

**September 19, 2022**

**ATTORNEY GENERAL RAOUL JOINS COALITION CALLING ON FCC TO CRACK DOWN ON FRAUDULENT ROBOCALLS**

**Chicago** — Attorney General Kwame Raoul today joined a bipartisan coalition of 51 attorneys general in calling on the Federal Communications Commission (FCC) to require telephone providers that route calls across the United States telephone network to implement more rigorous measures to prevent illegal and fraudulent robocalls.

“Robocalls are a continued source of frustration for Illinoisans, and we must utilize every tool at our disposal to curb these calls that cost residents time and money,” Raoul said. “I urge the FCC to adopt these expanded rules to ensure all telecommunications companies are working to reduce the number of fraudulent calls entering the United States.”

According to Raoul and the coalition, illegal robocalls cost consumers, law enforcement and the telecommunications industry approximately \$13.5 billion every year, with calls often originating from overseas scam actors who spoof United States-based phone numbers. While the FCC recently required phone companies that allow robocalls onto the United States telephone network to do more to keep them out, the agency is now proposing expanding many of these rules.

[In their letter to the FCC](#), Raoul and the coalition express support for the FCC proposal to extend the implementation of STIR/SHAKEN, a caller ID authentication technology that helps prevent spoofed calls, to all “intermediate” phone providers in the United States. Currently, only providers that originate call traffic are required to implement STIR/SHAKEN. The coalition also urges the FCC to require providers to adopt additional measures to cut down on illegal and fraudulent robocalls, including responding to law enforcement traceback requests within 24 hours and blocking illegal traffic as soon as possible.

Raoul and the coalition note the importance of uniform robocall mitigation practices to stem the tide of illegal and fraudulent robocalls.

Attorney General Raoul has been a consistent advocate for protections against illegal robocalls. Just last month, Raoul announced Illinois would be joining the nationwide [Anti-Robocall Litigation Task Force](#) to investigate and take legal action against the telecommunications companies responsible for bringing a majority of foreign robocalls into the United States. In 2020, [Raoul joined a coalition of 33 attorneys general](#) in filing a brief in the U.S. Supreme Court defending the anti-robocall provisions of the Telephone Consumer Protection Act. In August 2019, [Raoul joined a bipartisan coalition of attorneys general](#) from all 50 states and Washington D.C. in partnering with 12 phone companies to create a set of principles for telecom companies to fight robocalls. In June 2019, Raoul, in cooperation with the Federal Trade Commission, announced a major crackdown on robocalls that included 94 actions targeting operations around the country that were responsible for more than 1 billion calls. Raoul has also submitted comments to the FCC urging the adoption of its proposed rules on enforcement against caller ID spoofing.

Joining Raoul in sending the comment letter are the attorneys general of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Guam, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.



PRESIDENT

**Tom Miller**  
Iowa  
Attorney General

PRESIDENT-ELECT

**Josh Stein**  
North Carolina  
Attorney General

VICE PRESIDENT

**Ellen F. Rosenblum**  
Oregon  
Attorney General

IMMEDIATE PAST  
PRESIDENT

**Karl A. Racine**  
District of Columbia  
Attorney General

**Al Lama**  
Acting Executive Director

1850 M Street NW  
12th Floor  
Washington, DC 20036  
(202) 326-6000  
www.naag.org

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Advanced Methods to Target and	)	CG Docket No. 17-59
Eliminate Unlawful Robocalls	)	
	)	
Call Authentication Trust Anchor	)	WC Docket No. 17-97

**REPLY COMMENTS OF FIFTY-ONE (51)  
STATE ATTORNEYS GENERAL**

**I. Introduction**

The undersigned State Attorneys General (“State AGs”) submit these Reply Comments in response to the public notice issued by the Consumer and Governmental Affairs and Wireline Competition Bureaus,<sup>1</sup> seeking comment on the Federal Communication Commission’s (“Commission”) proposals to expand rules focusing on gateway providers “to cover other providers in the call path, along with additional steps to protect American consumers from all illegal calls, whether they originate domestically or abroad.”<sup>2</sup>

<sup>1</sup> See *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Seventh Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fifth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 22-37 (May 19, 2022) [hereinafter *May 2022 FNPRM*].

<sup>2</sup> *Id.* at 64 ¶ 157.

Like the Commission, many of our offices report that “unwanted calls, including illegal robocalls, are consistently . . . a top source of consumer complaints.”<sup>3</sup> Moreover, as the Commission recognizes, illegal robocalls cost law enforcement, the telecommunications industry, and, most importantly, our constituents, approximately \$13.5 billion every year.<sup>4</sup> In 2021, American consumers, including seniors, persons with disabilities, and other vulnerable populations, were bilked out of \$830 million via fraud perpetrated over the phone and/or through text messages.<sup>5</sup> In many cases, the perpetrators of this fraud are foreign actors gaining access to the U.S. phone network through international gateway providers.<sup>6</sup> Based upon consumer complaints filed with our offices, these fraudulent, foreign-originated robocalls often involve caller ID spoofing of U.S.-based phone numbers. Yet, without assistance from willing domestic providers to deliver illegal robocalls, these calls would never reach Americans.

---

<sup>3</sup> See *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, Fifth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fourth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 22-37, at 2 ¶ 4 (October 1, 2021) [hereinafter *October 2021 FNPRM*].

<sup>4</sup> *Id.*; see also *id.* at 4 ¶ 9 (finding that when an entity spoofs a large number of calls in a robocall campaign, it causes harm to subscribers, to consumers receiving the spoofed calls, and to the terminating carriers who incur increased costs due to consumer complaints).

<sup>5</sup> This number is reached by combining amounts lost to fraud by phone call (\$699 million) with amounts lost by text (\$131 million). See Federal Trade Commission, *Fraud Reports by Contact Method, Year: 2021*, FTC CONSUMER SENTINEL NETWORK (data as of June 30, 2022) <https://public.tableau.com/app/profile/federal.trade.commission/viz/FraudReports/LossesContactMethods> (Loss & Contact Methods tab, Year 2021).

<sup>6</sup> *October 2021 FNPRM*, *supra* note 3, at 12–13 ¶¶ 26, 27, 28 (recognizing that a large portion of unlawful robocalls made to U.S. telephone numbers originate outside of the U.S.; that most foreign-originated fraudulent traffic uses a U.S. number in the caller ID field that is transmitted and displayed to the U.S. call recipient; that illegal, foreign-originated robocalls can only reach U.S. consumers after they pass through a gateway provider that is unwilling or unable to block such traffic; and that the Commission’s Enforcement Bureau has repeatedly identified gateway providers as playing a key role in routing illegal robocall traffic into the U.S.).

The May 19, 2022, *Gateway Provider Report and Order*<sup>7</sup> was an important step toward cutting the strings that form the nets that these illegal robocallers cast over Americans. However, illegal robocalls continue to reach consumers, and the next logical step is to require *all* U.S.-based intermediate<sup>8</sup> providers, whether they are accepting and routing a call as a gateway provider or as a non-gateway intermediate provider, to authenticate Caller ID information consistent with STIR/SHAKEN for calls carrying a U.S. number in the caller ID field, and to implement many of the meaningful robocall mitigation practices that are now required of gateway providers.

To this end, and consistent with recent Reply Comments filed with the Commission by State AGs related to these issues,<sup>9</sup> State AGs support the Commission’s current proposals to extend STIR/SHAKEN authentication protocols to all U.S. intermediate providers as described in the May 2022 FNPRM.<sup>10</sup> Illegal robocallers depend upon a relatively small number of unscrupulous

---

<sup>7</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order in CG Docket No. 17-59 & Fifth Report and Order in WC Docket No. 17-97, FCC 22-37, at 10 ¶ 19 (May 20, 2022).

<sup>8</sup> For use in these Reply Comments, we adopt the Commission’s proposed definition of “intermediate provider” to mean “any entity that [carries] or processes traffic that traverses or will traverse the [public switched telephone network (PSTN)] at any point insofar as that entity neither originates nor terminates that traffic.” See *May 2022 FNPRM*, *supra* note 1, at 3 ¶ 4 n.1.

<sup>9</sup> See, e.g., Reply Comments of Fifty-One (51) State Attorneys General, *Numbering Policies for Modern Communications*, WC Docket No. 13-97, *Telephone Number Requirements for IP-Enabled Service Providers*, WC Docket No. 07-243, *Implementation of TRACED Act Section 6(a)–Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket No. 20-67, *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, filed Nov. 15, 2021 (supporting the Commission’s proposals to reduce access to numbering resources by potential perpetrators of illegal robocalls); Reply Comments of Fifty-One (51) State Attorneys General, *Call Authentication Trust Anchor*, WC Docket No. 17-97, filed Aug. 9, 2021 [hereinafter *August 2021 Reply Comments*] (encouraging Commission to require small voice service providers that flood the U.S. telephone network with illegal robocalls to implement STIR/SHAKEN caller ID authentication as soon as possible); Reply Comments of Fifty-One (51) State Attorneys General, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Call Authentication Trust Anchor*, WC Docket No. 17-97, filed Jan. 10, 2022 [hereinafter *January 2022 Reply Comments*] (encouraging Commission to require gateway providers that flood the U.S. telephone network with illegal robocalls to implement STIR/SHAKEN caller ID authentication as soon as possible).

<sup>10</sup> *May 2022 FNPRM*, *supra* note 1, at 64 ¶¶ 158, 160–73.

VoIP providers who integrate their call traffic into the larger body of legitimate call traffic where it becomes more difficult to detect and stop. STIR/SHAKEN authentication protocols require calls to carry information which identifies the provider who originated the call and attests to whether that provider knows the subscriber who placed the call and if they know the subscriber is authorized to use the calling number. Importantly, requiring all intermediate providers to comply with STIR/SHAKEN so that they no longer strip this information from calls will both assist downstream voice service providers who can prevent known sources of illegal robocalls from abusing their networks,<sup>11</sup> and assist State AGs in targeting those individuals and companies that are responsible for, and participate in, an enterprise that robs Americans of the freedom to answer their phones and continues to cause billions of dollars in losses.

Because we are mindful that there is no “silver bullet” solution to curb the scourge of illegal and fraudulent robocalls, State AGs also fully support the Commission’s proposal to expand to all domestic providers the requirement to implement affirmative and effective mitigation practices. The Commission’s current proposal to require all U.S.-based intermediate providers to implement both STIR/SHAKEN authentication protocols and robocall mitigation practices are common-sense next steps in the effort to meaningfully mitigate illegal and fraudulent robocall traffic on a larger scale.

---

<sup>11</sup> The FCC permits call-blocking programs based on reasonable analytics including “information about the originating provider, such as whether it has been a consistent source of unwanted robocalls and whether it appropriately signs calls under the SHAKEN/STIR framework.” Declaratory Ruling and Third Further Notice of Proposed Rulemaking, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Call Authentication and Trust Anchor*, WC Docket No. 17-97, adopted June 6, 2019, at ¶ 35.

## II. The Commission Should Extend Current STIR/SHAKEN Gateway Obligations to All Domestic Intermediate Providers

The Commission proposes extending the call authentication requirements beyond gateway providers to all domestic intermediate providers in the call path.<sup>12</sup> STIR/SHAKEN provides increased protections for consumers against receiving illegally spoofed calls, but only with true end-to-end, universal implementation of STIR/SHAKEN protocols by all voice service providers.<sup>13</sup> If providers along the call path are obligated to refuse calls from providers that fail to comply with STIR/SHAKEN, it will be more difficult, and costly, for bad actors to find providers that are still willing to route their illegal and fraudulent call traffic. This is a win for consumers, since “illegal robocalls will continue so long as those initiating and facilitating them can get away with and profit from it.”<sup>14</sup>

Relatedly, State AGs respectfully urge the Commission to adopt its proposed rules to establish deadlines for intermediate providers to implement STIR/SHAKEN authentication obligations as soon as possible.<sup>15</sup> As the Commission recognizes in its proposal,<sup>16</sup> many intermediate providers accept call traffic as gateway providers and should have already

---

<sup>12</sup> *May 2022 FNPRM*, *supra* note 1, at 63 ¶ 158.

<sup>13</sup> *August 2021 Reply Comments*, *supra* note 9, at 3; *see also* Reply Comments of Fifty-One (51) State Attorneys General, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Call Authentication Trust Anchor*, WC Docket 17-97, filed Aug. 23, 2019, at 4–6 (supporting the Commission in taking regulatory action against those providers who fail to implement STIR/SHAKEN and supporting the prohibition of domestic voice service providers from accepting voice traffic from any other providers who fail to comply with STIR/SHAKEN); Reply Comments of Thirty-Five (35) State Attorneys General, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket Number, 17-59, filed Oct. 8, 2018, at 4–5 (urging the Commission to explore ways to encourage all domestic and international service providers to aggressively implement STIR/SHAKEN).

<sup>14</sup> CHRIS FRASCELLA & MARGOT SAUNDERS, SCAM ROBOCALLS TELECOM PROVIDERS PROFIT 18 (Nat’l Consumer L. Ctr. And Electronic Privacy Info. Ctr. 2022) (quoting Statement of Commissioner Geoffrey Starks, *Call Authentication Trust Anchor*, WC Docket No. 17-97, FCC 21-105, filed Sept. 30, 2021).

<sup>15</sup> *May 2022 FNPRM*, *supra* note 1, at 66 ¶ 169.

<sup>16</sup> *Id.* at 65 ¶¶ 165, 166.

implemented STIR/SHAKEN pursuant to the Commission’s May 19, 2022 *Order*.

Further, the absence of a mandate that obligates all U.S.-based intermediate providers to implement STIR/SHAKEN overlooks the lessons learned and reflected in the Commission’s prior decision to reconsider an initial two-year blanket extension<sup>17</sup> that expanded the original June 30, 2021 STIR/SHAKEN industry-wide implementation deadline to June 30, 2023 for a subset of small voice service providers. As the Commission learned from its previous experience, the longer this tier of providers is excused from having to shoulder the same authentication responsibilities as those providers above them in the call path, the more heightened the risk that an insulated subset of small voice service providers will continue to accept and route “an especially large amount of [illegal] robocall traffic.”<sup>18</sup> State AGs have been consistent in our call for the Commission to require voice service providers along the call path to implement STIR/SHAKEN without delay, and we do so again here.<sup>19</sup>

---

<sup>17</sup> In March 2021, pursuant to the mandates of the TRACED Act, voice service providers had until June 30, 2021, to implement STIR/SHAKEN. *See Call Authentication Trust Anchor*, WC Docket No. 17-97, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241, 3257–58 ¶¶ 32–35 (rel. Mar. 31, 2020); 47 CFR § 64.6301. Small voice service providers were granted a two-year extension to June 30, 2023. *See Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1876 ¶ 38 (rel. Oct. 1, 2020).

<sup>18</sup> *See Call Authentication Trust Anchor*, WC Docket No. 17-97, Third Further Notice of Proposed Rulemaking, FCC 21-62, at 2 ¶ 1 (May 21, 2021).

<sup>19</sup> *See, e.g.*, Reply Comments of Fifty-One (51) State Attorneys General, *Numbering Policies for Modern Communications*, WC Docket No. 13-97, *Telephone Number Requirements for IP-Enabled Service Providers*, WC Docket No. 07-243, *Implementation of TRACED Act Section 6(a) – Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket No. 20-67, *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, filed Nov. 15, 2021 (supporting the Commission’s proposals to reduce access to numbering resources by potential perpetrators of illegal robocalls); *August 2021 Reply Comments*, *supra* note 9 (encouraging Commission to require small voice service providers that flood the U.S. telephone network with illegal robocalls to implement STIR/SHAKEN caller ID authentication as soon as possible); *January 2022 Reply Comments*, *supra* note 9 (encouraging Commission to require gateway providers that flood the U.S. telephone network with illegal robocalls to implement STIR/SHAKEN caller ID authentication as soon as possible).

### **III. The Commission Should Extend Certain Robocall Mitigation Duties to All Domestic Providers in the Call Path**

The Commission further proposes to obligate all domestic intermediate providers to adopt affirmative mitigation programs, including a 24-hour traceback response requirement, mandatory call blocking, and a general duty to mitigate illegal robocalls.<sup>20</sup> State AGs support each of these proposals as set out by the Commission. Consistent application of these obligations for all providers in the call path would close the loophole<sup>21</sup> that allows some providers to abdicate or shirk what should be a shared responsibility among providers to mitigate the continued deluge of illegal robocalls.

#### **A. 24-Hour Traceback Requirement**

Currently, all gateway providers must respond fully to all traceback requests from the Commission, civil or criminal law enforcement, as well as the industry traceback consortium, within 24 hours of receiving a request.<sup>22</sup> The Commission proposes (1) extending this requirement to all domestic intermediate providers in the call path,<sup>23</sup> and (2) seeks feedback on whether to “adopt an approach to traceback based on [the] volume of requests received, rather than position in the call path, or size of provider” in a “tiered” approach.<sup>24</sup> The proposed tiered approach to traceback response obligations would require providers with, for example, fewer than 10 traceback requests per month to respond “in a timely manner” without the need to respond within 24 hours, between 10 and 99 traceback requests per month to “maintain an average 24-hour response,” and 100 or more traceback requests a month to consistently respond to tracebacks within 24 hours.

---

<sup>20</sup> *May 2022 FNPRM*, *supra* note 1, at 63 ¶ 158.

<sup>21</sup> *Id.* 68–69 ¶ 175.

<sup>22</sup> *Id.* at 30 ¶ 65.

<sup>23</sup> *Id.* at 69 ¶ 177.

<sup>24</sup> *Id.* at 69 ¶ 179.

State AGs unequivocally support the extension of the 24-hour traceback response requirement to all domestic intermediate providers. As the Commission recognizes, “traceback is an essential part of identifying the source of illegal calls,” wherein “time is of the essence . . . particularly for foreign-originated calls where . . . law enforcement may need to work with international regulators to obtain information from providers outside of U.S. jurisdiction.”<sup>25</sup> However, State AGs discourage the Commission from adopting a tiered approach to the timelines for compliance with the traceback requirement.

Instead, State AGs support uniformly expanding the existing 24-hour response requirement for traceback obligations on gateway providers to all domestic providers. A uniform requirement is clear and equitable. Further, the 24-hour response time is not overly burdensome to providers in the context of the crisis this country experiences daily in the tsunami of illegal robocalls. Moreover, the information that is required for a provider to comply with a traceback request can be found by accessing data that is automatically generated for every call routed to and from every provider in the normal course of business. This data is used by providers as a basis for billing, among other things.<sup>26</sup> Yet, since these records are not retained for consistent periods of time or with any predictability or regularity across providers in the industry, a shortened timeframe for traceback responses for all providers will increase the likelihood that this data, which is both critical and ephemeral, will be preserved to enable providers to respond to time-mandated,

---

<sup>25</sup> *October 2021 FNPRM*, *supra* note 3, at 21 ¶ 52.

<sup>26</sup> NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, COMMENTS OF FORTY-THREE (43) STATE ATTORNEYS GENERAL: TELEMARKETING SALES RULE (16 C.F.R. PART 310—NPRM) (PROJECT NO. 411001) 6 (2022) [hereinafter *Aug. 2022 FTC Comments*] (supporting the FTC’s proposed amendments to the Telemarketing Sales Rule that would impose additional recordkeeping requirements on telemarketers and sellers, including retention requirements for call detail records).

ministerial requests designed to curtail illegal robocalls.<sup>27</sup> For these reasons, State AGs support extending a uniform 24-hour traceback requirement to all domestic intermediate providers.

**B. Mandatory Blocking Following Commission Notification and Mandatory Downstream Provider Blocking**

The Commission proposes requiring all domestic providers in the call path to block, rather than “simply effectively mitigate,” illegal traffic when notified of such traffic by the Commission, regardless of whether that traffic originates abroad or domestically.<sup>28</sup> State AGs support this common-sense requirement. Requiring all domestic providers in the call path to block illegal traffic will provide safeguards to stop or reduce known illegal or fraudulent calling campaigns from reaching consumers, including those who are most vulnerable. State AGs agree with the Commission’s insight that a lack of consistency in blocking obligations for identified illegal robocall traffic across provider types or roles could allow for unintended loopholes that a single, uniform rule would protect against.<sup>29</sup> Further, when the Commission has identified illegal traffic, a rule requiring anything short of uniform blocking of that identified illegal traffic would only afford protections to those profiting off of that illegal traffic, and exacerbate the harm those calls can, and will, bring to the nation’s consumers. Thus, because there is no common sense reason to exempt a provider from blocking illegal robocall traffic upon notification to do so by the Commission as described in this Notice, State AGs support the Commission’s proposal to mandate uniform blocking of this illegal traffic.

---

<sup>27</sup> *Id.*

<sup>28</sup> *May 2022 FNPRM, supra* note 1, at 70 ¶ 181.

<sup>29</sup> *Id.*

### C. General Mitigation Standards and the Robocall Mitigation Database

The Commission further proposes extending a general mitigation standard obligation to voice service providers that have implemented STIR/SHAKEN in the IP portions of their networks, and to all domestic intermediate providers.<sup>30</sup> This obligation would include a duty for voice service providers to take “reasonable steps” to avoid originating or terminating illegal robocall traffic, and a duty for intermediate providers to take “reasonable steps” to avoid carrying or processing this traffic. Since robocallers and those who enable them often adapt to circumvent specific safeguards targeting illegal traffic,<sup>31</sup> State AGs agree with the Commission’s proposal to implement a general mitigation obligation for all domestic intermediate providers. This will serve as an “effective backstop” to ensure robocallers “cannot evade any granular requirements” adopted by the Commission.<sup>32</sup>

The Commission’s proposed general mitigation standard would also include an obligation for all domestic intermediate providers to file a mitigation plan along with a certification in the Robocall Mitigation Database, which plan must include substantive, detailed practices one could reasonably expect would reduce illegal robocall traffic.<sup>33</sup> State AGs support this proposed requirement, and agree that such an obligation should conform to the obligations that currently apply to gateway providers, namely: (1) certification as to the status of STIR/SHAKEN implementation and robocall mitigation efforts on their networks; (2) contact information for a person responsible for addressing robocall mitigation-related issues; and (3) a detailed description

---

<sup>30</sup> *Id.* at 72 ¶ 188.

<sup>31</sup> *October 2021 FNPRM*, *supra* note 3, at 32 ¶ 91.

<sup>32</sup> *May 2022 FNPRM*, *supra* note 1, at 72 ¶ 188.

<sup>33</sup> *Id.*

of their robocall mitigation practices.<sup>34</sup>

We further support implementing a requirement that would obligate all domestic providers to “explain what steps they are taking to ensure that the immediate upstream provider is not using their network to transmit illegal calls.”<sup>35</sup> Just as STIR/SHAKEN is only truly effective when it is implemented end-to-end, mitigation practices are only effective when providers are accountable and proactive, end-to-end, along the call path. The Commission’s proposal to require providers to be able to “explain” how they are proactively working to mitigate illegal robocall traffic is a reasonable request for any legitimate provider. This obligation should not be overly burdensome for any provider who is committed to consistently keeping illegal traffic off of its network, and State AGs support this proposal.

Moreover, extending these additional mitigation requirements to all domestic providers will also simplify rules for all stakeholders in the robocall ecosystem, subjecting them to the same obligations for all calls, regardless of the providers’ respective roles in the call path.<sup>36</sup> Additionally, the application of these requirements industry-wide will enhance the effectiveness of law enforcement efforts pertaining to illegal robocalls.

Finally, State AGs support the shortest compliance deadlines proposed by the Commission for each proposal in this Notice.<sup>37</sup> Consumers in our states are eager to see solutions. In fact, they deserve solutions. The sooner the requirements can be implemented industry-wide, the sooner our consumers, and the providers themselves, will benefit from these enhanced protections and guardrails.

---

<sup>34</sup> *Id.* at 75 ¶ 197.

<sup>35</sup> *Id.* at 75 ¶ 197.

<sup>36</sup> *Id.* at 74 ¶ 193.

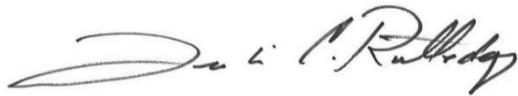
<sup>37</sup> *Id.* at 74 ¶ 194.

#### IV. Conclusion

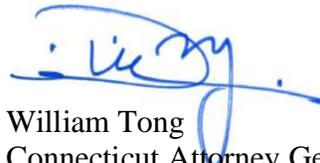
The undersigned State AGs commend the Commission's current proposals to expand obligations to implement Caller ID authentication protocols and specific mitigation efforts to all intermediate domestic providers. Such regulatory symmetry enhances legal clarity and fairness in rule implementation. Imposing consistent obligations on all stakeholders will help law enforcement readily identify and prosecute the bad actors who regularly seek to profit from the illegal robocalls that the nation uniformly abhors.

As with other specific measures adopted in the past, State AGs recognize that the Commission's proposed actions, including mandatory call blocking, will not completely eradicate the illegal robocall epidemic. However, we are confident that the proposals under consideration will help bring bad actors to account. State AGs remain committed to working together, and with the FCC, to combat illegal robocalls, and support the meaningful proposals under consideration by the Commission.

**BY FIFTY-ONE (51) STATE ATTORNEYS GENERAL:**



Leslie Rutledge  
Arkansas Attorney General



William Tong  
Connecticut Attorney General



Josh Stein  
North Carolina Attorney General



Steve Marshall  
Alabama Attorney General



Treg R. Taylor  
Alaska Attorney General



Mark Brnovich  
Arizona Attorney General



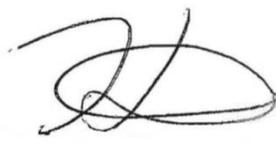
Rob Bonta  
California Attorney General



Phil Weiser  
Colorado Attorney General



Kathleen Jennings  
Delaware Attorney General



Karl Racine  
District of Columbia Attorney General



Ashley Moody  
Florida Attorney General



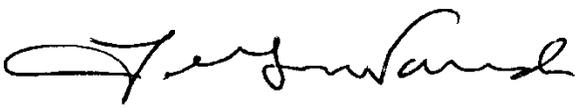
Christopher M. Carr  
Georgia Attorney General



Leevin T. Camacho  
Guam Attorney General



Holly T. Shikada  
Hawaii Attorney General



Lawrence Wasden  
Idaho Attorney General



Kwame Raoul  
Illinois Attorney General



Todd Rokita  
Indiana Attorney General



Tom Miller  
Iowa Attorney General



Derek Schmidt  
Kansas Attorney General



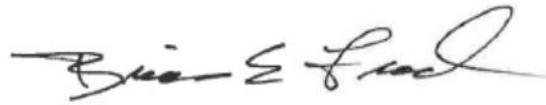
Daniel Cameron  
Kentucky Attorney General



Jeffery Laundry  
Louisiana Attorney General



Aaron M. Frey  
Maine Attorney General



Brian Frosh  
Maryland Attorney General



Maura Healey  
Massachusetts Attorney General



Dana Nessel  
Michigan Attorney General



Keith Ellison  
Minnesota Attorney General



Lynn Fitch  
Mississippi Attorney General



Eric S. Schmitt  
Missouri Attorney General



Douglas Peterson  
Nebraska Attorney General



Aaron D. Ford  
Nevada Attorney General



John Formella  
New Hampshire Attorney General



Matthew J. Platkin  
Acting New Jersey Attorney General



Hector Balderas  
New Mexico Attorney General



Letitia James  
New York Attorney General



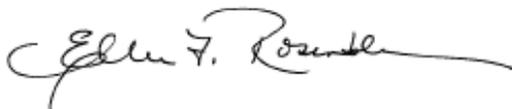
Drew Wrigley  
North Dakota Attorney General



Dave Yost  
Ohio Attorney General



John M. O'Connor  
Oklahoma Attorney General



Ellen Rosenblum  
Oregon Attorney General



Josh Shapiro  
Pennsylvania Attorney General



Peter F. Neronha  
Rhode Island Attorney General



Alan Wilson  
South Carolina Attorney General



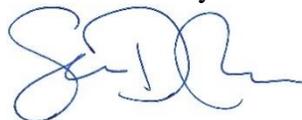
Mark Vargo  
South Dakota Attorney General



Jonathan Skrmetti  
Tennessee Attorney General



Ken Paxton  
Texas Attorney General



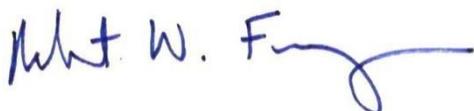
Sean D. Reyes  
Utah Attorney General



Susanne Young  
Vermont Attorney General



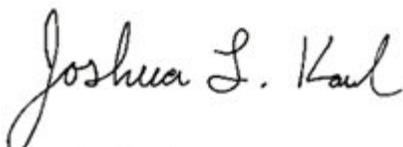
Jason Miyares  
Virginia Attorney General



Robert W. Ferguson  
Washington Attorney General



Patrick Morrissey  
West Virginia Attorney General



Joshua L. Kaul  
Wisconsin Attorney General



Bridget Hill  
Wyoming Attorney General



August 2, 2022

---

**ATTORNEY GENERAL RAOUL ANNOUNCES THE FORMATION OF A NATIONWIDE ANTI-ROBOCALL LITIGATION TASK FORCE**

***Attorneys General Form a National Bipartisan Task Force to Combat Robocalling***

**Chicago** — Attorney General Kwame Raoul today announced that Illinois is joining a nationwide Anti-Robocall Litigation Task Force of 50 state attorneys general to investigate and take legal action against the telecommunications companies responsible for bringing a majority of foreign robocalls into the United States. This bipartisan national task force has one goal: to cut down on illegal robocalls.

“Robocalls aren’t just an Illinois problem. They are a nationwide problem. That is why I am proud to join my fellow attorneys general in launching this task force,” Raoul said. “Robocalls cost consumers time and money, as well as violate their privacy. I will continue to protect the rights of Illinois consumers by fighting against this illegal practice.”

The task force has issued 20 civil investigative demands to 20 gateway providers and other entities that are allegedly responsible for a majority of foreign robocall traffic. Gateway providers that bring foreign traffic into the U.S. telephone network have a responsibility to ensure the traffic is legal, but these providers are not taking sufficient action to stop robocall traffic. In many cases, they appear to be intentionally turning a blind eye in return for steady revenue. The task force will focus on the bad actors throughout the telecommunications industry, to help reduce the number of robocalls that Illinois residents receive, which will also benefit the companies that are following the rules.

Raoul is committed to stopping illegal and unwanted calls. According to the National Consumer Law Center and Electronic Privacy Information Center, over 33 million scam robocalls are made to Americans every day. These scam calls include Social Security Administration fraud against seniors, Amazon scams against consumers, and many other scams targeting all consumers, including some of our most vulnerable residents. An estimated \$29.8 billion was stolen through scam calls in 2021. Most of this scam robocall traffic originates overseas. The task force is focused on shutting down the providers that profit from this illegal scam traffic and refuse to take steps to otherwise mitigate these scam calls.

Attorney General Raoul offers the following tips to avoid scams and unwanted calls:

- Be wary of callers who specifically ask you to pay by gift card, wire transfer or cryptocurrency. For example, the Internal Revenue Service does not accept iTunes gift cards.
- Look out for prerecorded calls from imposters posing as government agencies. Typically, the Social Security Administration does not make phone calls to individuals.
- If you suspect fraudulent activity, immediately hang-up and do not provide any personal information.
- You can file a consumer complaint about scam or unwanted calls with the Attorney General’s Consumer Protection Division at <https://ccformsubmission.ilag.gov/>.

Attorney General Raoul has been a consistent advocate for protections against illegal robocalls. In 2022, Raoul joined a coalition of 33 attorneys general in filing a brief in the U.S. Supreme Court defending the anti-robocall provisions of the Telephone Consumer Protection Act. In August 2019, Raoul joined a bipartisan coalition of attorneys general from all 50 states and Washington D.C. in partnering with 12 phone companies to create a set of principles for telecom companies to fight robocalls. In June 2019, Raoul, in cooperation with the Federal Trade Commission, announced a major crackdown on robocalls that included 94 actions targeting operations around the country that were responsible for more than 1 billion calls. Raoul has also submitted comments to the Federal Communications Commission urging the adoption of its proposed rules on enforcement against caller ID spoofing.



PRESIDENT

**Tom Miller**  
Iowa  
Attorney General

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

PRESIDENT-ELECT

**Josh Stein**  
North Carolina  
Attorney General

In the Matter of )  
)  
Advanced Methods to Target and )  
Eliminate Unlawful Robocalls )

CG Docket No. 17-59

VICE PRESIDENT

**Ellen F. Rosenblum**  
Oregon  
Attorney General

)  
Call Authentication Trust Anchor )

WC Docket No. 17-97

**REPLY COMMENTS OF FIFTY-ONE (51)  
STATE ATTORNEYS GENERAL**

IMMEDIATE PAST  
PRESIDENT

**Karl A. Racine**  
District of Columbia  
Attorney General

**I. Introduction**

The undersigned State Attorneys General (“State AGs”) submit these Reply Comments in response to the public notice issued by the Consumer and Governmental Affairs and Wireline Competition Bureaus,<sup>1</sup> seeking comment on the Federal Communication Commission’s (“Commission”) proposals to expand rules focusing on gateway providers “to cover other providers in the call path, along with additional steps to protect American consumers from all illegal calls, whether they originate domestically or abroad.”<sup>2</sup>

**Al Lama**  
Acting Executive Director

1850 M Street NW  
12th Floor  
Washington, DC 20036  
(202) 326-6000  
www.naag.org

<sup>1</sup> See *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Seventh Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fifth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 22-37 (May 19, 2022) [hereinafter *May 2022 FNPRM*].

<sup>2</sup> *Id.* at 64 ¶ 157.

Like the Commission, many of our offices report that “unwanted calls, including illegal robocalls, are consistently . . . a top source of consumer complaints.”<sup>3</sup> Moreover, as the Commission recognizes, illegal robocalls cost law enforcement, the telecommunications industry, and, most importantly, our constituents, approximately \$13.5 billion every year.<sup>4</sup> In 2021, American consumers, including seniors, persons with disabilities, and other vulnerable populations, were bilked out of \$830 million via fraud perpetrated over the phone and/or through text messages.<sup>5</sup> In many cases, the perpetrators of this fraud are foreign actors gaining access to the U.S. phone network through international gateway providers.<sup>6</sup> Based upon consumer complaints filed with our offices, these fraudulent, foreign-originated robocalls often involve caller ID spoofing of U.S.-based phone numbers. Yet, without assistance from willing domestic providers to deliver illegal robocalls, these calls would never reach Americans.

---

<sup>3</sup> See *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, Fifth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fourth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 22-37, at 2 ¶ 4 (October 1, 2021) [hereinafter *October 2021 FNPRM*].

<sup>4</sup> *Id.*; see also *id.* at 4 ¶ 9 (finding that when an entity spoofs a large number of calls in a robocall campaign, it causes harm to subscribers, to consumers receiving the spoofed calls, and to the terminating carriers who incur increased costs due to consumer complaints).

<sup>5</sup> This number is reached by combining amounts lost to fraud by phone call (\$699 million) with amounts lost by text (\$131 million). See Federal Trade Commission, *Fraud Reports by Contact Method, Year: 2021*, FTC CONSUMER SENTINEL NETWORK (data as of June 30, 2022) <https://public.tableau.com/app/profile/federal.trade.commission/viz/FraudReports/LossesContactMethods> (Loss & Contact Methods tab, Year 2021).

<sup>6</sup> *October 2021 FNPRM*, *supra* note 3, at 12–13 ¶¶ 26, 27, 28 (recognizing that a large portion of unlawful robocalls made to U.S. telephone numbers originate outside of the U.S.; that most foreign-originated fraudulent traffic uses a U.S. number in the caller ID field that is transmitted and displayed to the U.S. call recipient; that illegal, foreign-originated robocalls can only reach U.S. consumers after they pass through a gateway provider that is unwilling or unable to block such traffic; and that the Commission’s Enforcement Bureau has repeatedly identified gateway providers as playing a key role in routing illegal robocall traffic into the U.S.).

The May 19, 2022, *Gateway Provider Report and Order*<sup>7</sup> was an important step toward cutting the strings that form the nets that these illegal robocallers cast over Americans. However, illegal robocalls continue to reach consumers, and the next logical step is to require *all* U.S.-based intermediate<sup>8</sup> providers, whether they are accepting and routing a call as a gateway provider or as a non-gateway intermediate provider, to authenticate Caller ID information consistent with STIR/SHAKEN for calls carrying a U.S. number in the caller ID field, and to implement many of the meaningful robocall mitigation practices that are now required of gateway providers.

To this end, and consistent with recent Reply Comments filed with the Commission by State AGs related to these issues,<sup>9</sup> State AGs support the Commission’s current proposals to extend STIR/SHAKEN authentication protocols to all U.S. intermediate providers as described in the May 2022 FNPRM.<sup>10</sup> Illegal robocallers depend upon a relatively small number of unscrupulous

---

<sup>7</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order in CG Docket No. 17-59 & Fifth Report and Order in WC Docket No. 17-97, FCC 22-37, at 10 ¶ 19 (May 20, 2022).

<sup>8</sup> For use in these Reply Comments, we adopt the Commission’s proposed definition of “intermediate provider” to mean “any entity that [carries] or processes traffic that traverses or will traverse the [public switched telephone network (PSTN)] at any point insofar as that entity neither originates nor terminates that traffic.” See *May 2022 FNPRM*, *supra* note 1, at 3 ¶ 4 n.1.

<sup>9</sup> See, e.g., Reply Comments of Fifty-One (51) State Attorneys General, *Numbering Policies for Modern Communications*, WC Docket No. 13-97, *Telephone Number Requirements for IP-Enabled Service Providers*, WC Docket No. 07-243, *Implementation of TRACED Act Section 6(a)–Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket No. 20-67, *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, filed Nov. 15, 2021 (supporting the Commission’s proposals to reduce access to numbering resources by potential perpetrators of illegal robocalls); Reply Comments of Fifty-One (51) State Attorneys General, *Call Authentication Trust Anchor*, WC Docket No. 17-97, filed Aug. 9, 2021 [hereinafter *August 2021 Reply Comments*] (encouraging Commission to require small voice service providers that flood the U.S. telephone network with illegal robocalls to implement STIR/SHAKEN caller ID authentication as soon as possible); Reply Comments of Fifty-One (51) State Attorneys General, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Call Authentication Trust Anchor*, WC Docket No. 17-97, filed Jan. 10, 2022 [hereinafter *January 2022 Reply Comments*] (encouraging Commission to require gateway providers that flood the U.S. telephone network with illegal robocalls to implement STIR/SHAKEN caller ID authentication as soon as possible).

<sup>10</sup> *May 2022 FNPRM*, *supra* note 1, at 64 ¶¶ 158, 160–73.

VoIP providers who integrate their call traffic into the larger body of legitimate call traffic where it becomes more difficult to detect and stop. STIR/SHAKEN authentication protocols require calls to carry information which identifies the provider who originated the call and attests to whether that provider knows the subscriber who placed the call and if they know the subscriber is authorized to use the calling number. Importantly, requiring all intermediate providers to comply with STIR/SHAKEN so that they no longer strip this information from calls will both assist downstream voice service providers who can prevent known sources of illegal robocalls from abusing their networks,<sup>11</sup> and assist State AGs in targeting those individuals and companies that are responsible for, and participate in, an enterprise that robs Americans of the freedom to answer their phones and continues to cause billions of dollars in losses.

Because we are mindful that there is no “silver bullet” solution to curb the scourge of illegal and fraudulent robocalls, State AGs also fully support the Commission’s proposal to expand to all domestic providers the requirement to implement affirmative and effective mitigation practices. The Commission’s current proposal to require all U.S.-based intermediate providers to implement both STIR/SHAKEN authentication protocols and robocall mitigation practices are common-sense next steps in the effort to meaningfully mitigate illegal and fraudulent robocall traffic on a larger scale.

---

<sup>11</sup> The FCC permits call-blocking programs based on reasonable analytics including “information about the originating provider, such as whether it has been a consistent source of unwanted robocalls and whether it appropriately signs calls under the SHAKEN/STIR framework.” Declaratory Ruling and Third Further Notice of Proposed Rulemaking, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Call Authentication and Trust Anchor*, WC Docket No. 17-97, adopted June 6, 2019, at ¶ 35.

## II. The Commission Should Extend Current STIR/SHAKEN Gateway Obligations to All Domestic Intermediate Providers

The Commission proposes extending the call authentication requirements beyond gateway providers to all domestic intermediate providers in the call path.<sup>12</sup> STIR/SHAKEN provides increased protections for consumers against receiving illegally spoofed calls, but only with true end-to-end, universal implementation of STIR/SHAKEN protocols by all voice service providers.<sup>13</sup> If providers along the call path are obligated to refuse calls from providers that fail to comply with STIR/SHAKEN, it will be more difficult, and costly, for bad actors to find providers that are still willing to route their illegal and fraudulent call traffic. This is a win for consumers, since “illegal robocalls will continue so long as those initiating and facilitating them can get away with and profit from it.”<sup>14</sup>

Relatedly, State AGs respectfully urge the Commission to adopt its proposed rules to establish deadlines for intermediate providers to implement STIR/SHAKEN authentication obligations as soon as possible.<sup>15</sup> As the Commission recognizes in its proposal,<sup>16</sup> many intermediate providers accept call traffic as gateway providers and should have already

---

<sup>12</sup> *May 2022 FNPRM*, *supra* note 1, at 63 ¶ 158.

<sup>13</sup> *August 2021 Reply Comments*, *supra* note 9, at 3; *see also* Reply Comments of Fifty-One (51) State Attorneys General, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Call Authentication Trust Anchor*, WC Docket 17-97, filed Aug. 23, 2019, at 4–6 (supporting the Commission in taking regulatory action against those providers who fail to implement STIR/SHAKEN and supporting the prohibition of domestic voice service providers from accepting voice traffic from any other providers who fail to comply with STIR/SHAKEN); Reply Comments of Thirty-Five (35) State Attorneys General, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket Number, 17-59, filed Oct. 8, 2018, at 4–5 (urging the Commission to explore ways to encourage all domestic and international service providers to aggressively implement STIR/SHAKEN).

<sup>14</sup> CHRIS FRASCELLA & MARGOT SAUNDERS, SCAM ROBOCALLS TELECOM PROVIDERS PROFIT 18 (Nat’l Consumer L. Ctr. And Electronic Privacy Info. Ctr. 2022) (quoting Statement of Commissioner Geoffrey Starks, *Call Authentication Trust Anchor*, WC Docket No. 17-97, FCC 21-105, filed Sept. 30, 2021).

<sup>15</sup> *May 2022 FNPRM*, *supra* note 1, at 66 ¶ 169.

<sup>16</sup> *Id.* at 65 ¶¶ 165, 166.

implemented STIR/SHAKEN pursuant to the Commission’s May 19, 2022 *Order*.

Further, the absence of a mandate that obligates all U.S.-based intermediate providers to implement STIR/SHAKEN overlooks the lessons learned and reflected in the Commission’s prior decision to reconsider an initial two-year blanket extension<sup>17</sup> that expanded the original June 30, 2021 STIR/SHAKEN industry-wide implementation deadline to June 30, 2023 for a subset of small voice service providers. As the Commission learned from its previous experience, the longer this tier of providers is excused from having to shoulder the same authentication responsibilities as those providers above them in the call path, the more heightened the risk that an insulated subset of small voice service providers will continue to accept and route “an especially large amount of [illegal] robocall traffic.”<sup>18</sup> State AGs have been consistent in our call for the Commission to require voice service providers along the call path to implement STIR/SHAKEN without delay, and we do so again here.<sup>19</sup>

---

<sup>17</sup> In March 2021, pursuant to the mandates of the TRACED Act, voice service providers had until June 30, 2021, to implement STIR/SHAKEN. *See Call Authentication Trust Anchor*, WC Docket No. 17-97, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241, 3257–58 ¶¶ 32–35 (rel. Mar. 31, 2020); 47 CFR § 64.6301. Small voice service providers were granted a two-year extension to June 30, 2023. *See Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1876 ¶ 38 (rel. Oct. 1, 2020).

<sup>18</sup> *See Call Authentication Trust Anchor*, WC Docket No. 17-97, Third Further Notice of Proposed Rulemaking, FCC 21-62, at 2 ¶ 1 (May 21, 2021).

<sup>19</sup> *See, e.g.,* Reply Comments of Fifty-One (51) State Attorneys General, *Numbering Policies for Modern Communications*, WC Docket No. 13-97, *Telephone Number Requirements for IP-Enabled Service Providers*, WC Docket No. 07-243, *Implementation of TRACED Act Section 6(a) – Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket No. 20-67, *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, filed Nov. 15, 2021 (supporting the Commission’s proposals to reduce access to numbering resources by potential perpetrators of illegal robocalls); *August 2021 Reply Comments, supra* note 9 (encouraging Commission to require small voice service providers that flood the U.S. telephone network with illegal robocalls to implement STIR/SHAKEN caller ID authentication as soon as possible); *January 2022 Reply Comments, supra* note 9 (encouraging Commission to require gateway providers that flood the U.S. telephone network with illegal robocalls to implement STIR/SHAKEN caller ID authentication as soon as possible).

### **III. The Commission Should Extend Certain Robocall Mitigation Duties to All Domestic Providers in the Call Path**

The Commission further proposes to obligate all domestic intermediate providers to adopt affirmative mitigation programs, including a 24-hour traceback response requirement, mandatory call blocking, and a general duty to mitigate illegal robocalls.<sup>20</sup> State AGs support each of these proposals as set out by the Commission. Consistent application of these obligations for all providers in the call path would close the loophole<sup>21</sup> that allows some providers to abdicate or shirk what should be a shared responsibility among providers to mitigate the continued deluge of illegal robocalls.

#### **A. 24-Hour Traceback Requirement**

Currently, all gateway providers must respond fully to all traceback requests from the Commission, civil or criminal law enforcement, as well as the industry traceback consortium, within 24 hours of receiving a request.<sup>22</sup> The Commission proposes (1) extending this requirement to all domestic intermediate providers in the call path,<sup>23</sup> and (2) seeks feedback on whether to “adopt an approach to traceback based on [the] volume of requests received, rather than position in the call path, or size of provider” in a “tiered” approach.<sup>24</sup> The proposed tiered approach to traceback response obligations would require providers with, for example, fewer than 10 traceback requests per month to respond “in a timely manner” without the need to respond within 24 hours, between 10 and 99 traceback requests per month to “maintain an average 24-hour response,” and 100 or more traceback requests a month to consistently respond to tracebacks within 24 hours.

---

<sup>20</sup> *May 2022 FNPRM*, *supra* note 1, at 63 ¶ 158.

<sup>21</sup> *Id.* 68–69 ¶ 175.

<sup>22</sup> *Id.* at 30 ¶ 65.

<sup>23</sup> *Id.* at 69 ¶ 177.

<sup>24</sup> *Id.* at 69 ¶ 179.

State AGs unequivocally support the extension of the 24-hour traceback response requirement to all domestic intermediate providers. As the Commission recognizes, “traceback is an essential part of identifying the source of illegal calls,” wherein “time is of the essence . . . particularly for foreign-originated calls where . . . law enforcement may need to work with international regulators to obtain information from providers outside of U.S. jurisdiction.”<sup>25</sup> However, State AGs discourage the Commission from adopting a tiered approach to the timelines for compliance with the traceback requirement.

Instead, State AGs support uniformly expanding the existing 24-hour response requirement for traceback obligations on gateway providers to all domestic providers. A uniform requirement is clear and equitable. Further, the 24-hour response time is not overly burdensome to providers in the context of the crisis this country experiences daily in the tsunami of illegal robocalls. Moreover, the information that is required for a provider to comply with a traceback request can be found by accessing data that is automatically generated for every call routed to and from every provider in the normal course of business. This data is used by providers as a basis for billing, among other things.<sup>26</sup> Yet, since these records are not retained for consistent periods of time or with any predictability or regularity across providers in the industry, a shortened timeframe for traceback responses for all providers will increase the likelihood that this data, which is both critical and ephemeral, will be preserved to enable providers to respond to time-mandated,

---

<sup>25</sup> *October 2021 FNPRM*, *supra* note 3, at 21 ¶ 52.

<sup>26</sup> NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, COMMENTS OF FORTY-THREE (43) STATE ATTORNEYS GENERAL: TELEMARKETING SALES RULE (16 C.F.R. PART 310—NPRM) (PROJECT NO. 411001) 6 (2022) [hereinafter *Aug. 2022 FTC Comments*] (supporting the FTC’s proposed amendments to the Telemarketing Sales Rule that would impose additional recordkeeping requirements on telemarketers and sellers, including retention requirements for call detail records).

ministerial requests designed to curtail illegal robocalls.<sup>27</sup> For these reasons, State AGs support extending a uniform 24-hour traceback requirement to all domestic intermediate providers.

**B. Mandatory Blocking Following Commission Notification and Mandatory Downstream Provider Blocking**

The Commission proposes requiring all domestic providers in the call path to block, rather than “simply effectively mitigate,” illegal traffic when notified of such traffic by the Commission, regardless of whether that traffic originates abroad or domestically.<sup>28</sup> State AGs support this common-sense requirement. Requiring all domestic providers in the call path to block illegal traffic will provide safeguards to stop or reduce known illegal or fraudulent calling campaigns from reaching consumers, including those who are most vulnerable. State AGs agree with the Commission’s insight that a lack of consistency in blocking obligations for identified illegal robocall traffic across provider types or roles could allow for unintended loopholes that a single, uniform rule would protect against.<sup>29</sup> Further, when the Commission has identified illegal traffic, a rule requiring anything short of uniform blocking of that identified illegal traffic would only afford protections to those profiting off of that illegal traffic, and exacerbate the harm those calls can, and will, bring to the nation’s consumers. Thus, because there is no common sense reason to exempt a provider from blocking illegal robocall traffic upon notification to do so by the Commission as described in this Notice, State AGs support the Commission’s proposal to mandate uniform blocking of this illegal traffic.

---

<sup>27</sup> *Id.*

<sup>28</sup> *May 2022 FNPRM, supra* note 1, at 70 ¶ 181.

<sup>29</sup> *Id.*

### C. General Mitigation Standards and the Robocall Mitigation Database

The Commission further proposes extending a general mitigation standard obligation to voice service providers that have implemented STIR/SHAKEN in the IP portions of their networks, and to all domestic intermediate providers.<sup>30</sup> This obligation would include a duty for voice service providers to take “reasonable steps” to avoid originating or terminating illegal robocall traffic, and a duty for intermediate providers to take “reasonable steps” to avoid carrying or processing this traffic. Since robocallers and those who enable them often adapt to circumvent specific safeguards targeting illegal traffic,<sup>31</sup> State AGs agree with the Commission’s proposal to implement a general mitigation obligation for all domestic intermediate providers. This will serve as an “effective backstop” to ensure robocallers “cannot evade any granular requirements” adopted by the Commission.<sup>32</sup>

The Commission’s proposed general mitigation standard would also include an obligation for all domestic intermediate providers to file a mitigation plan along with a certification in the Robocall Mitigation Database, which plan must include substantive, detailed practices one could reasonably expect would reduce illegal robocall traffic.<sup>33</sup> State AGs support this proposed requirement, and agree that such an obligation should conform to the obligations that currently apply to gateway providers, namely: (1) certification as to the status of STIR/SHAKEN implementation and robocall mitigation efforts on their networks; (2) contact information for a person responsible for addressing robocall mitigation-related issues; and (3) a detailed description

---

<sup>30</sup> *Id.* at 72 ¶ 188.

<sup>31</sup> *October 2021 FNPRM*, *supra* note 3, at 32 ¶ 91.

<sup>32</sup> *May 2022 FNPRM*, *supra* note 1, at 72 ¶ 188.

<sup>33</sup> *Id.*

of their robocall mitigation practices.<sup>34</sup>

We further support implementing a requirement that would obligate all domestic providers to “explain what steps they are taking to ensure that the immediate upstream provider is not using their network to transmit illegal calls.”<sup>35</sup> Just as STIR/SHAKEN is only truly effective when it is implemented end-to-end, mitigation practices are only effective when providers are accountable and proactive, end-to-end, along the call path. The Commission’s proposal to require providers to be able to “explain” how they are proactively working to mitigate illegal robocall traffic is a reasonable request for any legitimate provider. This obligation should not be overly burdensome for any provider who is committed to consistently keeping illegal traffic off of its network, and State AGs support this proposal.

Moreover, extending these additional mitigation requirements to all domestic providers will also simplify rules for all stakeholders in the robocall ecosystem, subjecting them to the same obligations for all calls, regardless of the providers’ respective roles in the call path.<sup>36</sup> Additionally, the application of these requirements industry-wide will enhance the effectiveness of law enforcement efforts pertaining to illegal robocalls.

Finally, State AGs support the shortest compliance deadlines proposed by the Commission for each proposal in this Notice.<sup>37</sup> Consumers in our states are eager to see solutions. In fact, they deserve solutions. The sooner the requirements can be implemented industry-wide, the sooner our consumers, and the providers themselves, will benefit from these enhanced protections and guardrails.

---

<sup>34</sup> *Id.* at 75 ¶ 197.

<sup>35</sup> *Id.* at 75 ¶ 197.

<sup>36</sup> *Id.* at 74 ¶ 193.

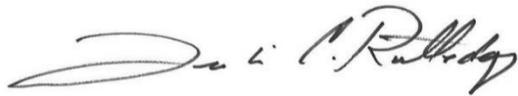
<sup>37</sup> *Id.* at 74 ¶ 194.

#### IV. Conclusion

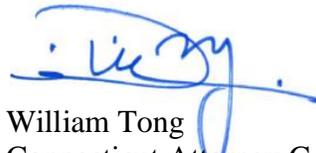
The undersigned State AGs commend the Commission's current proposals to expand obligations to implement Caller ID authentication protocols and specific mitigation efforts to all intermediate domestic providers. Such regulatory symmetry enhances legal clarity and fairness in rule implementation. Imposing consistent obligations on all stakeholders will help law enforcement readily identify and prosecute the bad actors who regularly seek to profit from the illegal robocalls that the nation uniformly abhors.

As with other specific measures adopted in the past, State AGs recognize that the Commission's proposed actions, including mandatory call blocking, will not completely eradicate the illegal robocall epidemic. However, we are confident that the proposals under consideration will help bring bad actors to account. State AGs remain committed to working together, and with the FCC, to combat illegal robocalls, and support the meaningful proposals under consideration by the Commission.

**BY FIFTY-ONE (51) STATE ATTORNEYS GENERAL:**



Leslie Rutledge  
Arkansas Attorney General



William Tong  
Connecticut Attorney General



Josh Stein  
North Carolina Attorney General



Steve Marshall  
Alabama Attorney General



Treg R. Taylor  
Alaska Attorney General



Mark Brnovich  
Arizona Attorney General



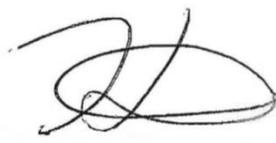
Rob Bonta  
California Attorney General



Phil Weiser  
Colorado Attorney General



Kathleen Jennings  
Delaware Attorney General



Karl Racine  
District of Columbia Attorney General



Ashley Moody  
Florida Attorney General



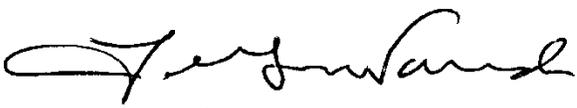
Christopher M. Carr  
Georgia Attorney General



Leevin T. Camacho  
Guam Attorney General



Holly T. Shikada  
Hawaii Attorney General



Lawrence Wasden  
Idaho Attorney General



Kwame Raoul  
Illinois Attorney General



Todd Rokita  
Indiana Attorney General

Tom Miller  
Iowa Attorney General

Derek Schmidt  
Kansas Attorney General

Daniel Cameron  
Kentucky Attorney General

Jeffery Laundry  
Louisiana Attorney General

Aaron M. Frey  
Maine Attorney General

Brian Frosh  
Maryland Attorney General

Maura Healey  
Massachusetts Attorney General

Dana Nessel  
Michigan Attorney General

Keith Ellison  
Minnesota Attorney General

Lynn Fitch  
Mississippi Attorney General

Eric S. Schmitt  
Missouri Attorney General

Douglas Peterson  
Nebraska Attorney General

Aaron D. Ford  
Nevada Attorney General

John Formella  
New Hampshire Attorney General



Matthew J. Platkin  
Acting New Jersey Attorney General



Hector Balderas  
New Mexico Attorney General



Letitia James  
New York Attorney General



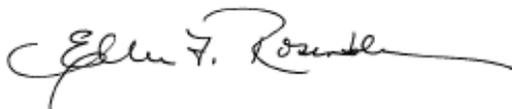
Drew Wrigley  
North Dakota Attorney General



Dave Yost  
Ohio Attorney General



John M. O'Connor  
Oklahoma Attorney General



Ellen Rosenblum  
Oregon Attorney General



Josh Shapiro  
Pennsylvania Attorney General



Peter F. Neronha  
Rhode Island Attorney General



Alan Wilson  
South Carolina Attorney General



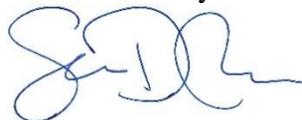
Mark Vargo  
South Dakota Attorney General



Jonathan Skrmetti  
Tennessee Attorney General



Ken Paxton  
Texas Attorney General



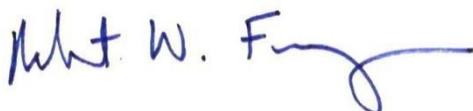
Sean D. Reyes  
Utah Attorney General



Susanne Young  
Vermont Attorney General



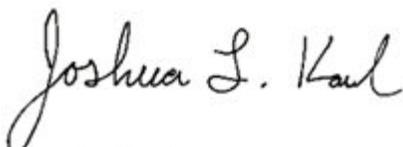
Jason Miyares  
Virginia Attorney General



Robert W. Ferguson  
Washington Attorney General



Patrick Morrissey  
West Virginia Attorney General



Joshua L. Kaul  
Wisconsin Attorney General



Bridget Hill  
Wyoming Attorney General



August 22, 2019

---

**ATTORNEY GENERAL RAOUL PARTNERS WITH STATE ATTORNEYS GENERAL AND TELECOM COMPANIES IN FIGHT AGAINST ILLEGAL ROBOCALLS**

**Chicago** — Attorney General Kwame Raoul today announced that phone companies have agreed to adopt [a set of principles](#) to fight illegal robocalls following discussions as part of a bipartisan, public/private coalition of 51 attorneys general and 12 phone companies. This agreement will help protect phone users from illegal robocalls and make it easier for attorneys general to investigate and prosecute bad actors.

“I appreciate the support and assistance from these companies in achieving our mutual goal of stopping robocalls,” Raoul said. “This is a step in the right direction toward solving a pervasive problem that burdens people across the country. Robocalls cost consumers time and money, as well as violate their privacy. I will continue to protect the rights of Illinois consumers by fighting against this illegal practice.”

Over the past 18 months, Raoul and the coalition of attorneys general worked with telecom companies to investigate technological solutions that major voice service providers were designing, developing and implementing to stop robocalls. Based on these meetings, the coalition developed a set of eight principles the phone companies can implement that address the robocall problem in two main ways: prevention and enforcement.

Phone companies will work to prevent illegal robocalls by:

- Implementing call-blocking technology at the network level at no cost to customers.
- Making available to customers additional, free, easy-to-use call blocking and labeling tools.
- Implementing technology to authenticate that callers are coming from a valid source.
- Monitoring their networks for robocall traffic.

Phone companies will assist attorneys general anti-robocall enforcement by:

- Knowing who their customers are, so bad actors can be identified and investigated.
- Investigating and taking action against suspicious callers – including notifying law enforcement and state attorneys general.
- Working with law enforcement, including state attorneys general, to trace the origins of illegal robocalls.
- Requiring telephone companies with which they contract to cooperate in call traceback identification, where they work backward and attempt to identify the caller.

Going forward, phone companies will stay in close communication with the coalition of attorneys general to continue to optimize robocall protections as technology and scammer techniques change.

This set of principles is the latest in Attorney General Raoul’s effort to curb illegal robocalls. In June, Raoul, in cooperation with the Federal Trade Commission, announced a major crackdown on robocalls that included 94 actions targeting operations around the country that were responsible for more than 1 billion calls. As part of that crackdown, Raoul [filed a lawsuit](#) against Glamour Services, LLC; Awe Struck, Inc.; and Matthew Glamkowski, the manager of Glamour Services and president of Awe Struck for allegedly using robocalling and telemarketing to solicit home cleaning services since 2007. In May, Raoul submitted comments to the Federal Communications Commission urging the adoption of its proposed rules on enforcement against caller ID spoofing.

Consumers who wish to file a complaint against a company responsible for robocalls can do so on the Attorney General’s [website](#) or by calling Raoul’s Consumer Fraud Hotline at 1-800-243-0618. Information about how consumers can add their number to the Do Not Call registry is also available on the Attorney General’s [website](#).

Joining Raoul in the coalition are the attorneys general from all 50 states and Washington, D.C. The companies that joined the coalition include AT&T, Bandwidth, CenturyLink, Charter, Comcast, Consolidated, Frontier, Sprint, T-Mobile, U.S. Cellular, Verizon, and Windstream.

-30-

[Return to August 2019 Press Releases](#)



[© 2020 Illinois Attorney General](#)

[Home](#) • [Privacy Policy](#) • [Contact Us](#)

## **ANTI-ROBOCALL PRINCIPLES**

State Attorneys General and the undersigned voice service providers are committed to stopping illegal and unwanted robocalls for the American people. Therefore, state Attorneys General have engaged voice service providers to gain their support and assistance in combatting this pervasive problem. These Anti-Robocall Principles are the product of this engagement.

Illegal and unwanted robocalls continue to harm and hassle people every day. Consumer fraud often originates with an illegal call, and robocalls regularly interrupt our daily lives. Robocalls and telemarketing calls are the number one source of consumer complaints at many state Attorneys General offices, as well as at both the Federal Communications Commission and the Federal Trade Commission. State Attorneys General are on the front lines of enforcing do-not-call laws and helping people who are scammed and harassed by these calls.

Through law enforcement and technological developments, respectively, state Attorneys General and voice service providers are working to assist consumers and battle bad actors who scam consumers and intrude upon their lives. By implementing call blocking technology, knowing their customers, actively monitoring their networks for robocall traffic, cooperating in investigations that trace the origins of illegal robocalls, and integrating other practices enumerated in the Anti-Robocall Principles, these voice service providers will aid the state Attorneys General in identifying and prosecuting illegal robocallers.

## ANTI-ROBOCALL PRINCIPLES FOR VOICE SERVICE PROVIDERS

**The undersigned voice service providers declare that they will work with the undersigned state Attorneys General by incorporating, or continuing to incorporate, these Anti-Robocall Principles into their business practices:**

- Principle #1. Offer Free Call Blocking and Labeling.** For smartphone mobile and VoIP residential customers, make available free, easy-to-use call blocking and labeling tools and regularly engage in easily understandable outreach efforts to notify them about these tools. For all types of customers, implement network-level call blocking at no charge. Use best efforts to ensure that all tools offered safeguard customers' personal, proprietary, and location information.
- Principle #2. Implement STIR/SHAKEN.** Implement STIR/SHAKEN call authentication.
- Principle #3. Analyze and Monitor Network Traffic.** Analyze high-volume voice network traffic to identify and monitor patterns consistent with robocalls.
- Principle #4. Investigate Suspicious Calls and Calling Patterns.** If a provider detects a pattern consistent with illegal robocalls, or if a provider otherwise has reason to suspect illegal robocalling or spoofing is taking place over its network, seek to identify the party that is using its network to originate, route, or terminate these calls and take appropriate action. Taking appropriate action may include, but is not limited to, initiating a traceback investigation, verifying that the originating commercial customer owns or is authorized to use the Caller ID number, determining whether the Caller ID name sent to a receiving party matches the customer's corporate name, trademark, or d/b/a name, terminating the party's ability to originate, route, or terminate calls on its network, and notifying law enforcement authorities.
- Principle #5. Confirm the Identity of Commercial Customers.** Confirm the identity of new commercial VoIP customers by collecting information such as physical business location, contact person(s), state or country of incorporation, federal tax ID, and the nature of the customer's business.
- Principle #6. Require Traceback Cooperation in Contracts.** For all new and renegotiated contracts governing the transport of voice calls, use best efforts to require cooperation in traceback investigations by identifying the upstream provider from which the suspected illegal robocall entered its network or by identifying its own customer if the call originated in its network.
- Principle #7. Cooperate in Traceback Investigations.** To allow for timely and comprehensive law enforcement efforts against illegal robocallers, dedicate sufficient resources to provide prompt and complete responses to traceback requests from law enforcement and from USTelecom's Industry Traceback Group. Identify a single point of contact in charge of responding to these traceback requests, and respond to traceback requests as soon as possible.
- Principle #8. Communicate with State Attorneys General.** Communicate and cooperate with state Attorneys General about recognized scams and trends in illegal robocalling. Due to the ever-changing nature of technology, update the state Attorneys General about potential additional solutions for combatting illegal robocalls.

## DEFINITIONS OF TERMS IN ANTI-ROBOCALL PRINCIPLES

The following terms are used in the attached set of Principles:

- **CALL AUTHENTICATION:** Call authentication allows a voice service provider to cryptographically sign call signaling information and allows the intermediate and destination providers to validate the signature. Call authentication prevents a caller from disguising its true identity and/or call origination. Call authentication is provided by a set of standards called STIR/SHAKEN, which specifies this functionality for Voice over Internet Protocol (“VoIP”) calls.
- **CALL BLOCKING:** Call blocking consists of technologies or devices that can stop illegal robocalls before they reach the called party. Call blocking can be implemented by various means on a voice service provider’s network or can be activated by the consumer through software applications or other devices or services.
- **CALL BLOCKING TOOLS:** Call blocking tools are devices, software applications, or services that may be pre-installed, downloaded, enabled, or manually programmed for individual use by consumers. Call blocking tools may be offered directly by the provider or made available through third parties.
- **CALL LABELING:** Call labeling passes additional information about an incoming call to the called party beyond the caller’s telephone number and caller ID name. It is typically displayed on the landline caller ID display or the mobile device screen. The information may display something like “spam” or “fraud alert” in text, or it may suggest the likelihood of an unwanted call by color, score, or image. The information may be provided by the voice service provider or by third-party software and services.
- **NETWORK-LEVEL CALL BLOCKING:** Network-level call blocking by the voice service provider stops calls from reaching a consumer’s landline or cellular telephone device without the consumer taking any steps to activate, request, opt-in, opt-out, or enable the blocking.
- **SHAKEN:** Signature-based Handling of Asserted information using toKENs. SHAKEN is an industry standard that defines how voice service providers should implement the STIR technology to ensure that outbound or originating calling party numbers are not illegally spoofed.
- **STIR:** Secure Telephony Identify Revisited. STIR is the name of a standardization working group and is commonly used to label the technology that adds cryptographic signatures to call signaling requests. This technology prevents a caller from providing a calling number to the receiving party that the caller is not authorized to use.

## DEFINITIONS OF TERMS (*continued*)

- **STIR/SHAKEN:** STIR/SHAKEN describes a set of technical standards and operating procedures for implementing call authentication for calls carried over an Internet Protocol network. The STIR/SHAKEN framework will enable originating voice service providers to attest to the validity of asserted caller IDs and sign outbound calls with a secure signature or certificate that cannot be faked. The terminating service provider will use the security certificate to validate that the caller ID attestation has not been compromised.
- **TRACEBACK:** Traceback is the process of determining the origin of a call, typically by starting with the receiving party and terminating voice service provider and tracing backwards through the path of the intermediate providers and, ultimately, to the originating voice service provider and the origin of the call. Traceback can be used to find the source of robocalls and, thus, the entities responsible for those calls.
- **VoIP:** Voice over Internet Protocol. VoIP carries voice telephone calls over Internet Protocol networks, either within and between voice service providers or to the end customer.

## DISCLAIMER

Failure to adhere to these principles is not in itself a basis for liability nor does adherence to these principles protect or release any party from liability. Compliance with these principles does not relieve any party from its duty to comply with state or federal laws and regulations. Adherence to these principles may take time for the voice service providers to plan for and implement.

AGREED to and SUPPORTED by the undersigned state Attorneys General and voice service providers:

AT&T Services, Inc.

Bandwidth Inc.

CenturyLink

Charter Communications, Inc.

Comcast

Consolidated Communications, Inc.

Frontier Communications Corporation

Sprint

T-Mobile USA

U.S. Cellular

Verizon

Windstream Services, LLC

JOSHUA H. STEIN  
Attorney General  
State of North Carolina

GORDON J. MACDONALD  
Attorney General  
State of New Hampshire

CURTIS T. HILL, JR.  
Attorney General  
State of Indiana

STEVE MARSHALL  
Attorney General  
State of Alabama

KEVIN G. CLARKSON  
Attorney General  
State of Alaska

MARK BRNOVICH  
Attorney General  
State of Arizona

LESLIE RUTLEDGE  
Attorney General  
State of Arkansas

XAVIER BECERRA  
Attorney General  
State of California

PHIL WEISER  
Attorney General  
State of Colorado

WILLIAM TONG  
Attorney General  
State of Connecticut

KATHLEEN JENNINGS  
Attorney General  
State of Delaware

KARL A. RACINE  
Attorney General  
District of Columbia

ASHLEY MOODY  
Attorney General  
State of Florida

CHRISTOPHER M. CARR  
Attorney General  
State of Georgia

CLARE E. CONNORS  
Attorney General  
State of Hawaii

LAWRENCE G. WASDEN  
Attorney General  
State of Idaho

KWAME RAOUL  
Attorney General  
State of Illinois

TOM MILLER  
Attorney General  
State of Iowa

DEREK SCHMIDT  
Attorney General  
State of Kansas

ANDY BESHEAR  
Attorney General  
Commonwealth of Kentucky

JEFF LANDRY  
Attorney General  
State of Louisiana

AARON M. FREY  
Attorney General  
State of Maine

BRIAN E. FROSH  
Attorney General  
State of Maryland

MAURA HEALEY  
Attorney General  
Commonwealth of Massachusetts

DANA NESSEL  
Attorney General  
State of Michigan

KEITH ELLISON  
Attorney General  
State of Minnesota

JIM HOOD  
Attorney General  
State of Mississippi

ERIC S. SCHMITT  
Attorney General  
State of Missouri

TIM FOX  
Attorney General  
State of Montana

DOUGLAS PETERSON  
Attorney General  
State of Nebraska

AARON D. FORD  
Attorney General  
State of Nevada

GURBIR S. GREWAL  
Attorney General  
State of New Jersey

HECTOR BALDERAS  
Attorney General  
State of New Mexico

LETITIA A. JAMES  
Attorney General  
State of New York

WAYNE STENEHJEM  
Attorney General  
State of North Dakota

DAVE YOST  
Attorney General  
State of Ohio

MIKE HUNTER  
Attorney General  
State of Oklahoma

ELLEN F. ROSENBLUM  
Attorney General  
State of Oregon

JOSH SHAPIRO  
Attorney General  
Commonwealth of Pennsylvania

PETER F. NERONHA  
Attorney General  
State of Rhode Island

ALAN WILSON  
Attorney General  
State of South Carolina

JASON R. RAVNSBORG  
Attorney General  
State of South Dakota

HERBERT H. SLATERY III  
Attorney General  
State of Tennessee

KEN PAXTON  
Attorney General  
State of Texas

SEAN D. REYES  
Attorney General  
State of Utah

T.J. DONOVAN  
Attorney General  
State of Vermont

MARK R. HERRING  
Attorney General  
Commonwealth of Virginia

ROBERT W. FERGUSON  
Attorney General  
State of Washington

PATRICK MORRISEY  
Attorney General  
State of West Virginia

JOSHUA L. KAUL  
Attorney General  
State of Wisconsin

BRIDGET HILL  
Attorney General  
State of Wyoming

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**THE PEOPLE OF THE STATE OF ILLINOIS,**

**Plaintiff,**

**v.**

**GLAMOUR SERVICES, LLC, a Illinois Limited  
Liability Company; AWE STRUCK, INC.,  
an Illinois Corporation; and MATTHEW  
GLAMKOWSKI, individually and in his capacity as  
Manager of Glamour Services, LLC and as President  
of Awe Struck, Inc.,**

**Defendants.**

**No. 2019-cv-**

**COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF**

1. Plaintiff, the People of the State of Illinois, by KWAME RAOUL, Illinois Attorney General, as a Complaint for Injunctive and Other Relief against Defendants Glamour Services, LLC, an Illinois limited liability company registered to do business in Illinois (“Glamour Services”), Awe Struck, Inc., an Illinois corporation (“Awe Struck”), and Matthew Glamkowski, as an individual and in his capacity as manager for Glamour Services, LLC and as President of Awe Struck, Inc., (“Glamkowski”), (collectively “Defendants”), states the following:

**NATURE OF PLAINTIFF’S CLAIMS**

2. This lawsuit arises under the Telephone Consumer Protection Act, 47 U.S.C. §227, *et seq.*, (“TCPA”), and the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §6101, *et seq.*, (“Telemarketing Act”), to challenge Defendants’ telephone solicitation practices. Plaintiff seeks a permanent injunction and other relief, based upon Defendants’

violations of the TCPA and of the Telemarketing Act in connection with placing telemarketing solicitations to consumers whose telephone numbers have been registered with the National Do Not Call Registry.

3. Plaintiff, as part of the same case or controversy, also brings this action pursuant to the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 *et seq.*, (“Consumer Fraud Act”).

### **JURISDICTION AND VENUE**

4. This court has jurisdiction over this matter pursuant to 28 U.S.C. §§1331 and 1337(a), 47 U.S.C. §227(g)(2), and 15 U.S.C. §6103(a), and supplemental jurisdiction over the state claims pursuant to 28 U.S.C. §1367.

5. Venue in this judicial district is proper pursuant to 28 U.S.C. §1391(b), in that a substantial part of the events or omissions giving rise to the claim occurred in this judicial district. Venue is also proper in this judicial district pursuant to 47 U.S.C. §227(g)(4) and 15 U.S.C. §6103(e), in that Defendants have transacted business in this district.

6. Plaintiff notified the Federal Communications Commission of this civil action in writing on or about June 21, 2019.

7. Plaintiff notified the Federal Trade Commission of this civil action in writing on or about June 21, 2019.

## PARTIES

8. Plaintiff, as *parens patriae*, by and through its attorney, Kwame Raoul, Attorney General, is authorized by 47 U.S.C. §227(g)(1) to file actions in federal district court to enjoin violations of and enforce compliance with the TCPA on behalf of residents of the State of Illinois, and to obtain actual damages or damages of \$500 for each violation, and up to treble that amount for each violation committed willfully or knowingly.

9. Plaintiff, as *parens patriae*, by and through its attorney, Kwame Raoul, Attorney General, is authorized by 15 U.S.C. §6103 to file actions in federal district court to enjoin violations of and enforce compliance with the Telemarketing Act on behalf of residents of the State of Illinois, and to obtain damages, restitution, or other compensation on behalf of residents of Illinois, or to obtain such further and other relief as the court may deem appropriate.

10. Plaintiff, by Kwame Raoul Attorney General of the State of Illinois, is charged, *inter alia*, with the enforcement of the Consumer Fraud Act, 815 ILCS 505/7.

11. Glamour Services is a limited liability company organized under the laws of the State of Illinois.

12. Glamour Services's principal place of business is 245 West Roosevelt Road, Suite 104, West Chicago, Illinois 60185.

13. Awe Struck is a corporation organized under the laws of the State of Illinois.

14. Awe Struck's principal place of business is 245 West Roosevelt Road, Suite 104, West Chicago, Illinois 60185.

15. Glamkowski is sued individually, and in his capacity as manager of Glamour Services and as president of Awe Struck.

16. Glamkowski manages the day-to-day operations of Glamour Services and Awe Struck.

17. Glamkowski approved, authorized, directed, and participated in Defendants' telephone solicitation scheme by: (a) creating and approving the scripts that employees, agents, or third parties use to make the telephone solicitations; (b) creating and recording in advance the "ringless" voicemails to be distributed; (c) purchasing lists of consumers to target for telephone solicitations; (d) directing, training, and supervising employees, agents, or third parties to make the telephone solicitations; (e) determining the number and frequency of the telephone solicitations; and (f) approving payment or paying employees, agents, or third parties to conduct the telephone solicitations.

18. As described below, Defendants Glamkowski, Glamour Services, and Awe Struck have engaged, and continued to engage in a pattern and practice of defrauding consumers; thus, to adhere to the fiction of a separate corporate existence between Defendants Glamkowski and Glamour Services or between Defendants Glamkowski and Awe Struck would serve to sanction fraud and promote injustice.

19. For purposes of this Complaint, any references to the acts and practices of Defendants shall mean that such acts and practices are by Glamkowski and/or through the acts of Glamour Services's and Awe Struck's respective owners, officers, directors, members, employees, partners, representatives, and/or other agents.

#### **DEFENDANTS' BUSINESS PRACTICES**

20. Defendants are, and at all times relevant to this Complaint have been, doing business and transacting business as a provider of certain services, including, but not limited to the following: (1)

window washing, (2) pressure washing, (3) air duct cleaning, (4) gutter cleaning, and (5) carpet cleaning (hereinafter “cleaning service(s)”).

21. Defendants, in an attempt to sell their cleaning services, direct telemarketing solicitations to, or cause them to be directed to consumers, including but not limited to Illinois consumers.

Defendants’ Unfair and Deceptive Telemarketing Activities

22. On at least 28 occasions since 2014, Illinois consumers have complained to the Illinois Attorney General of receiving unsolicited telemarketing calls from Defendants, despite being enrolled on the National Do Not Call Registry.

23. Defendants have sent telemarketing calls to Illinois consumers whose numbers are registered on the National Do Not Call Registry but who have not complained to the Illinois Attorney General’s Office.

24. Over 1,000 consumer complaints have been submitted to law enforcement agencies by Illinois consumers who received unsolicited telemarketing calls from Defendants, despite being enrolled on the National Do Not Call Registry.

25. In numerous instances, Illinois consumers have complained that Defendants continued to call them despite the consumers informing Defendants they were on the National Do Not Call Registry and despite the consumers specifically requesting Defendants to take them off their call list(s).

26. In numerous instances, Defendants have initiated telephone solicitations to residential telephone subscribers in Illinois using an artificial or prerecorded voice to deliver a message without the prior express consent of the called subscribers.

27. In numerous instances, Defendants have initiated telephone solicitations that deliver prerecorded voice messages without identifying the identity of the seller Defendants.

28. These messages were prerecorded in the sense that Glamkowski recorded them ahead of time, and then the recording was played when the call was answered by consumers' voice mailboxes. The quality and preciseness of each message left confirm use of prerecorded messages. The number of consumers who report receiving identical messages confirms the messages were sent *en masse*.

29. In numerous instances, Defendants have harassed, hung up on, or otherwise failed to honor Illinois consumers' requests that they be removed from Defendants' telemarketing lists.

30. In numerous instances, Defendants have threatened Illinois consumers or used profane or obscene language against Illinois consumers during their telemarketing activities.

#### Defendants' Unfair and Deceptive Cleaning Service Practices

31. In some instances, Defendants have taken money from consumers and have failed to commence or complete the promised cleaning services and have failed to provide refunds to consumers.

32. In some instances, Defendants have failed to inform consumers of the prices Defendants intend to charge for each type of cleaning service prior to conducting work.

33. In some instances, the cleaning services Defendants perform are completed in a shoddy and unworkmanlike manner.

## APPLICABLE STATUTES

### FEDERAL LAWS

#### TELEPHONE CONSUMER PROTECTION ACT AND APPLICABLE RULES

34. The TCPA, enacted in 1991, amended the Communications Act of 1934 by adding 47 U.S.C. §227, which requires the Federal Communications Commission to

...initiate a rulemaking proceeding concerning the need to protect residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. ... The regulations required by [the TCPA] may require the establishment and operation of a single national database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations, and to make that compiled list and parts thereof available for purchase. If the Commission determines to require such a database, such regulations shall— ... (F) prohibit any person from making or transmitting a telephone solicitation to the telephone number of any subscriber included in such database ...

47 U.S.C. §227(c)(1) and (c)(3).

35. On June 26, 2003, the Federal Communications Commission revised its rules and promulgated new rules pursuant to the TCPA. These new rules provide for a National Do Not Call Registry.

36. 47 C.F.R. §64.1200(c) provides in part: “No person or entity shall initiate any telephone solicitation to: ... (2) A residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the Federal Government.”

37. 47 U.S.C. §227(a)(4) and 47 C.F.R. §64.1200(f)(14) provide in part: “The term telephone solicitation means the initiation of a telephone call or message for the purpose of encouraging the

purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person ...”

38. At all times relevant to this complaint, Defendants were engaged in the practice of conducting telephone solicitations as defined in the TCPA and the rules promulgated pursuant to the TCPA.

39. The TCPA provides in part:

Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that any person has engaged or is engaging in a pattern or practice of telephone calls or other transmissions to residents of that State in violation of this section or the regulations prescribed under this section, the State may bring a civil action on behalf of its residents to enjoin such calls, an action to recover for actual monetary loss or receive \$500 in damages for each violation, or both such actions. If the court finds the defendant willfully or knowingly violated such regulations, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

47 U.S.C. § 227(g)(1).

**TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT AND  
TELEMARKETING SALES RULE**

40. In 1994, Congress directed the FTC to prescribe rules prohibiting abusive and deceptive telemarketing acts or practices pursuant to the Telemarketing Act, 15 U.S.C. §§ 6101-6108. On August 16, 1995, the FTC adopted the Telemarketing Sales Rule (the “Original TSR”), 16 C.F.R. Part 310, which became effective on December 31, 1995. On January 29, 2003, the FTC amended the Original TSR by issuing a Statement of Basis and Purpose and the final amended TSR (“TSR”). Telemarketing Sales Rule, 68 Fed. Reg. 4580-01.

41. Among other things, the TSR established a “do-not-call” registry, maintained by the Commission (the “National Do Not Call Registry” or “Registry”), of consumers who do not wish to receive certain types of telemarketing calls. Consumers can register their telephone numbers on the Registry without charge either through a toll-free telephone call or over the Internet at <https://donotcall.gov/>.

42. Sellers, telemarketers, and other permitted organizations can access the Registry over the Internet at <https://telemarketing.donotcall.gov/> to download the registered numbers. Sellers and telemarketers are prohibited from calling registered numbers in violation of the TSR. 16 C.F.R. § 310.4(b)(1)(iii)(B).

43. Consumers who receive telemarketing calls to their registered numbers can complain of Registry violations the same way they registered, through a toll-free telephone call to 1-888-382-1222 or over the Internet at <https://donotcall.gov/>, or by contacting law enforcement.

44. The TSR also requires a telemarketer to honor a person’s request to no longer receive telemarketing calls made by or on behalf of the telemarketer. 16 C.F.R. §310.4(b)(1)(iii)(A).

45. The TSR prohibits a telemarketer from initiating an outbound telephone call that delivers a prerecorded message unless the message promptly discloses:

- a. the identity of the seller;
- b. that the purpose of the call is to sell goods or services; and
- c. the nature of the goods or services.

16 C.F.R. §310.4(b)(1)(v)(B)(ii).

46. Defendants are each a “seller” or “telemarketer” engaged in “telemarketing,” as defined by the TSR, 16 C.F.R. § 310.2(dd), (ff), (gg).

47. Section 6103(a) of the Telemarketing Act authorizes the Attorney General of a state to enforce the Telemarketing Act and the TSR, 15 U.S.C. §6103(a).

## STATE LAW

### CONSUMER FRAUD ACT

48. Section 2 of the Consumer Fraud Act, provides:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact, or the use or employment of any practice described in section 2 of the 'Uniform Deceptive Trade Practices Act,' approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby. In construing this section consideration shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to section 5(a) of the Federal Trade Commission Act.

815 ILCS 505/2.

49. Subsection 1(f) of the Consumer Fraud Act defines "trade" and "commerce" as follows:

The terms 'trade' and 'commerce' mean the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this State.

815 ILCS 505/1(f).

50. Section 2Z of the Consumer Fraud Act states that any person who knowingly violates certain Illinois statutes, including the Automatic Telephone Dialers Act and the Telephone

Solicitations Act, “commits an unlawful practice within the meaning of this Act.” 815 ILCS 5050/2Z.

51. Section 30(b) of the Automatic Telephone Dialers Act provides that “[i]t is a violation of this Act to play a prerecorded message placed by an autodialer without the consent of the called party.” 815 ILCS 305/30.

52. Section 15 of the Telephone Solicitations Act states in relevant part:

- (a) No person shall solicit the sale of goods or services in this State by placing a telephone call during the hours between 9 p.m. and 8 a.m.
- (b) A live operator soliciting the sale of goods or services shall:
  - 1. immediately state his or her name, the name of the business or organization being represented, and the purpose of the call; and
  - 2. inquire at the beginning of the call whether the person consents to the solicitation; and
  - 3. if the person called requests to be taken off the contact list of the business or organization, the operator must refrain from calling that person again and take all steps necessary to have that person’s name and telephone number removed from the contact records of the business or organization so that the person will not be contacted again by the business or organization...
- (c) A person may not solicit the sale of goods or services by telephone in a manner that impedes the function of any caller ID when the telephone solicitor’s service or equipment is capable of allowing the display of the solicitor’s telephone number.

815 ILCS 413/15.

53. Section 25 of the Telephone Solicitations Act states in relevant part:

- (a) It is a violation of this Act to make or cause to be made telephone calls to any emergency telephone number as defined in Section 5 of this Act. It is a violation of this Act to make or cause to be made telephone calls in a manner that does not comply with Section 15.
- (b) It is a violation of this Act to continue with a solicitation placed by a live operator without the consent of the called party.
- (c) It is an unlawful act or practice and a violation of this Act for any person engaged in telephone solicitation to obtain or submit for payment a check, draft, or other form of negotiable paper drawn on a person's checking, savings, or other account or on a bond without the person's express written consent.

815 ILCS 413/25.

54. Section 7 of the Consumer Fraud Act provides:

Whenever the Attorney General has reason to believe that any person is using, has used, or is about to use any method, act or practice declared by the Act to be unlawful, and that proceedings would be in the public interest, he may bring an action in the name of the State against such person to restrain by preliminary or permanent injunction the use of such method, act or practice. The Court, in its discretion, may exercise all powers necessary, including but not limited to: injunction, revocation, forfeiture or suspension of any license, charter, franchise, certificate or other evidence of authority of any person to do business in this State; appointment of a receiver; dissolution of domestic corporations or association suspension or termination of the right of foreign corporations or associations to do business in this State; and restitution.

In addition to the remedies provided herein, the Attorney General may request and this Court may impose a civil penalty in a sum not to exceed \$50,000 against any person found by the Court to have engaged in any method, act or practice declared unlawful under this Act. In the event the court finds the method, act or practice to have been entered into with intent to defraud, the court has the authority to impose a civil penalty in a sum not to exceed \$50,000 per violation.

815 ILCS 505/7.

55. Section 10 of the Consumer Fraud Act provides, "In any action brought under the provisions of this Act, the Attorney General is entitled to recover costs for the use of this State."

815 ILCS 505/10.

## **VIOLATIONS**

### **COUNT I - TCPA AND RULES**

56. Paragraphs 1 through 55 are incorporated herein by reference.

57. Defendants have violated 47 U.S.C. §227(b)(1)(A)(iii), by engaging in a pattern or practice of initiating telephone solicitations through the use of automatic telephone dialing

systems or an artificial or prerecorded voice to telephone numbers assigned to cellular telephone services.

58. Defendants have violated 47 C.F.R. §64.1200(a) and 47 U.S.C. §227(b)(1)(B), by engaging in a pattern or practice of initiating telephone solicitations to residential telephone subscribers in Illinois, using an artificial or prerecorded voice to deliver a message without the prior express consent of the called subscribers.

59. Defendants have violated 47 C.F.R. §64.1200(c)(2) and 47 U.S.C. §227(c), by engaging in a pattern or practice of initiating telephone solicitations to residential telephone subscribers in Illinois, whose telephone numbers were listed on the National Do Not Call Registry.

**PRAYER FOR RELIEF - COUNT I**

WHEREFORE, Plaintiff prays that this honorable Court enter an Order:

- A. Finding that Defendants have violated the TCPA;
- B. Permanently enjoining Defendants from initiating telephone solicitations through the use of automatic telephone dialing systems or an artificial or prerecorded voice to telephone numbers assigned to cellular telephone services;
- C. Permanently enjoining Defendants from initiating telephone solicitations to residential telephone subscribers using an artificial or prerecorded voice to deliver a messages without the prior express consent of the called subscribers;
- D. Permanently enjoining Defendants from initiating telephone solicitations to residential telephone subscribers in Illinois, whose telephone numbers are listed on the National Do Not Call Registry;

- E. Assessing against Defendants damages of \$1,500 for each violation of the TCPA found by the Court to have been committed by Defendants willfully and knowingly; if the Court finds Defendants have engaged in violations of the TCPA that are not willful and knowing, then assessing against Defendants damages of \$500 for each violation of the TCPA, as provided by 47 U.S.C. §227;
- D. Assessing against Defendants all costs incurred by Plaintiff in bringing this action; and
- E. Awarding Plaintiff such other and additional relief as the Court determines to be just and proper.

#### **COUNT II - TSR**

60. Paragraphs 1 through 59 are incorporated herein by reference.

61. In numerous instances, in connection with telemarketing, Defendants have initiated or caused a telemarketer to initiate an outbound telephone call to a person's telephone number on the National Do Not Call Registry in violation of the TSR, 16 C.F.R. § 310.4(b)(1)(iii)(B).

62. In numerous instances, in connection with telemarketing, Defendants have initiated or caused a telemarketer to initiate an outbound telephone call to a person who previously has stated that he or she does not wish to receive an outbound telephone call made by or on behalf of Defendants, in violation of the TSR, 16 C.F.R. §310.4(b)(1)(iii)(A).

63. In numerous instances, in connection with telemarketing, Defendants have denied a person the right to be placed on any registry of names or telephone numbers that do not wish to receive calls by Defendants, including but not limited to, harassing persons that make such a request, hanging up on persons, and failing to honor persons' requests in violation of the TSR, 16 C.F.R. §310.4(b)(1)(ii).

64. In numerous instances, in connection with telemarketing, Defendants have engaged in the use of threats, intimidation, or the use of profane or obscene language against a person, in violation of the TSR, 16 C.F.R. §310.4(a)(1).

65. In numerous instances, in connection with telemarketing, Defendants have initiated outbound calls that deliver prerecorded voice messages that fail to disclose the identity of the seller in violation of the TSR, 16 C.F.R. §310.4(b)(1)(v)(B)(ii).

66. In numerous instances, in connection with telemarketing, Defendants have initiated telephone solicitations to residential telephone subscribers using an artificial or prerecorded voice to deliver a message without the prior express consent of the called subscribers in violation of the TSR, 16 C.F.R. §310.4(b)(1)(v)(A).

#### **PRAYER FOR RELIEF- COUNT II**

WHEREFORE, Plaintiff prays that this honorable Court enter an Order:

- A. Finding that Defendants have violated the Telemarketing Act and the TSR;
- B. Permanently enjoining Defendants from initiating telephone solicitations to person's telephone numbers on the National Do Not Call Registry;
- C. Permanently enjoining Defendants from initiating or causing outbound telephone calls to be made to persons who have previously stated that they do not wish to receive telephone calls made by or on behalf of Defendants;
- D. Permanently enjoining Defendants from denying a person the right to be placed on any registry of names or telephone numbers that do not wish to receive calls by Defendants, including but not limited to, harassing persons that make such a request, hanging up on persons, and failing to honor persons' requests;

- E. Permanently enjoining Defendants from engaging in the use of threats, intimidation, or the use of profane or obscene language against a person in connection with telemarketing;
- F. Permanently enjoining Defendants from initiating outbound calls that deliver prerecorded voice messages that fail to disclose the identity of the seller;
- G. Permanently enjoining Defendants from initiating telephone solicitations to residential telephone subscribers using an artificial or prerecorded voice to deliver a message without the prior express consent of the called subscribers;
- H. Assessing against Defendants damages for the residents of Illinois, rescission of contracts, the refund of monies paid, and the disgorgement of ill-gotten monies;
- I. Assessing against Defendants all costs incurred by Plaintiff in bringing this action, including reasonable attorney's fees; and
- J. Awarding Plaintiff such other and additional relief as the Court determines to be just and proper.

### **COUNT III - CONSUMER FRAUD ACT**

67. Paragraphs 1 through 66 are incorporated herein by reference.

68. Defendants were at all times relevant hereto, engaged in trade and commerce in the State of Illinois, in that Defendants advertised, offered for sale, and sold products and services including, but not limited to cleaning services to Illinois consumers and billed Illinois consumers for the same.

69. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2 of the Consumer Fraud Act by

continuing to place telemarketing calls to Illinois consumers after they requested that Defendants cease this activity.

70. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2 of the Consumer Fraud Act by representing to consumers, expressly or by implication, with the intent that consumers rely on the representation, that it was legal to place telemarketing calls to consumers when in fact the consumers had placed their phone number on the National Do Not Call Registry.

71. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful under Section 2 of the Consumer Fraud Act by performing work in a shoddy and unworkmanlike manner and failing to refund consumers' money.

72. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2 of the Consumer Fraud Act by taking money from consumers and failing to commence or complete the promised work and failing to provide refunds to consumers.

73. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2 of the Consumer Fraud Act by failing to inform consumers, with the intent that consumers rely on the omission, of the material term of the prices Defendants intend to charge for each type of service prior to conducting work.

74. Defendants engaged in a course of conduct or trade that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2Z of the Consumer Fraud Act by knowingly making or causing to be made telephone calls using an autodialer to play prerecorded

messages without the consent of the called parties in violation of the Automatic Telephone Dialers Act, 815 ILCS 305/30.

75. Defendants engaged in a course of conduct or trade that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2Z of the Consumer Fraud Act by knowingly failing to refrain from calling persons who had requested to be taken off Defendants' contact list(s), in violation of the Telephone Solicitations Act, 815 ILCS 413/15(b)(3), 815 ILCS 413/25(a).

76. Defendants engaged in a course of conduct or trade that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2Z of the Consumer Fraud Act by knowingly failing to inquire at the beginning of the call whether the person called consents to the solicitation, in violation of the Telephone Solicitations Act, 815 ILCS 413/15(b)(2), 815 ILCS 413/25(a).

77. Defendants engaged in a course of conduct or trade that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2Z of the Consumer Fraud Act by knowingly continuing with a solicitation placed by a live operator without the consent of the called party in violation of the Telephone Solicitations Act, 815 ILCS 413/25(b).

**PRAYER FOR RELIEF- COUNT III**

WHEREFORE, Plaintiff prays that this honorable Court enter an Order:

- A. Finding that Defendants have violated Section 2 of the Consumer Fraud Act;
- B. Finding that Defendants have violated Section 2Z of the Consumer Fraud Act by knowingly violating the Automatic Telephone Dialers Act and the Telephone Solicitations Act;

- C. Permanently enjoining Defendants from continuing to place telemarketing calls to Illinois consumers after consumers request that Defendants cease this activity;
- D. Permanently enjoining Defendants from representing to consumers, expressly or by implication, with the intent that consumers rely on the representation, that it was legal to place telemarketing calls to consumers when in fact the consumers had placed their phone number on the National Do Not Call Registry;
- E. Permanently enjoining Defendants from performing work in a shoddy and unworkmanlike manner and failing to refund consumers' money;
- F. Permanently enjoining Defendants from taking money from consumers and failing to commence or complete the promised work and failing to provide refunds to consumers;
- G. Permanently enjoining Defendants from failing to inform consumers, with the intent that consumers rely on the omission, of the material term of the prices Defendants intend to charge for each type of service prior to conducting work;
- H. Permanently enjoining Defendants from knowingly making or causing to be made telephone calls using an autodialer to play prerecorded messages without the consent of the called parties;
- I. Permanently enjoining Defendants from knowingly failing to refrain from calling persons who had requested to be taken off Defendants' contact list(s);
- J. Permanently enjoining Defendants from knowingly failing to inquire at the beginning of the call whether the person called consents to the solicitation;
- K. Permanently enjoining Defendants from knowingly continuing with a solicitation placed by a live operator without the consent of the called party;

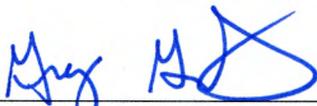
- L. Ordering Defendants to pay full restitution to all affected Illinois consumers;
- M. Ordering Defendants to pay a civil penalty of \$50,000.00 per deceptive or unfair act or practice and an additional amount of \$50,000 for each act or practice found to have been committed with intent to defraud, as provided in Section 7 of the Consumer Fraud Act, 815 ILCS 505/7;
- N. Assessing a civil penalty in the amount of Ten Thousand Dollars (\$10,000) for any method, act, or practice declared unlawful under the Consumer Fraud Act and directed towards a person 65 years of age or older;
- O. Requiring Defendants to pay all costs for the prosecution and investigation of this action, as provided by Section 10 of the Consumer Fraud Act, 815 ILCS 505/10; and
- P. Awarding Plaintiff such other and additional relief as the Court determines to be just and proper.

Dated: June 25, 2019

Respectfully submitted,

THE PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL,  
Illinois Attorney General

BY:

  
\_\_\_\_\_  
GREG GRZESKIEWICZ

BY:

*/s/ Tracy Walsh*  
\_\_\_\_\_  
TRACY WALSH

KWAME RAOUL  
Illinois Attorney General

SUSAN ELLIS, Chief  
Consumer Protection Division

GREG GRZESKIEWICZ, Chief  
Consumer Fraud Bureau

ANDREA LAW, Unit Supervisor  
Consumer Fraud Bureau

TRACY WALSH, #6297889  
Assistant Attorney General  
Illinois Attorney General - Consumer Fraud Bureau  
100 W. Randolph St., 12<sup>th</sup> floor; Chicago, IL 60601  
(312) 814-2159; twalsh@atg.state.il.us