

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

In the Matter of)	
)	
Auction of Toll Free Numbers in the 833 Code)	AU Docket No. 19-101
)	
Toll Free Assignment Modernization)	WC Docket No. 17-192
)	
Toll Free Service Access Codes)	CC Docket No. 95-155
)	

**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 May 10, 2019, in the above-referenced docket. As the developer of industry standards for the toll free industry, ATIS is pleased to have the opportunity to provide its input regarding the auctioning of toll free 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.

ATIS Systems 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).¹ It provides recommendations to the owner/manager of the SMS/800 regarding design and management issues that have a direct effect on the system users. SNAC maintains the Industry Guidelines for Toll Free Number Administration,² and is a leader in developing standards and procedures for the interaction between Resp Orgs, Customers, and Service Providers.

II. COMMENTS

The Commission seeks input on issues associated with the anticipated secondary market for toll free numbers assigned via competitive bidding.³ ATIS SNAC recommends that the Commission consider establishing rules that restrict toll free numbers that were obtained for free from the secondary market, even if these numbers were obtained via competitive bidding processes. Under this proposed restriction, toll free numbers for which there was only one bidder (which, under the rules, would be free), would be excluded from the secondary market. ATIS SNAC believes that payment of some amount of money should be a necessary requirement for a number to be eligible for the secondary market.

¹ These comments reflect the consensus of SNAC members, which includes service providers, RespOrgs, and other key stakeholders. Somos, Inc., a SNAC member, participated in the discussions surrounding the *Public Notice* but did not provide input regarding these reply comments. ATIS SNAC's advocacy on this issue does not necessarily represent the views of Somos, Inc.

² Available from the ATIS White Paper Repository: <https://www.atis.org/docstore/product.aspx?id=26088>

³ *Public Notice* at ¶56 et seq.

In the *Public Notice*, the Commission also asks for comment on auction payments and what should be done in the event of a default by a winning bidder.⁴ ATIS SNAC believes that, for the purposes of determining a winning bidder/bid, the Commission should treat defaulted bids as if they had not been submitted. Therefore, should a winning bidder default on a bid, the second highest bidder should be awarded the number for the third highest bid amount or, if there is no other bidder, for zero (in which case, consistent with ATIS SNAC's input above, the number would not be eligible for the secondary market). ATIS SNAC does not believe that subsequent rounds of auction should be held for toll free numbers that were auctioned.

The *Public Notice* also proposes that, to facilitate the development of the secondary market for auctioned numbers, data must be maintained on the parties involved in the sale of a toll free number, as well as the sale price and sale date.⁵ To facilitate collection of this data by Somos, the Commission proposes to require Resp Orgs to submit all data about post-auction secondary market transactions involving their subscribers within 60 days of the transaction.⁶ ATIS SNAC believes that the "Service Subscriber" should have some accountability in notifying the Resp Org of a change in ownership. ATIS SNAC therefore would support a requirement that Subscribers are responsible for notifying Resp Org's of a sale or other change in ownership. Resp Orgs should notify their Service Subscriber that they must provide notification of a sale or transfer of an auctioned toll free number.

ATIS SNAC believes that the Resp Org should only be responsible for updating information for which they are aware. They cannot and should not be required to update information that they do not have, and they should not be presumed to have knowledge from

⁴ *Public Notice* at ¶52.

⁵ *Public Notice* at ¶56.

⁶ *Public Notice* at ¶58.

billing records or Letters of Agency (LOAs). While the Commission seems to indicate that Resp Orgs can conclusively determine that a number has been sold from a subscriber's failure to pay for "two monthly billing cycles,"⁷ this is not case. Non-payment on an account is unfortunately a common occurrence for a variety of reasons. Similarly, even if a Resp Org Request has a different name on the LOA, it does not necessarily mean that the number was sold or that the person on the LOA is the new Subscriber.

Finally, ATIS SNAC is concerned with the proposed penalty for failures to provide information about the sale or transaction of toll free numbers in a timely manner. In the *Public Notice*, the Commission proposes that a failure to submit data to Somos within 60 days would be penalized by discontinuing access to the Toll Free Database until the information has been provided.⁸ ATIS SNAC believes that this penalty is unnecessarily severe, particularly given that Resp Orgs may not get timely information about these transactions. ATIS SNAC believes that a tiered approach to this issue may be more appropriate. Under this approach, a noncompliant Resp Org would be notified about the apparent failure and given an opportunity to provide the information and/or explain why this information was not provided (for instance, if the Resp Org was not informed). If this first step is not effective or if the Resp Org was found to have engaged in a pattern of noncompliance, additional penalties could be considered.

⁷ *Public Notice* at ¶58.

⁸ *Public Notice* at ¶58.

III. CONCLUSION

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Goode".

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