biden-super-pac-new-hampshire-dean-phillips-00129750> (“On Friday, longtime New Hampshire democratic operative [NHPO] confirmed to Politico that [they are] helping launch a super PAC [(Granite for America)] to encourage voters to write in Biden in the primary.”).

<sup>39</sup> NHPO Complaint.

<sup>40</sup> See Lisa Kashinsky & Holly Otterbein, *Dems launch pro-Biden super PAC in New Hampshire, give Dean Phillips the cold shoulder*, Politico (Dec. 2, 2023), <https://www.politico.com/news/2023/12/02/biden-super-pac-new-hampshire-dean-phillips-00129750>.

Force),<sup>41</sup> the U.S. Department of Justice, and USTelecom’s Industry Traceback Group (ITG).<sup>42</sup> The investigation determined that Lingo was the originating provider for a number of these calls, i.e., the first provider in the call path.<sup>43</sup> Lingo identified Life as the party that transmitted the calls to Lingo.<sup>44</sup> In turn, Life identified that Voice Broadcasting Corp. (Voice Broadcasting) “use[d] Life’s services and equipment to transmit” the calls to an originating provider.<sup>45</sup> Voice Broadcasting is an entity that offers to “call a targeted list of your prospects and play your message to them” and “which Life shares common ownership and control.”<sup>46</sup> Voice Broadcasting reportedly transmitted the calls on behalf of its client, Kramer,<sup>47</sup> who is a “longtime political consultant”<sup>48</sup> and has admitted that he was responsible for the calls.<sup>49</sup>

12. On February 6, 2024, the Bureau sent Lingo a cease-and-desist letter (CDL) demanding that Lingo stop originating unlawful robocall traffic on its network.<sup>50</sup> Concurrent with this letter, the Bureau issued a public notice to all U.S.-based voice service providers informing them that if Lingo failed to effectively mitigate illegal robocall traffic (including robocalls that use deepfakes) within 48 hours of the notice, then the service providers could block all calls or cease to accept any traffic from Lingo without liability under the Communications Act of 1934, as amended, or the FCC’s rules.<sup>51</sup>

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<sup>41</sup> Letter from Tracy Nayer, Special Deputy Attorney General, Consumer Protection Division, N.C. Dep’t of Just., to Talal Khalid, CEO, Telcast Network LLC, at n.1 (Nov. 3, 2023), <https://ncdoj.gov/wp-content/uploads/2023/11/State-AG-Task-Force-NOTICE-Letter-to-TELCAST.pdf> (“The Anti-Robocall Multistate Litigation Task Force is a 51-member collective of state Attorneys General, led by the Attorneys General of Indiana, North Carolina, and Ohio, which is focused on actively investigating and pursuing enforcement actions against various entities in the robocall ecosystem that are identified as being responsible for significant volumes of illegal and fraudulent robocall traffic routed into and across the country.”).

<sup>42</sup> 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 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).

<sup>43</sup> *See* ITG Subpoena Response (Jan. 31, 2024) (on file in EB-TCD-24-00036425) (ITG Subpoena Response).

<sup>44</sup> *See id.*

<sup>45</sup> Life Subpoena Response, *supra* note 38, at Responses to RFI Nos. 1-2, n.3.

<sup>46</sup> Voice Broadcasting, <https://voicebroadcasting.com/default/> (last visited Mar. 26, 2024); Life Subpoena Response, *supra* note 38, at 1-2 n.3.

<sup>47</sup> Life Subpoena Response, *supra* note 38, at Response to RFI No. 3.

<sup>48</sup> City & State New York, *The 2021 50 Over 50* (Jan. 25, 2021), <https://www.cityandstateny.com/power-lists/2021/01/the-2021-50-over-50-11-50/175249/>; Joint Law Enforcement Interview with Steve Kramer (Feb. 29, 2024) (involving the FCC, DOJ, and New Hampshire Attorney General’s Office) (recording on file in EB-TCD-24-00036425) (Kramer Interview), at 7:10 (Kramer: “I am a political consultant. I have been working in politics since I was six. I have been getting paid in politics since I was 12.”).

<sup>49</sup> *See* Kramer Interview, at 2:17:37 (Kramer: “I believe in my actions and I did them deliberately. And I don’t care what other people think.”); *id.* at 1:11:21 (Kramer: “And I’m not going to apologize to the people who might have gotten that call, because I think that sometimes that’s the way it is. If they’re offended by that, they probably have more motivation to vote.”).

<sup>50</sup> Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Alex Valencia, Chief Compliance Officer, Lingo Telecom, LLC, 2024 WL 488250 (Feb. 6, 2024).

<sup>51</sup> *FCC Enforcement Bureau Notifies All U.S.-Based Providers of Rules Permitting Them to Block Robocalls Transmitting from Lingo Telecom, LLC*, Public Notice, DA 24-102, 2024 WL 488244 (EB Feb. 6, 2024).

13. On February 7, 2024,<sup>52</sup> and February 20, 2024, Lingo responded to the CDL.<sup>53</sup> In its February 20, 2024 response, Lingo explained the measures it was taking to mitigate robocalls and admitted that the “switch through which Life’s calls were routed *inadvertently* signed [Life’s calls] with an A-level attestation.”<sup>54</sup> Without providing further details, Lingo said that it was “implementing remediation measures” to address the issue.<sup>55</sup>

14. On March 13, 2024, the Bureau subpoenaed Lingo for additional information about the calls and the Company’s STIR/SHAKEN attestation practices.<sup>56</sup> Lingo responded on March 27, 2024.<sup>57</sup> Lingo produced evidence showing that it transmitted 3,978 calls from Life on January 21, 2024.<sup>58</sup> Lingo signed all of these calls with A-level attestations.<sup>59</sup>

15. In its response to the Bureau’s subpoena, Lingo provided conflicting information. Instead of characterizing its A-level attestations as an “inadvertent” switch-related issue,<sup>60</sup> Lingo claimed it had “verified the ownership of the phone number { [redacted] } through a contractual relationship with Life.”<sup>61</sup> Specifically, Lingo explained that its policy “allowed for its customers to receive an A-level attestation for traffic associated with . . . non-Lingo provisioned telephone numbers if the customer certified that it ‘will identify its customer and has a verified association with the telephone number used for the call.’”<sup>62</sup> Lingo pointed to a one-page, check-the-box “STIR/SHAKEN Attestation” form drafted by Lingo and dated July 2, 2021 (Life STIR/SHAKEN Compliance Form) in which Life attested to Matrix (now Lingo), d/b/a Impact Telecom, that “[Life] is *eligible* for Attestation A/Full for traffic associated with . . . non-Impact Telecom provisioned telephone numbers and certifies that it will identify its customer and has a verified association with the telephone number used for the call.”<sup>63</sup> Based solely on the Life STIR/SHAKEN Compliance Form, Lingo provided A-level attestations for all calls from

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<sup>52</sup> Letter from Kevin Rupy, Wiley Rein LLP, to Kristi Thompson, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, at 4 (Feb. 6, 2024) (on file at EB-TCD-24-00036425) (Lingo 48-Hour Response).

<sup>53</sup> Letter from Kevin Rupy, Wiley Rein LLP, to Kristi Thompson, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, at 4 (Feb. 20, 2024) (on file at EB-TCD-24-00036425) (Lingo 14-Day Response).

<sup>54</sup> *Id.* at 4 (emphasis added).

<sup>55</sup> *Id.*

<sup>56</sup> Subpoena to Lingo Telecom, LLC (Mar. 13, 2024) (EB-TCD-24-00036425) (Lingo Subpoena).

<sup>57</sup> Lingo Subpoena Response, at FCC Subpoena Response (Mar. 27, 2024) (on file at EB-TCD-24-00036425) (Lingo Narrative Response).

<sup>58</sup> Lingo Subpoena Response, at Lingo 05-000202 (on file at EB-TCD-24-00036425) (Mar. 27, 2024) (Call Detail Records).

<sup>59</sup> Lingo Narrative Response at 8. Shortly before release of this Notice of Apparent Liability for Forfeiture, Lingo identified that it was actually responsible for applying A-level attestations to a total of 13,235 calls from Life using { [redacted] } as the caller ID. Lingo Subpoena Response (May 15, 2024) (on file at EB-TCD-24-00036425), at Response to RFI No. 1. The Bureau has not had the opportunity to evaluate the veracity of this disclosure due to the late-in-time production; accordingly the Commission does not consider this volume of calls in its proposed forfeiture calculation.

<sup>60</sup> Lingo Narrative Response at 8; Lingo 14 Day Response, *supra* note 53.

<sup>61</sup> *See* Lingo Narrative Response, *supra* note 57, at 3.

<sup>62</sup> *Id.*

<sup>63</sup> Lingo Subpoena Response, at Lingo 02-000013 (EB-TCD-24-00036425) (Mar. 27, 2024) (Life STIR/SHAKEN Compliance Form); Lingo Narrative Response, *supra* note 57, at 4.



Life—including the 3,978 calls at issue in this Notice of Apparent Liability for Forfeiture.<sup>64</sup> The Bureau verified 2,000 of these calls.<sup>65</sup>

### III. DISCUSSION

16. We find that Lingo apparently willfully and repeatedly violated section 64.6301(a) of the Commission’s rules, which requires voice service providers to “fully implement the STIR/SHAKEN authentication framework in [their] internet Protocol networks.”<sup>66</sup> STIR/SHAKEN is a critical component of the Commission’s efforts to mitigate illegal robocalls as it helps inform providers and consumers alike about the reliability of the displayed caller ID information.<sup>67</sup> The framework’s effectiveness, however, depends on meaningful implementation by providers.<sup>68</sup> To comply with the STIR/SHAKEN framework, an originating voice service provider applies an attestation level to each call depending on its relationship with the customer and the number used as caller ID information.<sup>69</sup> The highest level, an “A-level attestation,” means that the originating provider can identify the customer and has determined that the customer is authorized to use the telephone number displayed as the caller ID.<sup>70</sup> Lingo applied an A-level attestation to at least 2,000 verified calls from Life that used spoofed caller ID information with the NHPO’s phone number. Other than obtaining a blanket self-attestation from Life in 2021, which did not establish that Life was authorized to use the NHPO’s telephone number, Lingo did not take any steps to verify that Life was authorized to use the NHPO’s number as the displayed number; in fact, Lingo’s customer was not authorized to use the number. Applying reasonable KYC protocols could have potentially limited the consequences of Kramer’s scheme to interfere with the Primary Election through the harmful concoction of the misuse of generative AI technology and spoofing. There is also an inconsistency in Lingo’s statements to the Bureau. In its February 20, 2024 response to the Bureau’s CDL, Lingo stated that the “switch through which Life’s calls were routed *inadvertently* signed [Life’s calls] with an A-level attestation.”<sup>71</sup> It remains unclear which of Lingo’s explanations—switch failure or its “verified ownership of the phone number” is accurate. Regardless, we find that Lingo apparently violated section 64.6301(a) of our rules. We propose a \$1,000 fine for each of the verified calls Lingo transmitted with incorrect STIR/SHAKEN attestations for a total proposed forfeiture of \$2,000,000.

#### A. Lingo Apparently Violated Section 64.6301(a) Requiring Implementation of the STIR/SHAKEN Framework

##### 1. Lingo Was Required To Implement STIR/SHAKEN Fully

17. The Commission’s rules require voice service providers to implement STIR/SHAKEN fully unless subject to an extension or exemption.<sup>72</sup> A voice service provider is any provider of “voice

<sup>64</sup> Lingo Narrative Response, *supra* note 57, at 4.

<sup>65</sup> Verified Call Detail Records (on file at EB-TCD-24-00036425) (Verified Call Detail Records); *see also* Decl. of B. Labbor, FCC Enforcement Bureau (May 1, 2024) (on file in EB-TCD-24-00036425) (Labbor Decl.) (explaining how the calls were verified).

<sup>66</sup> 47 CFR § 64.6301(a).

<sup>67</sup> *Sixth Call Authentication Order*, *supra* note 9, at 2574, para. 2.

<sup>68</sup> *Id.*

<sup>69</sup> *See* ATIS-1000074, *supra* note 20, at 9.

<sup>70</sup> *Id.*

<sup>71</sup> Letter from Kevin Rupy, Wiley Rein LLP, to Kristi Thompson, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, at 4 (Feb. 20, 2024) (on file at EB-TCD-24-00036425) (Lingo 14-Day Response).

<sup>72</sup> 47 CFR §§ 64.6301(a), 64.6304, 64.6306. The Commission has expanded certain STIR/SHAKEN obligations to gateway providers and intermediate providers. *See 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

service,” i.e., “any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan . . . .”<sup>73</sup> Lingo is a voice service provider and has certified in the RMD that it is a voice service provider.<sup>74</sup> On June 30, 2021, Lingo certified that it had fully implemented STIR/SHAKEN across its entire network.<sup>75</sup>

18. Lingo was the originating voice service provider for the robocalls at issue in this Notice of Apparent Liability and was required to have fully implemented STIR/SHAKEN at the time of the Primary Election-related calls. The ITG identified Lingo as the originator for 3,978 of these calls.<sup>76</sup> Lingo does not dispute that it was the originating provider of the calls.<sup>77</sup> Nor does Lingo claim that it was subject to any extensions or exemptions to the June 30, 2021 STIR/SHAKEN implementation deadline.<sup>78</sup> In fact, Lingo certified to the Commission that it was in compliance with STIR/SHAKEN as of June 30, 2021.<sup>79</sup> Thus, section 64.6301(a) applied to Lingo at the time of the apparent violations, and it was required to comply with the STIR/SHAKEN requirements for the calls at issue.

## 2. Lingo Incorrectly Applied A-Level STIR/SHAKEN Attestations to 2,000 Calls in Apparent Violation of Section 64.6301(a)

19. The Commission has stated that for purposes of compliance with the STIR/SHAKEN framework, “it would be sufficient to adhere to the three ATIS standards that are the foundation of STIR/SHAKEN—ATIS-1000074, ATIS-1000080, and ATIS-1000084—and all documents referenced therein.”<sup>80</sup> ATIS-1000074 describes the attestation levels that a provider can apply to a call.<sup>81</sup> The highest attestation, an A-level attestation, means that the signing provider: (1) “is responsible for the origination of the call onto the IP-based service provider voice network;” (2) “has a direct authenticated relationship with the customer and can identify the customer;” and (3) “has established a verified association with the telephone number used for the call.”<sup>82</sup> Lingo signed Life’s spoofed traffic with an A-level attestation without having “established a verified association with the telephone number” used in the calls.<sup>83</sup> ATIS-1000074 provides examples of how a provider can verify the customer’s association with the caller ID number:

- The number was assigned to this customer by the signing service provider.

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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, 6886-87, para. 51 (2022) (*Gateway Provider Order*) (requiring gateway providers to authenticate calls carrying a U.S. number in the caller ID field); *Sixth Call Authentication Order*, *supra* note 9, at 2580-81, para. 15 (requiring intermediate providers to authenticate unauthenticated calls).

<sup>73</sup> 47 CFR § 64.6300(o); *see also First Call Authentication Order*, *supra* note 15, at 3259, para. 37.

<sup>74</sup> *See* Lingo 2021 RMD Certification, *supra* note 32.

<sup>75</sup> *See id.*

<sup>76</sup> ITG Subpoena Response, *supra* note 43.

<sup>77</sup> *See* Lingo Narrative Response, *supra* note 57 at 5.

<sup>78</sup> *See generally id.*

<sup>79</sup> Lingo 2021 RMD Certification, *supra* note 32.

<sup>80</sup> *First Call Authentication Order*, *supra* note 15, at 3258, para. 36.

<sup>81</sup> ATIS-1000074, *supra* note 20, at 9-10.

<sup>82</sup> *Id.* at 9.

<sup>83</sup> *See id.*

- This number is one of a range of numbers assigned to an enterprise or wholesale customer.
- The signing service provider has ascertained that the customer is authorized to use a number (e.g., by business agreement or evidence the customer has access to use the number). This includes numbers assigned by another service provider.
- The number is not permanently assigned to an individual customer, but the signing provider can track the use of the number by a customer for certain calls or during a certain timeframe.<sup>84</sup>

20. Lingo claims broadly and generally that “Life’s 2021 certification as to its association with the telephone numbers used by Life and its business was sufficient to establish a verified association with those numbers.”<sup>85</sup> This claim is inconsistent with reasonable KYC principles that would have supported the assertion that Lingo verified Life’s association with the NHPO’s telephone number, as there is no evidence of Lingo having done that. With regard to the NHPO’s telephone number, Lingo asserts that it “verified the ownership of the phone number { [REDACTED] } through a contractual relationship with Life.”<sup>86</sup> Yet, Life had no association with the NHPO’s telephone number; nor did Lingo’s contractual relationship with Life establish that Life had a verified association with the NHPO’s number.

21. While ATIS-1000074 contemplates multiple methods to verify numbers,<sup>87</sup> we find Lingo’s arrangement to be deficient. STIR/SHAKEN attestations are premised on the ability of originating providers to vouch for the origination information of a call.<sup>88</sup> An A-level attestation is the highest attestation possible—indicating that the provider can identify the customer and has “established a verified association” between the customer and the number used as caller ID.<sup>89</sup> The Commission finds that a provider may not satisfy this obligation with a generic, blanket, check-the-box “agreement” that shifts the entire responsibility for compliance on to the customer. In this case, Lingo’s blanket, single-page agreement is insufficient to establish that Life had a “verified association” with the NHPO’s telephone number.<sup>90</sup> The “agreement” did not provide, and Lingo did not otherwise have, any evidentiary basis to determine any association with the number. Lingo abdicated its verification responsibility by punting the duty to its customer with absolutely no credible basis to believe its customer was taking any steps to make the necessary verification. Moreover, it does not appear that Lingo had any practices to verify the reliability of Life’s STIR/SHAKEN Compliance Form or to review the form periodically.<sup>91</sup> Lingo did not verify an association between its customer, Life, and the NHPO’s telephone number to justify applying A-level attestations to the calls from Life using { [REDACTED] } as the caller ID.

22. Lingo’s application of A-level attestations was improper because Lingo failed to comply with ATIS-1000074. The STI-GA has defined an “improper attestation” as “any Attestation level set that

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<sup>84</sup> *Id.*

<sup>85</sup> Lingo Narrative Response, *supra* note 57, at 6; *see also* Life STIR/SHAKEN Compliance Form, *supra* note 63.

<sup>86</sup> Lingo Narrative Response, *supra* note 57, at 3.

<sup>87</sup> *See* ATIS-1000074, *supra* note 20, at 9 (providing examples).

<sup>88</sup> *See id.* (“The ‘attest’ claim allows the originating service provider that is populating an Identity header to clearly indicate the information it can vouch for regarding the origination of the call.”).

<sup>89</sup> *Id.*

<sup>90</sup> *See id.* (listing various evidentiary based verification methods).

<sup>91</sup> As a mitigation measure in response to the calls at issue in this Notice of Apparent Liability, Lingo will apparently conduct quarterly STIR/SHAKEN attestation reviews. Lingo Narrative Response, *supra* note 57, at 6.

does not conform with the industry standards set in ATIS-1000074.”<sup>92</sup> The STI-GA further states that “Improper Attestations Include: An A-level attestation on an illegally spoofed call.”<sup>93</sup> Lingo did not have an evidentiary basis to determine that Life “ha[d] established a verified association with the telephone number used for the [spoofed] call[s];”<sup>94</sup> therefore, Lingo applied the A-level attestations contrary to the standard set forth in ATIS-1000074. Lingo’s failure to comply with ATIS-1000074 constitutes a failure to “fully implement the STIR/SHAKEN authentication framework in its internet Protocol networks”<sup>95</sup> for the 2,000 calls that it originated from Life. Therefore, we conclude that Lingo apparently violated section 64.6301(a) of our rules.

23. Lingo’s improper attestation exposes its glaringly deficient KYC practices. It is incumbent on all voice service providers to “take affirmative, effective measures to prevent new and renewing customers from using its network to originate illegal calls, including knowing its customers and exercising due diligence.”<sup>96</sup> Lingo accepted at face value that Life “has a verified association with the telephone number used for the call” without taking a single step to verify that statement was accurate in relation to the instant calls.<sup>97</sup> Indeed, it was not accurate in relation to the instant calls; neither Life nor its client had a verified association with the spoofed number.<sup>98</sup> Had Lingo implemented KYC principles—in compliance with its obligations—it would have likely discovered the hoax and prevented the consequences that followed, including the dissemination of false information in connection with the New Hampshire Primary Election, and intrusion on the NHPO’s life and privacy.

24. The facts here underscore the ease with which a party can misuse AI to the detriment of thousands of people, our communications networks, and our free democratic elections. Providers must be diligent in protecting their networks from transmitting illegal robocalls. This is more true than ever in light of the ease of access to and potency of AI. The consequences of failure are dire.

## **B. Proposed Forfeiture**

25. Section 503(b) of the Communications Act authorizes the Commission to impose a forfeiture penalty against any entity that “willfully or repeatedly fail[s] to comply with any of the provisions of [the Communications Act] or of any rule, regulation, or order issued by the Commission[.]”<sup>99</sup> Here, section 503(b)(2)(D) of the Communications Act, as implemented in section 1.80 of the Commission’s rules, authorizes the Commission to assess a forfeiture up to \$24,496 for each violation.<sup>100</sup> In exercising our forfeiture authority, we must consider the “nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”<sup>101</sup> In addition, the Commission has established forfeiture guidelines; they establish base penalties for certain violations and identify

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<sup>92</sup> Secure Telephone Identify Governance Authority, Improper Attestation, <https://sti-ga.atis.org/wp-content/uploads/2023/05/Improper-Attestation-Final.pdf>.

<sup>93</sup> *Id.*

<sup>94</sup> ATIS-1000074, *supra* note 20, at 9.

<sup>95</sup> 47 CFR § 64.6301(a).

<sup>96</sup> *Id.* § 64.1200(n)(4).

<sup>97</sup> Lingo Narrative Response, *supra* note 57, at 3; *see also* Life STIR/SHAKEN Compliance Form, *supra* note 63.

<sup>98</sup> *See supra* para. 10.

<sup>99</sup> 47 U.S.C. § 503(b).

<sup>100</sup> *See id.* § 503(b)(2)(D); 47 CFR § 1.80(b)(10); *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA-22-1356, 2022 WL 18023008 (EB Dec. 23, 2023); *see also Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 89 Fed. Reg. 2148 (Jan. 12, 2024) (setting January 15, 2024 as the effective date for the increases).

<sup>101</sup> 47 U.S.C. § 503(b)(2)(E).

criteria that we consider when determining the appropriate penalty in any given case.<sup>102</sup> Under these guidelines, we may adjust a forfeiture upward for violations that are egregious, intentional, or repeated, or that cause substantial harm or generate substantial economic gain for the violator.<sup>103</sup> Furthermore, we do not need to first issue a citation because Lingo held a Robocall Mitigation Database certification and an international section 214 authorization.<sup>104</sup>

### 1. We Propose a Base Forfeiture of \$1,000 Per Incorrectly Attested Call

26. Neither the Commission's forfeiture guidelines nor its case law establishes a base forfeiture for violations of section 64.6301(a). Thus, we look to the base forfeitures established or issued in analogous cases for guidance. The STIR/SHAKEN framework was created to address illegal caller ID spoofing.<sup>105</sup> An A-level attestation signifies to downstream providers that the displayed caller ID information can be trusted as accurate.<sup>106</sup> This attestation data is a key metric that facilitates analytics and blocking efforts by downstream providers.<sup>107</sup> The incorrect application of an A-level attestation to a spoofed call therefore perpetuates the harm caused by illegal caller ID spoofing.<sup>108</sup> The Commission has applied a \$1,000 base forfeiture for illegal spoofing.<sup>109</sup> Because of the connection between the problem, illegal spoofing, and a key solution to that problem—STIR/SHAKEN attestations—we find it appropriate to use spoofing enforcement cases as a benchmark. Accordingly, we establish a \$1,000 base forfeiture for violations of section 64.6301(a) involving incorrect applications of STIR/SHAKEN attestations. Furthermore, we apply this base forfeiture on a per call basis as we do in our illegal spoofing cases.<sup>110</sup> STIR/SHAKEN attestations are applied to each call, and each incorrect attestation is a failure to comply with ATIS-1000074 and our rules.

27. After reviewing the section 503 adjustment factors,<sup>111</sup> we decline to either upwardly or downwardly adjust the base forfeiture. However, we provide notice that the facts in this case highlight how the lack of reasonable KYC controls can greatly increase the risks associated with the misuse of generative AI technology and spoofing, and we will consider upward adjustments on a case-by-case basis.

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<sup>102</sup> 47 CFR § 1.80(b)(11), Note 2 to paragraph (b)(11).

<sup>103</sup> *Id.*

<sup>104</sup> Lingo 2021 RMD Certification, *supra* note 32; Lingo Telecom, LLC, International 214 Authorization, ITC-214-19900713-00004 (Dec. 12, 1990); *cf.* 47 U.S.C. § 504(b)(5) (“No forfeiture liability shall be determined under this subsection against any person, if such person does not hold a license, permit, certificate, or other authorization issued by the Commission . . . [unless] such person is sent a citation of the violation charged . . .”).

<sup>105</sup> See *Sixth Call Authentication Order*, *supra* note 9, 38 FCC Rcd at 2575, para. 4; *First Call Authentication Order*, *supra* note 15, at 3244, para. 5.

<sup>106</sup> See ATIS-1000074, *supra* note 20, at 9.

<sup>107</sup> See *Second Call Authentication Order*, *supra* note 7, at 1864, para. 10.

<sup>108</sup> See *First Call Authentication Order*, *supra* note 15, at 3252-53, para. 25 (describing the benefit of the STIR/SHAKEN framework); *Rules and Regulations Implementing the Truth in Caller ID Act of 2009*, WC Docket No. 11-39, Report and Order, 26 FCC Rcd 9114, 9118, para. 10 (2011) (*Caller ID Order*) (discussing harms caused by spoofing).

<sup>109</sup> See, e.g., *John C. Spiller*; *Jakob A. Mears*; *Rising Eagle Capital Group LLC*; *JSquared Telecom LLC*; *Only Web Leads LLC*; *Rising Phoenix Group*; *Rising Phoenix Holdings*; *RPG Leads*; and *Rising Eagle Capital Group – Cayman*, Forfeiture Order, 36 FCC Rcd 6225, 6257, para. 59 (2021) (*Rising Eagle Forfeiture Order*); Scott Rhodes a.k.a. Scott David Rhodes, Scott D. Rhodes, Scott Platek, Scott P. Platek, Forfeiture Order, 36 FCC Rcd 705, 728, para. 54 (2020) (*Rhodes Forfeiture Order*).

<sup>110</sup> *Rising Eagle Forfeiture Order*, 36 FCC Rcd at 6257, para. 59; *Rhodes Forfeiture Order*, 36 FCC Rcd at 728, para. 54.

<sup>111</sup> 47 U.S.C. § 503(b)(2)(E).

## 2. We Multiply the Base Forfeiture Amount by the Number of Verified Violations

28. We adopt the approach that we have taken in our spoofing enforcement actions<sup>112</sup> and apply the base forfeiture to a subset of calls, which the Bureau verified to be spoofed with the NHPO's telephone number and contained incorrect A-level STIR/SHAKEN attestations. We find it prudent to employ the same methodological approach of applying the base forfeiture to a subset of verified calls. We have found that applying a base forfeiture amount (with any applicable upward or downward adjustment) to a subset of verified calls results in a proposed forfeiture that achieves the dual goals of penalizing wrongful conduct and preventing it from recurring.<sup>113</sup> Each case is unique, and we must use our discretion in proposing an appropriate penalty to meet the specific circumstances.<sup>114</sup> In this case, the Bureau verified a total of 2,000 apparently spoofed robocalls with incorrect STIR/SHAKEN attestations.<sup>115</sup> Applying the base forfeiture by the total number of verified calls yields a total proposed forfeiture of \$2,000,000 for which Lingo is apparently liable.<sup>116</sup>

## IV. CONCLUSION

29. We have determined that Lingo apparently willfully and repeatedly violated section 64.6301(a) of the Commission's rules by incorrectly applying A-level attestations to spoofed calls and therefore failing to implement fully the STIR/SHAKEN framework. As such, Lingo is apparently liable for a forfeiture penalty of \$2,000,000.

## V. ORDERING CLAUSES

30. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80 of the Commission's rules, 47 CFR § 1.80, Lingo Telecom, LLC is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of two million dollars (\$2,000,000) for willful and repeated violations of section 64.6301(a) of the Commission's rules, 47 CFR § 64.6301(a), and the Commission's *First Call Authentication Order*.<sup>117</sup>

31. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules,<sup>118</sup> within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Lingo Telecom, LLC **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 34 below.

32. In order for Lingo Telecom, LLC to pay the proposed forfeiture, Lingo Telecom, LLC shall notify Lisa Ford at [lisa.ford@fcc.gov](mailto:lisa.ford@fcc.gov) of its intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Upon payment, Lingo Telecom, LLC shall send electronic notification of payment to Lisa Ford, Enforcement Bureau,

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<sup>112</sup> See *Rising Eagle Forfeiture Order*, 36 FCC Rcd at 6257, para. 59; *Rhodes Forfeiture Order*, 36 FCC Rcd at 728, para. 54.

<sup>113</sup> *Philip Roesel, dba Wilmington Insurance Quotes, and Best Insurance Contracts, Inc*, Forfeiture Order, 33 FCC Rcd 9204, 9226, para. 58 (2018) (*Roesel Forfeiture Order*).

<sup>114</sup> See *RKO General, Inc. v. FCC*, 670 F.2d 215, 237 (D.C. Cir. 1981) (citing *Leflore Broad. Co. v. FCC*, 636 F.2d 454, 463 (D.C. Cir. 1980) ("We have made it clear in earlier cases that 'the choice of remedies and sanctions is a matter wherein the Commission has broad discretion.'")).

<sup>115</sup> Verified Call Detail Records (on file at EB-TCD-24-00036425).

<sup>116</sup> Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

<sup>117</sup> *First Call Authentication Order*, *supra* note 15, at 3241.

<sup>118</sup> 47 CFR § 1.80.

Federal Communications Commission, at [lisa.ford@fcc.gov](mailto:lisa.ford@fcc.gov) on the date said payment is made. Payment of the forfeiture must be made by ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:<sup>119</sup>

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159<sup>120</sup> or printed CORES form<sup>121</sup> must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to [RROGWireFaxes@fcc.gov](mailto:RROGWireFaxes@fcc.gov) on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).<sup>122</sup> For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

33. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554.<sup>123</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

34. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(g)(3) of the Commission’s rules.<sup>124</sup> The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554, ATTN: Enforcement Bureau – Telecommunications Consumers Division, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to Daniel Stepanicich at [daniel.stepanicich@fcc.gov](mailto:daniel.stepanicich@fcc.gov).

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<sup>119</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

<sup>120</sup> FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

<sup>121</sup> Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

<sup>122</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>123</sup> See 47 CFR § 1.1914.

<sup>124</sup> *Id.* §§ 1.16, 1.80(g)(3).

35. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status.<sup>125</sup> Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.<sup>126</sup>

36. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture and the Verified Call Detail Records shall be sent by first class mail and certified mail, return receipt requested, to Alex Valencia, Chief Compliance Officer, Lingo Telecom, LLC d/b/a Americatel, Bullseye, Clear Choice Communications, Excel Telecommunications, Impact Telecom, Lingo, Lingo Communications, Matrix Business Technologies, Matrix Telecom, LLC, Startec Global Communications, Trinsic Communications, Vartec Telecom, 25925 Telegraph Road, Suite 210, Southfield, MI 48033 and to Kevin G. Rupy and Thomas M. Johnson, Jr., Counsel for Lingo Telecom, LLC, Wiley Rein LLP, 2050 M St. NW, Washington, D.C. 20036.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>125</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>126</sup> See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).



**STATEMENT OF  
CHAIRWOMAN JESSICA ROSENWORCEL**

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

Last year in Nigeria, a clip manipulated with Artificial Intelligence spread far and wide. It showed a presidential candidate scheming to rig ballots. In Slovakia, people across the country heard a manipulated audio clip of an opposition candidate supporting both election fraud and an effort to raise the price of beer.

But there is no need to travel to far-off lands to see how AI can sow confusion. Because this year in the United States a fraudulent campaign targeted voters in New Hampshire. It used AI-generated voice cloning to mimic an unauthorized message from President Biden, two days before the primary election in the state. This is unnerving. Because when a caller sounds like a politician you know, a celebrity you like, or a family member who is familiar, any one of us could be tricked into believing something that is not true with calls using AI technology. It is exactly how the bad actors behind these junk calls with manipulated voices want you react.

So when we saw this happen here, on our shores, we acted fast. The Federal Communications Commission issued a Declaratory Ruling that made clear that “artificial or prerecorded voice” robocalls using AI voice cloning technology violate the Telephone Consumer Protection Act. We partnered in this effort with State Attorneys General, including the New Hampshire Attorney General, who is one of 49 State Attorneys General who have signed on to a Memorandum of Understanding to work with this agency on junk robocalls. This ruling matters. Because it gives our state colleagues the right to go after bad actors behind these calls and seek damages under the law. Then we worked with carriers to trace those responsible for this calling campaign. When we found the carrier behind it, we immediately sent a cease and desist letter and notified all other carriers to go ahead and stop carrying this traffic.

Today, we tie up our investigation into these New Hampshire calls with two separate actions.

First, we hold Steve Kramer responsible for the scam calls he set up to defraud voters using call spoofing technology that violates the Truth in Caller ID Act. This fine is \$6,000,000.

Second, we hold Lingo Telecom, the carrier that put these scam calls on the line, responsible for failing to follow our call authentication policies. This fine is \$2,000,000.

But this is only a start. Because we know AI technologies that make it cheap and easy to flood our networks with fake stuff are being used in so many ways here and abroad. It is especially chilling to see them used in elections. That is why yesterday I shared with my colleagues a proposal to require election advertisements in the United States to simply disclose if they use AI technology. I think as these tools become more accessible, every one of us has a right to know.

Back to the enforcement actions before us. They are the result of fast work and valuable partnerships. A special thank you goes to New Hampshire Attorney General John Formella and his staff for assistance with this investigation.

I also want to thank the agency staff for their work, including Loyaan Egal, Jermaine Haynes, Peter Hyun, Balki Labbor, Ryan McDonald, Rakesh Patel, Raul Rojo, Daniel Stepanicich, Kristi Thompson, and Jane van Benten from the Enforcement Bureau; Erik Beith, Elizabeth Drogula, Jonathan Lechter, and Zachary Ross from the Wireline Competition Bureau; Jerusha Burnett and Kristi Thornton from the Consumer and Governmental Affairs Bureau; Richard Mallen, Erika Olsen, Joel Rabinowitz, and Derek Yeo from the Office of General Counsel; and Ed Cureg and Kenneth Lynch from the Office of Economics and Analytics.

**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.

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS**

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

This January, two days before the New Hampshire primary election, Steve Kramer orchestrated an illegal robocall campaign. He targeted thousands of voters. And his message was among the most anti-democratic things a person can push in our society: don't vote. But who would listen Steve Kramer? So he used the voice of the President of the United States, deployed from the phone number of a New Hampshire political operative. All it took was the help of an acquaintance, publicly available software technology, and \$150. With that, Kramer generated a deepfake recording of the President telling eligible voters to stay at home on election day.

But that wasn't enough to get this dangerous message to thousands of people. For years, we have been building safeguards into our telephone networks, to block illegal calls before they reach your phone. But Lingo Telecom, LLC, the company that originated many of the calls at issue, did not follow those legally-required safeguards. It passed on Kramer's call, associated with spoofed caller ID information, with the highest level of attestation available under STIR/SHAKEN – an "A-level" attestation. It verified a relationship between the spoofed number and the party that transmitted the calls to Lingo that did not exist, and that it should have known did not exist. That smoothed the way for those calls to make their way to thousands of voters across the state.

Today's Notices of Apparent Liability detail each of these steps – and I emphasize them – to show that it is the *combination* of these events that can have the most devastating effects. Had Kramer not been able to duplicate President Biden's voice so easily, this may have had less impact.<sup>1</sup> Voice cloning is a significant threat to the trust and integrity of our phone systems. This is why, days after Kramer's actions, the FCC swiftly (and unanimously, I might add) issued a declaratory ruling making clear that calls using voice cloning technologies fall under the requirements – and penalties – of the Telephone Consumer Protection Act.<sup>2</sup> And had Lingo not rubber stamped so many of these calls, it could have limited the consequences of Kramer's scheme. This is why the FCC requires all voice service providers to implement STIR/SHAKEN, and to use know-your-customer protocols to verify that the party transmitting the call has the authority to use the caller ID they designate.

And this is why, today, we use the authority granted to us by Congress in the Truth in Caller ID Act and the TRACED Act to propose forfeitures against both sides of this equation.

I want to thank the staff of the Enforcement Bureau for their prompt and dedicated investigation into this critical case. As always with robocall cases, the collaboration of our state, federal, and industry partners was key. The Bureau conducted this investigation in coordination with the New Hampshire Attorney General's Office, the bipartisan Anti-Robocall Multistate Litigation Task Force, the Department of Justice, and the Industry Traceback Group. I extend my thanks to each of those bodies. And finally, I want to recognize the Chairwoman for her leadership and efforts in building these collaborative relationships, which have proven critical to our enforcement of the law and our protection of American consumers and voters.

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<sup>1</sup> That is not to say it would have no impact; we have previously seen illegal robocalls used for voter suppression. See *John M. Burkman, Jacob Alexander Wohl, J.M. Burman & Associates*, Forfeiture Order, 38 FCC Rcd 5529 (2023) (FCC's assessment of \$5,134,000 forfeiture order against perpetrators of 2020 robocall voter suppression scheme for violations of the TCPA).

<sup>2</sup> *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Declaratory Ruling, FCC 24-17 (2024).

**STATEMENT OF  
COMMISSIONER NATHAN SIMINGTON**

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

This matter touches on the hot-button issue of deepfakes in elections, but fundamentally it's about FCC oversight of STIR/SHAKEN. The TRACED Act, now five years old, phased in STIR/SHAKEN requirements over time in an attempt to protect Americans from robocalls by making call authentication more reliable. In this matter, call authentication and caller ID were undeniably spoofed. So, why a statement at all, and why not a straightforward approval?

Let's recap the facts. Lingo transmitted deepfaked robocalls with spoofed caller IDs across the telephone network. Lingo was provided with these calls by Life Corp. and Voice Broadcasting Corp., which were engaged by Kramer. Lingo signed these calls with A-level attestations, indicating that Lingo took responsibility for originating the call onto the voice network; that Lingo has a direct authenticated relationship with the customer, and could identify the customer; and had established a verified association with the telephone number used for the call. I'm going to focus on the third prong. The spoofed caller ID showed that the call came from a prominent New Hampshire Democratic Party member, and no one disputes that Life Corp. had no right to use that caller ID.

Lingo states in its defense that it relied on Life Corp.'s contractual statements about numbers and permissions in what the Enforcement Bureau notes was a one-page form with no diligence backing it up. This might not be the most sympathetic defense, but it isn't an unreasonable one, because the FCC has never required a higher standard. This is why the FCC has to have recourse to vague statements like "reasonable KYC [know your customer] protocols," and needs to make a novel finding that a "generic, blanket, check-the-box 'agreement,'" is insufficient, in order to find liability. All voice providers nationwide are surely taking note of the FCC's actions today, but it's not actually clear what their obligations now are. Must they immediately implement KYC and, if so, to what standard? If their current client contracts are inadequate, must they require that all clients sign new ones and, if so, what should the new contracts say? If they fail to do so, ought they to expect to be fined \$1,000 per call?

These are completely open questions because the FCC has never engaged in a rulemaking on this matter, delegating it instead to an industry group and to industry standards. The problem for our action today is that Lingo probably complied with industry standards. We might deplore the laxity of these standards, but Lingo might well respond that they were in line with actions that had been repeatedly blessed by the FCC. And today, by using an enforcement mechanism to declare new standards (however vague,) we are engaged in a back-door rulemaking through enforcement.

I decline to say that the FCC can never do this, because some situations are so urgent or egregious that we have to have the option. But every time we do, the next step should be to start a rulemaking immediately, and the step after that should be to ask how we allowed the situation to devolve such that we needed to use what ought to be an emergency power. As such, I concur with the majority while noting that the FCC must immediately act to establish clear standards within which the industry can operate.

**STATEMENT OF  
COMMISSIONER ANNA M. GOMEZ**

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

Today, the Commission adopted a Notice of Apparent Liability for Forfeiture to address an action that harmed consumers.

We find that Lingo Telecom, LLC, apparently applied incorrect Secure Telephone Identity Revisited and Signature-based Handling of Asserted Information using toKENs (STIR/SHAKEN) attestations to spoofed robocalls. Steve Kramer apparently acted with the intent to defraud New Hampshire voters by sending thousands of spoofed robocalls containing a message, created with Artificial Intelligence (AI), imitating President Biden’s voice and instructing listeners to refrain from voting in the New Hampshire primary election. Through its apparently lax observation of STIR/SHAKEN and our consumer protection requirements, Lingo permitted Kramer’s apparently fraudulent scheme to take place.

This is significant. Lingo apparently failed to adequately identify spoofed robocalls that harmed New Hampshire voters. In February of this year, we adopted a Declaratory Ruling confirming that the Telephone Consumer Protection Act’s prohibition on using “artificial or prerecorded voice” to make robocalls includes AI technologies that generate human voices.

The action at issue today exemplifies AI technology being harnessed for harm. The consequences for consumers and the threat to our democratic processes warrant a strong response. That is why this proposed penalty is so important, as the Commission must do what is within our power to deter scams manipulating AI to prey on consumers and to threaten our democratic processes.

Thank you for the Enforcement Bureau and all staff at the FCC that contributed to this proposed enforcement action.

**DECLARACIÓN DE LA COMISIONADA  
ANNA M. GOMEZ**

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

La Comisión propone hoy confiscaciones por actividades que perjudican a los consumidores.

Hemos detectado que el señor Steve Kramer actuó aparentemente con la intención de defraudar a los electores de New Hampshire, engañándolos en relación con su derecho a voto. Kramer transmitió miles de llamadas automáticas usando una voz idéntica a la del Presidente Biden, generada con inteligencia artificial, instruyendo a los electores para que no acudieran a votar en las elecciones primarias.

También hallamos que Lingo Telecom, mediante su aparentemente laxa aplicación de los requisitos de protección al consumidor establecidos por la FCC, permitió que se llevara a cabo la maniobra, aparentemente fraudulenta, del señor Kramer.

Todo esto es relevante. Las aparentes acciones de Kramer no sólo perjudican a los electores de New Hampshire, sino que también afectan la confianza en la democracia. Las aparentes acciones de Lingo no lograron identificar adecuadamente las llamadas automáticas falsificadas.

En febrero de este año, adoptamos una resolución declaratoria confirmando que la prohibición de utilizar “voz artificial o pregrabada” para realizar llamadas automáticas también incluye a tecnologías de inteligencia artificial que imitan voces humanas. Las actividades en cuestión hoy ejemplifican el uso de la tecnología de inteligencia artificial para causar daño. Las consecuencias para los consumidores, y la amenaza que estas actividades representan para nuestros procesos democráticos, justifican una respuesta contundente.

Por eso las sanciones propuestas son tan importantes, ya que la Comisión debe hacer todo lo que esté a su alcance para desalentar a los estafadores que manipulan la inteligencia artificial con el propósito de aprovecharse de los consumidores, amenazando nuestros procesos democráticos.

Agradecemos a la oficina de aplicación de normas (Enforcement Bureau) y a todo el personal de la FCC que ha contribuido en la elaboración de esta propuesta de aplicación de normas.