

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

In the Matter of	)	
	)	
Toll-Free Service Access Codes	)	CC Docket No. 95-155
	)	
Telecommunications Carrier's Use of Customer Proprietary Network Information and Other Customer Information	)	CC Docket No. 96-115

**COMMENTS OF THE ALLIANCE FOR  
TELECOMMUNICATIONS INDUSTRY SOLUTIONS**

The Alliance for Telecommunications Industry Solutions (ATIS) hereby submits these comments in response to the *Public Notice* released October 18, 2018, in the above-referenced docket. This *Public Notice* seeks comment on a Petition for emergency declaratory relief, or alternatively for a further rulemaking, filed by 800 Response Information Services LLC (*800 Response Petition*), which seeks to prohibit carriers from blocking interconnection to their location platform for Toll-Free calls initiated on their networks, or to otherwise impose upon connecting carriers and providers of Toll-Free telephone service an obligation to obtain the explicit, real-time consent of customers to use their location for purposes of routing their calls to a Toll-Free number.<sup>1</sup> As explained more fully below, ATIS supports the *800 Response Petition*, noting that there is a legitimate need for coarse location information as described in the petition and that the limited retention and clearly defined use of such information can virtually eliminate any privacy related concerns.

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<sup>1</sup> See *Petition of 800 Response Information Services LLC for Emergency Declaratory Relief, or in the Alternative, Petition for Further Rulemaking*, CC Docket No. 96-115 (filed Oct. 10, 2018).

## I. BACKGROUND

ATIS is a global standards development and technical planning organization that develops and promotes worldwide technical and operations standards for information, entertainment, and communications technologies. ATIS' diverse membership includes key stakeholders from the Information and Communications Technologies (ICT) industry – wireless and wireline service providers, equipment manufacturers, broadband providers, software developers, consumer electronics companies, public safety agencies, and internet service providers. ATIS is also a founding partner and the North American Organizational Partner of the Third Generation Partnership Project (3GPP), the global collaborative effort that has developed the Long Term Evolution (LTE) and LTE-Advanced wireless specifications. Nearly 600 industry subject matter experts work collaboratively in ATIS' open industry committees and incubator solutions programs.

ATIS SMS/800 Number Administration Committee (SNAC) resolves issues impacting existing Toll-Free products and services and evolving technologies affecting the future of the Toll-Free industry. SNAC is made up of members representing providers and users of the 800 Service Management System (SMS/800). It provides recommendations to the owner/manager of the SMS/800 database regarding design and management issues that have a direct effect on the system users. SNAC maintains the *Industry Guidelines for Toll-Free Number Administration*,<sup>2</sup> and is a leader in developing standards and procedures for the interaction between Resp Orgs, Customers, and Service Providers.

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<sup>2</sup> This document is available from the ATIS Document Center at <https://www.atis.org/docstore/product.aspx?id=26088>.

## **II. COMMENTS**

### **A. Toll-Free Use of Coarse Location Information Is Important**

In the petition, 800 Response notes the important role that geographic routing plays in meeting the needs of Toll-Free subscribers, explaining that Toll-Free providers use information on dialing parties' locations in order to correctly route calls. ATIS SNAC believes that the use of coarse location information for the routing and billing of Toll-Free calls is vital to meeting the needs of both consumers and Toll-Free subscribers.

First and most importantly, the use of such information is critical to consumers who dial Toll-Free numbers. Consumers expect that when they dial these numbers they will be routed appropriately. In many cases, consumers expect to be routed to nearby offices/stores. For example, a consumer dialing a Toll-Free number for a florist will expect to be connected to a nearby florist, rather than to one that is located across the country. Similarly, consumers dialing Toll-Free numbers of emergency response organizations (such as poison control centers and suicide hotlines) expect to be routed to nearby emergency providers who can respond quickly to the call.

The use of geographic routing is also critical in addressing the business needs of the Toll-Free subscribers, including those Toll-Free subscribers who share use of a Toll-Free number. It is common practice that shared use and other services depend upon geographic routing to utilize high profile and easily recalled vanity numbers. These numbers are often considered to be the most desirable of Toll-Free numbers, and by making them available to multiple users their effectiveness is enhanced and the overall rate of exhaust in Toll-Free resources is slowed. ATIS previously explained the need for location-based routing of Toll-Free calls in its April 16, 2015, letter, which was referenced in the *800 Response Petition*. ATIS has noted the importance of

routing Toll-Free calls based on the caller's location.<sup>3</sup> Such routing allows subscribers to provide efficient and effective services to customers, streamline business operations, and provide quick and effective response in the case of emergencies. It also allows for the efficient use of Toll-Free resources, facilitating the shared use of a single Toll-Free number by different businesses in different territories as defined by their service agreement,<sup>4</sup> as well as providing franchises with the ability to use a single Toll-Free number to route callers to the relevant location.

**B. Toll-Free Use of Location Data Does Not Negatively Impact Consumers' Privacy**

ATIS acknowledges that there are privacy concerns with the use of location information by Toll-Free subscribers. However, ATIS believes the clearly defined use and limited retention and of such information, virtually eliminates any privacy related impacts.

800 Response correctly acknowledges in its petition that the use of dialing party location information used by Toll-Free subscribers is Customer Premises Network Information (CPNI), but explains that Toll-Free use of location data is consistent with the Commission's CPNI rules. As explained in the *800 Response Petition*, dialing party location information is used by Toll-Free providers, such as 800 Response, strictly for the purpose of providing Toll-Free service and is not used for any other purpose.<sup>5</sup> Moreover, such information is only retained by Toll-Free subscribers for the brief time necessary to accurately route and bill the call.<sup>6</sup>

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<sup>3</sup> See Letter from ATIS SNAC to Ann Stevens, FCC; CC Docket No. 95-155; pp. 1-3. (April 15, 2015).

<sup>4</sup> The Commission's recent decision to apply a market-based allocation mechanism to the numbers that are most valuable increases the likelihood that more numbers will be put into shared use. The level of quality that customers experience when calling these numbers can only be assured when there is a seamless method employed to accurately route the calls to the intended recipient. See FCC Toll-Free Modernization Order; 83 FR 53377; published October 2018.

<sup>5</sup> See *800 Response Petition* at p. 7.

<sup>6</sup> This limited use and retention of location information sufficient to accurately route and bill Toll-Free calls is very different than other uses of data by smartphone application providers, some of which have been recently highlighted in the news and whose services are based on storing, processing, sharing, selling or otherwise monetizing a steady stream of location information often without the consumer's knowledge or consent. See Dezember, Ryan "Your Smartphone's Location Data Is Worth Big Money to Wall Street." Wall Street Journal, November 2, 2018.

Given this limited use and retention of location data, ATIS also believes that requirements to obtain callers' explicit consent related to the use of their location data by Toll-Free subscribers are unnecessary, would frustrate dialers of Toll-Free numbers, and could make Toll-Free services practically unusable. Moreover, such "opt-in" or "opt-out" requirements via interactive voice response or text message would be unduly burdensome and, in some cases, might cause delay or confusion, or impact the safety of callers. As 800 Response notes in its petition, when customers dial Toll-Free numbers, they expect to have their calls properly routed and to speak with the party they are trying to reach; they do not expect to reach an interactive voice response system as they have already granted their implied consent to the use of their CPNI, including location, by making the Toll-Free call.<sup>7</sup>

### III. CONCLUSION

ATIS supports the *800 Response Petition* and agrees that accurate and timely geographic information is critical to the routing and billing of Toll-Free calls. ATIS agrees that this use is consistent with the Commission's established rules, as well as the provisions of the Communications Act.

Respectfully submitted,



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<sup>7</sup> See *800 Response Petition* at pp. 5-6.