

**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)	

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

The Alliance for Telecommunications Industry Solutions (ATIS) hereby submits these comments in response to *Second Further Notice of Proposed Rulemaking (Second FNPRM)* released March 23, 2018, in the above-referenced docket. As a key developer of industry numbering guidelines and technical standards pertaining to the operation of service provider networks, ATIS is pleased to have the opportunity to respond to *Second FNPRM*. As noted below, most ATIS members believe that current market solutions should be relied upon and improved as necessary. To the extent that the Commission nonetheless designates a new reassigned number database, ATIS urges the Commission to consider the recommendations below regarding the proposed reassigned number database(s), appropriate security controls for access to this information and the aging of telephone numbers.

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.

These comments reflect input from, and are submitted on behalf of, the ATIS Industry Numbering Committee (INC), Next Generation Interconnection Interoperability Forum (NGIIF), Packet Technologies and Systems Committee (PTSC) and SMS/800 Number Administration Committee (SNAC).

- **INC** addresses and resolves industry-wide issues associated with planning, administration, allocation, assignment, and use of the North American Numbering Plan (NANP) numbering resources within the NANP area. INC guidelines and recommendations are used by the North American Numbering Plan Administration (NANPA), the Number Pool Administration (PA), and the Canadian Radio-Television and Telecommunications Commission (CRTC) in the management of numbering resources.
- **NGIIF** provides an open forum to encourage the discussion and resolution of industrywide issues associated with the operational aspect of telecommunications network interconnection and interoperability, and the exchange of information concerning relevant topics, such as network architecture, management, testing and operations, and facilities.
- **PTSC** develops and recommends standards and technical reports related to services, architectures, and signaling. PTSC's work programs focus on issues such as Emergency Telecommunications Service (ETS), cybersecurity, IP-to-IP interconnection, lawfully authorized electronic surveillance and the evolution of the public switched telephone network (PSTN).

- **SNAC** identifies, develops, and implements the resolution of issues impacting existing toll free products and services and evolving technologies affecting future developments in the toll free industry. SNAC is comprised of members representing providers and users of the SMS/800 system and provides recommendations to the owner/manager of the SMS/800 system regarding design and management issues.

II. COMMENTS

In the *Second FNPRM*, the Commission proposes that one or more databases be available to provide callers with information necessary to avoid calling reassigned numbers, finding that this would benefit legitimate callers and consumers.¹ While some members support the implementation of a new database, most do not.

A. Concerns with a Reassigned (Disconnected) Number Database

Those that do not support the database have expressed several concerns, including that establishment of a new database may be premature. ATIS notes that the Commission is presently soliciting public comments on how to treat such calls to reassigned numbers under the Telephone Consumer Protection Act (TCPA),² and indeed has specifically contemplated potential approaches to interpreting the TCPA³ that could obviate any need for a reassigned number database for TCPA compliance purposes. At a very minimum, those ATIS members who oppose a reassigned number database recommend that the Commission not move forward with the present proceeding until after it has resolved the underlying TCPA interpretation issues that gave

¹ *Second FNPRM* at ¶8, et seq.

² The Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243.

³ *Public Notice*, Consumer and Governmental Affairs Bureau Seeks Comment on the Interpretation of the Telephone Consumer Protection Act in Light of the D.C. Circuit's ACA International Decision, CG Docket Nos. 18-152 & 02-278 (released May 14, 2018), at 3-4.

rise to this proceeding in the first place. Instead of a new database, the industry should rely on current market solutions and improve them as necessary.

Another concern that has been noted is that the proposed new database may not be effective and could have negative unintended consequences, including concerns that a new database could possibly *increase* the volume of unwanted spam calls that reach non-consenting consumers. Bad actors, for instance, could possibly use the database to identify assigned telephone numbers that they can call to increase their chances of connecting with actual consumers or to identify disconnected numbers that could be used for illegal caller ID spoofing.

Finally, there have been concerns expressed from some members that there could be significant costs associated with implementation and operation of such a database.

B. Considerations for Reassigned (Disconnected) Number Database

While not all ATIS members are convinced that there is value in creating a new database, ATIS provides the following input should the Commission decide to move forward with establishing such a database(s):

- Existing Database. ATIS suggests that the Commission consider further reviewing if there are any existing industry databases or market-based solutions that may be leveraged to include information on reassigned numbers to help reduce costs to the industry and users of the database(s).
- Disconnected vs. Assigned Number Information. The Commission proposes that the database(s) provide callers with information on disconnected phone numbers.⁴ ATIS recommends that the solution not be limited to disconnect information.⁵ While ATIS agrees with the Commission that disconnection information would be preferable to new assignment information because information about when numbers are disconnected would better identify at the earliest possible point when

⁴ *Second FNPRM* at ¶15.

⁵ The database should be flexible enough to accommodate different technologies (e.g. wireless, wireline).

a subscriber can no longer be reached at that number,⁶ other data points should be considered and mediated by a third party in a way that would provide necessary information to callers while maintaining security of such sensitive information.

- Database Information/Use. Information in the database should be limited to the telephone number and its date of disconnect, with no customer-identifying information, or only provide information to the callers in a way that would shield the sensitive information associated with telephone numbers. This could be accomplished through an input query with a positive/negative response. Callers that use the database can query it with the customer authorization date of the telephone number they believe they have consent to contact, and if the database returns a positive or negative response, the callers can conclude whether the consent date is before or after the date within the database. If the consent date is before the date within the database, then the callers should expect that they no longer have consent to call that telephone number. If the database response is positive, the caller should expect that they do have consent to call that telephone number. Thus, due to the various technologies and the availability of different data points, it would make sense that a third party database provider(s) would be best suited to obtain the information from the different service providers and mediate the information in a way that then may be queried by callers.
- Toll Free Numbers (TFNs). Information regarding disconnected TFNs should not be required to be displayed in such a database(s). TFNs are predominantly business numbers. Individuals would not be inclined to use a business-based Toll-Free number for notifications because the business pays for inbound calls to that TFN. There is an underlying 10-digit number associated with the Toll-Free number for routing, and should a subscriber wish a notification to their business phone, rather than their personal phone or direct business line, it would likely be to that 10-digit number rather than the TFN. In addition, most businesses with TFNs have multiple employees, so such notifications to the TFN would be ineffective. Once disconnected, TFNs are generally aged for four months before reassignment, which also obviates any need for these numbers to be addressed for this purpose.
- Security. The Commission also seeks comment on requirements associated with access and use of the database information.⁷ ATIS believes that, given the business- and market-sensitive information that would be available in the proposed database, appropriate control and security mechanisms must be

⁶ *Id.*

⁷ *Second FNRPM* at ¶25-28.

established. These should include: limiting use of the information for TCPA compliance purposes; certification by users that the database information will only be used for this purpose; and requiring users to register for access to the database.

- Safe Harbor. The Commission should incent callers to consult the database by providing a safe harbor against fines and litigation.

The Commission also seeks comment on how frequently the information in a reassigned database should be reported.⁸ The issue of how timely information must be reported will depend on what implementation approach the Commission decides to take. ATIS believes that all companies should utilize the same set of criteria (or reasonably comparable criteria) for determining when numbers should be reported to the database.

In the *Second FNPRM*, the Commission notes its understanding that service providers routinely track disconnection information and asks whether providers use consistent criteria to track and record such information.⁹ ATIS agrees with the Commission that carriers routinely track disconnected numbers (i.e. aging on NRUF), but disagrees that carriers easily and consistently track when disconnected numbers become reassigned (i.e., there is no “reassigned” status in NRUF). Moreover, the processes underlying the tracking and recordation of this information are not consistent among providers.

Finally, the Commission seeks input regarding the aging of telephone numbers.¹⁰ ATIS notes that ATIS INC’s *Guidelines for the Administration of Telephone Numbers* (ATIS-0300070) includes information on the aging of telephone numbers, the principles underlying number aging and the aging intervals.¹¹ The Commission also seeks comment on whether to

⁸ *Second FNPRM* at ¶22.

⁹ *Second FNPRM* at ¶15.

¹⁰ *Second FNPRM* at ¶23.

¹¹ *Guidelines for the Administration of Telephone Numbers* (ATIS-0300070), Section 2.0. This document is available on a complimentary basis from the ATIS Document Center at

establish a minimum amount of time to age a number.¹² While ATIS appreciates the Commission's efforts to reduce the burden of any new rules on the industry, it does not support the establishment of a mandatory minimum for aging because most service providers already have long-established practices for minimum aging intervals.¹³

III. CONCLUSION

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

Respectfully submitted,



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<https://www.atis.org/docstore/product.aspx?id=25688>. The Aging interval maximums in the guidelines are consistent with 47 CFR §52.15 (f)(1)(ii).

¹² *Second FNPRM* at ¶23.

¹³ ATIS notes that the *Guidelines for the Administration of Telephone Numbers*, Section 2.5, acknowledge that the use of short aging intervals (e.g., fewer than thirty days) may negatively impact customer dialing and the billing support operations of interconnected carriers. Nonetheless, ATIS does not support a mandatory minimum period for aging.