

# NCLC, EPIC Urge FCC to Hold Voice Service Providers Accountable for Transmitting Illegal Robocalls

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*Groups urge FCC to limit the damage that gateway providers cause by allowing illegal robocall and scam calls to proliferate on their networks.*

WASHINGTON — The Electronic Privacy Information Privacy Center and the National Consumer Law Center **filed comments** Monday in response to a Notice of Proposed Further Rulemaking issued by the Federal Communications Commission (FCC) requesting input on how to prevent foreign-originated illegal robocalls from entering the American telephone network through “gateway providers.” Gateway providers are telephone systems that transmit calls from overseas.

“Fraudulent robocalls continue to bombard our telephone lines,” **said Margot Saunders, senior attorney at the National Consumer Law Center.** “To reduce these invasive and dangerous calls, it is essential that all providers in the call path have more skin in the game.”

Gateway providers, and other originating providers, use Voice over Internet Protocol (VoIP) to transmit voice and text messages over the internet to American landlines and cell phones. As an entry point into the American telephone network for foreign callers, gateway providers and the service providers that accept calls from the gateway providers are in a unique position to arrest the flow of harmful scam calls and illegal robocalls. Many illegal robocalls, especially the worst scam calls, originate overseas and are passed through U.S. gateway providers to complicit intermediary providers and then transmitted to American telephones.

Pursuant to the requirements of the TRACED Act passed by Congress in 2019, the FCC established the Industry Traceback Group (ITG) to provide a means of tracing illegal calls back through each provider in the call path to the originating provider that allowed the call to enter into the U.S. telephone network. The ITG conducted nearly 2,900 tracebacks in 2021 -- revealing the identities of the callers, the gateway providers, and the complicit intermediate providers who process the illegal calls through their networks.

“The FCC should make it clear that providers will be considered liable for consumer losses resulting from scam calls and illegal robocalls transmitted through their networks that they knew or should have known were illegal,” **Saunders said.**

In the comments filed, EPIC and NCLC urged the FCC to:

- **Make all substantiated tracebacks public.** Publication of the records of tracebacks will mean that the FCC, state attorneys general, and private litigants will all be able to identify those providers who facilitate the entry of these calls into the U.S. telecommunications system, as well as those who chose to ignore the red flags indicating that the calls were illegal, and will be able to proceed against them.
- **Hold all providers responsible for illegal calls.** The FCC should announce that when a provider continues to transmit illegal calls after notice from any source that the traffic is illegal, the provider will be automatically delisted from the Robocall Mitigation

Database—a step that results in barring it from transmitting calls into the U.S. telecommunications network.

- **Treat ongoing provider failure to implement an effective robocall mitigation program, non-compliance with traceback requests, or continuing to transmit illegal calls from gateway providers as complicity with bad actor callers.** The FCC must unequivocally place the burden on the providers to avoid facilitating illegal calls.

The TRACED Act authorizes the FCC to make information about tracebacks public, and to hold providers fully responsible for transmitting these illegal calls.

“A single bad actor caller can defraud thousands of Americans of millions of dollars in a month,” **warned Saunders.** “We urge the FCC to make 2022 the year that enforcement of anti-robocall methodologies becomes fully effective.”