

Telephone and Texting Compliance News — August 2024

August 27, 2024 | Article | By [Russell H. Fox](#), [Joshua Briones](#), [Jonathan P. Garvin](#), [Esteban Morales](#)

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We are pleased to present our latest edition of *Telephone and Texting Compliance News*, providing insights and news related to the Telephone Consumer Protection Act (TCPA). In this month's Regulatory Update, we cover the FCC's Notice of Apparent Liability (NAL) against voice service provider Lingo Telecom for transmitting illegally spoofed, deep fake robocalls. To resolve the NAL, Lingo will pay a \$1 million civil penalty and implement a plan requiring strict compliance with the FCC's STIR/SHAKEN and caller ID authentication rules. We also provide an overview of the FCC's draft Notice of Proposed Rulemaking focused on requirements for AI-generated robocalls and robotexts and its Notice of Inquiry seeking comment on how the FCC can protect the privacy of parties involved in calls using AI technologies.

In this month's Litigation Update, we report on a decision from a Texas federal court in *Bradford v. Sovereign Pest Control*. Along with granting summary judgment in favor of the defendant, the court provided guidance on when a call or text message qualifies as telemarketing under the TCPA. Noting the parties' contractual relationship, the *Bradford* court held that the defendant's calls to the plaintiff were informational and not telemarketing. The court also determined that the plaintiff gave prior express consent for the calls by providing his cell phone number when entering into the service plan agreement.

If you have suggestions for topics you'd like us to feature in this newsletter, or any questions about the content in this issue, please feel free to reach out to an attorney on Mintz's [TCPA and Consumer Calling Practice team](#).

In This Edition

Regulatory Update

- **Federal Communications Commission Resolves Investigation Against Voice Service Provider That Failed to Authenticate Calls**
- **Commission Finalizes AI in Robocalling NPRM, Moves Privacy Concerns to Notice of Inquiry**

Litigation Update

- **Contract Language Brings Telemarketing TCPA Allegations to a Halt**

Authors



Russell H. Fox, Member

Russell H. Fox is a wireless communications attorney at Mintz. He guides clients through federal legislative, regulatory, and transactional matters. Russell also participates in FCC proceedings, negotiates spectrum agreements, and represents clients in spectrum auctions.



Joshua Briones, Member / Managing Member, Los Angeles Office

Joshua Briones is a commercial litigator who defends consumer class actions for Mintz. He's represented clients in a wide range of industries, including financial services, life sciences, manufacturing, and retail, in cases involving false advertising, unfair trade practices, and other claims.



Jonathan P. Garvin, Associate

Jonathan Garvin is an attorney at Mintz who focuses on legal challenges facing companies in the communications and media industries. He advises clients on transactional, regulatory, and compliance issues before the FCC involving wireless, broadband, broadcast, and cable matters.



Esteban Morales, Member

Esteban Morales is a Mintz litigator who handles class action defense and financial services litigation for companies of all sizes. He defends clients targeted in class action suits, and the results include dismissals at the pleading stage. Esteban practices in Mintz's Sports Law Practice.

More Viewpoints

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