

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

In the Matter of)	
)	
Advanced Methods to Target and Eliminate)	CG Docket No. 17-59
Unlawful Robocalls)	
)	

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

The Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Industry Numbering Committee (INC) and SMS/800 Number Administration Committee (SNAC), hereby submits these comments in response to the *Second Notice of Inquiry (Second NOI)*, released July 13, 2017, in the above-referenced docket. ATIS’ reply comments below are directed at the mechanisms proposed by the Commission in the *Second NOI* that could be used to report reassigned number information, including the possible development of a reassigned number database. ATIS understands that the intent of the proposed mechanisms is to mitigate the liability risk of legitimate callers and to ensure that consumers will not receive bothersome calls that they do not desire. ATIS further recognizes that there are legal robocallers, including some ATIS members, who use auto dialers to make calls that their customers desire and expect. However, ATIS believes that due consideration must be given to potential technical and operational challenges, including, in particular, the challenges posed by the potential misuse of reassigned number information by bad actors.

In the *Second NOI*, the Commission seeks input on the costs and benefits of service providers reporting reassigned number information and asks for comment on four possible

alternative mechanisms that could be used to provide this information.¹ As explained below, ATIS maintains that each of the four alternatives set forth in the *Second NOI* has technical and operational challenges and recommends that the Commission not move forward with implementation of these options. ATIS is concerned that there may be unintended negative consequences if the list of reassigned numbers is accessed by bad actors. ATIS believes that this risk would exist if the Commission made carriers provide a list of numbers which was publicly available, or if a non-public list was inappropriately accessed. Callers who are already ignoring the Do Not Call List and the rest of the Telephone Consumer Protection Act's (TCPA) restrictions on robocalls may not consult a reassigned number identification database in order to make sure their spam calls go to fewer consumers.²

ATIS further notes that there may be other solutions already available to assist legal robocallers with TCPA compliance that would not require a new industry database or Commission rules. For example, some commenters claim that multiple data vendors offer tools that legal robocallers can use to minimize calling reassigned numbers.³ While ATIS acknowledges that there are concerns about the comprehensiveness of these databases,⁴ it believes a careful comparison of the costs and functionality (including comprehensiveness) of a contemplated government mandated database with those of existing private sector solutions is

¹ *Second NOI* at ¶15.

² Indeed, many bad actors engage in calling every number in an NXX code, regardless of whether the number is assigned or a consumer has granted consent to receive such calls; those robocallers may seek to mine a reassigned number database in order to identify real telephone numbers that they can call in order to increase their chances of connecting with actual consumers, or numbers they can use to spoof the caller ID to potentially make it more likely that consumers will answer those calls.

³ See CTIA Comments at p. 2, Syniverse Comments at p. 2, Neustar Comments at p. 3, Noble Systems Corporation at p. 5.

⁴ See *ex parte* letter from Richard L. Fruchterman, III to Marlene Dortch; CG Docket Nos. 02-278 and 05-338 (February 5, 2015).

warranted before displacing these private sector tools with a costly and complex government-mandated one.

The first option suggested by the Commission would be to establish and select an administrator of a central database of reassigned numbers.⁵ Under this alternative, service providers would report information to a new reassigned number database, which could be queried by legal robocallers.⁶ While specific implementation costs are not known, ATIS believes that this option would be costly to implement, requiring not only the development of a new industry database but also significant changes to many providers' internal systems to not only start tracking such information, but also to communicate with this new database. A centralized database could also create security challenges as this database would need to be protected against unauthorized access by bad actors. Without appropriate security, this database could become a resource for illegal robocallers. Finally, ATIS recommends that, if despite these challenges any reassigned number database is developed, it should not be a public database. Access should be limited to those certifying that they will use the database solely for TCPA compliance and otherwise preventing bad actors from using the data for nefarious purposes.

If the Commission were to move forward with this option, the Commission asks for input as to whether an existing database such as the Number Portability Administration Center (NPAC) database could be used or would it be necessary to create a new database.⁷ ATIS does not believe that the NPAC would be an appropriate mechanism for reporting reassigned numbers, given that the purpose of the NPAC is completely different from what the Commission

⁵ *Second NOI* at ¶16.

⁶ *Id.*

⁷ *Second NOI* at ¶30.

appears to envision for reassigned numbers.⁸ Number portability allows customers to retain their telephone numbers while number reassignment assumes that the customer changes their telephone number.

Another option offered by the Commission in the *Second NOI* is for service providers to report reassigned number information to robocallers directly or to reassigned number data aggregators.⁹ ATIS believes that these direct reporting obligations would be burdensome to service providers, requiring them to modify systems to create relevant and timely reports, and could also introduce security concerns. Mandating a series of direct bilateral arrangements between service providers and robocallers or aggregators would likely multiply the costs and risks discussed above.

A third option offered by the Commission in the *Second NOI* is for service providers to allow legal robocallers and reassigned number data aggregators to query service providers' own reassigned number information.¹⁰ As noted in ATIS' comments to the *Second NOI*, service providers do not generally or uniformly track reassigned numbers in a manner that could be easily queried by robocallers.¹¹ This option would require the industry to develop a standardized approach for access to and for the structure of these databases to be effective, which would entail significant cost and time. ATIS further believes that third-party access to service providers' databases could raise significant potential cybersecurity issues. Notably, market-driven TCPA compliance initiatives are already resulting in cooperation between wireless providers and

⁸ Given the ongoing transition of the NPAC to a new administrator and the challenges that this transition has already posed for the industry, ATIS believes that the Commission should not introduce such a change to this database during its ongoing transition or after the transition.

⁹ *Second NOI* at ¶17.

¹⁰ *Second NOI* at ¶18.

¹¹ ATIS' Comments at pp. 2-3.

aggregators.¹² These arrangements are arising organically in ways that care for wireless providers' legitimate security and privacy needs, and the Commission should be constrained in inserting itself into these complex and evolving private sector relationships.

The fourth alternative on which input is sought in the *Second NOI* is for service providers to make reassigned number data reports available to the public.¹³ ATIS believes that this approach would make it much easier for bad actors to identify valid, assigned phone numbers that could be spoofed in support of their fraudulent or otherwise illegal robocalling efforts, or worse, identify valid, assigned phone numbers to robocall without consent. ATIS notes that sharing this information publicly may also raise privacy concerns for service providers' customers. There may also be competitive concerns associated with the proposed public reports.

As an alternative to any of the mechanisms suggested in the *Second NOI* for the reporting of reassigned number information, ATIS recommends providing a safe harbor for legitimate callers under the TCPA, a position supported by other commenters.¹⁴ Current rules implementing the 2015 TCPA have exposed legitimate callers to liability, exacerbating the robocall problem. A revised interpretation of the order, providing a safe harbor for legitimate callers, would more successfully achieve the goals described by the Commission than any of the alternative reporting mechanisms proposed in the *Second NOI*.

¹² ATIS is not aware of similar cooperation between wireline carriers and aggregators.

¹³ *Second NOI* at ¶19.

¹⁴ Many commenters support the adoption of a safe harbor, including CTIA (CTIA Comments at p. 7), US Chamber of Commerce and U.S. Chamber for Legal Reform (U.S. Chamber of Commerce Comments at p.7) and Noble Systems Corporation (Noble Systems Corporation Comments at p. 9).

II. CONCLUSION

ATIS appreciates the opportunity to provide its further input to the *Second NOI* and urges the Commission to consider the recommendations above.

Respectfully submitted,



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