

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Kenneth Moser dba Marketing Support Systems*, File No.: EB-TCD-18-00028267.

Approximately one week before California's 2018 primary election, tens of thousands of residents of the 76th State Assembly District in San Diego County were bombarded with robocalls. In these calls, a prerecorded voice message graphically described an alleged sexual assault involving a candidate for an open State Assembly seat—an allegation that turned out to be false.

An investigation by our Enforcement Bureau identified Kenneth Moser as the originator of these 47,610 calls. None of these calls contained accurate caller ID information. Instead, Moser changed the caller ID information so that the calls appeared to come from a company called HomeyTel Network, which just happened to be a business rival of Moser's.

These calls violated the Truth in Caller ID Act of 2009, and today the Commission formally imposes a \$9,997,750 forfeiture on Moser.

None of Moser's objections to our decision today have any merit. For example, Moser claims that he didn't intend for his spoofing to harm HomeyTel because he thought that the company was no longer using the phone number that he inserted into the caller ID information. But this contention isn't credible. Moser intentionally chose to use a phone number that he knew belonged to a business rival with whom he had a bitter, litigious history. One would have to be rather naïve to think that this was not done with the intent to cause harm. And not only did Moser intend to cause HomeyTel harm, he actually did harm, as the company bore the brunt of angry complaints from many who received the robocalls.

Moser also argues that he is not subject to liability because the robocalls in question were political in nature. No luck there either. The Truth in Caller ID Act doesn't exempt political calls from its requirements. Put simply, political campaigns do not have carte blanche to make robocalls with inaccurate caller ID information.

I want to thank our staff for conducting a meticulous and dogged investigation that once again has allowed us to bring a spoofer to justice: Lisa Gelb, Rosemary Harold, Jermaine Haynes, Shannon Lipp, Latashia Middleton, Tanishia Proctor, Nakasha Ramsey, Linda Simms, Kristi Thompson, Brandon Thompson, Kimberly Thorne, Bridgette Washington, Lisa Williford, Shana Yates, and Lisa Zaina of the Enforcement Bureau; Eduard Bartholme, Kurt Schroeder, Mark Stone, and Kristi Thornton of the Consumer and Governmental Affairs Bureau; Valerie Hill, Rick Mallen, and Bill Richardson of the Office of General Counsel; Alex Espinoza and Rachel Kazan of the Office of Economics and Analytics; and Daniel Kahn and Melissa Droller Kirkel of the Wireline Competition Bureau.