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June 28, 2022

<u>Via Email</u>
Trent Harkrader
Bureau Chief
Wireline Competition Bureau
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Distribution for Toll-Free Numbers (TFNs) Made Unavailable at the Direction of the
        Commission
        Ex Parte Notification -- WC Docket No. 17-192, CC Docket No. 95-155

Dear Mr. Harkrader:

The Alliance for Telecommunications Solutions (ATIS) is writing to seek guidance from the
Federal Communications Commission's (Commission) Wireline Competition Bureau (Bureau)
regarding the distribution for Toll-Free Numbers (TFNs) made unavailable at the direction of the
Commission.

ATIS is a global standards development and technical planning organization that develops
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, VoIP providers, consumer
electronics companies, public safety agencies, and internet service providers.

Industry subject matter experts work collaboratively in ATIS' open industry committees,
including ATIS' SMS/800 Number Administration Committee (SNAC). ATIS 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).

833 TFNs. The 833 Toll-Free Area Code was opened nearly five years ago. In May of 2017,
147 Resp Orgs participated in the 833 pre-code opening process developed by the Commission
to determine if there were multiple requests for any of the numbers in the 833 code.[1] Of the
72,028 TFNs that were initially requested, 17,638 received multiple requests. In June 2017, the

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[1] *Order*, CC Docket No.95-155 (released April 21, 2017).

numbers receiving one request were assigned and all numbers in the code that were not requested were released into the Toll-Free Numbering Registry to be reserved by any Resp Org. The TFNs receiving multiple requests – 17,638 numbers – were held by Somos, the Toll-Free Numbering Administrator (TFNA) and were auctioned at the Commission's direction on December 17, 2019. In the auction, 1,660 of the 17,638 TFNs received bids. The 15,978 TFNs that received no bids are still being held by the TFNA, awaiting instructions from the Commission.

ATIS SNAC is asking the Bureau to provide guidance regarding the distribution of these 15,978 TFNs, which have been sitting unused for almost five years. ATIS SNAC understands that the TFNA has received multiple inquiries about the release of these numbers and respectfully asks the Bureau to instruct the TFNA to release these numbers into the spare pool as soon as possible so they can be available to those small and large businesses who wish to use the numbers.

800 TFNs. ATIS SNAC also understands that, at the request of the Bureau, the TFNA has set aside several sets of true 800 numbers, pending a decision by the Commission on whether or not to use a market-based approach to number assignment. There are over 30,000 such 800 TFNs, including more than: 9,900 numbers in 800-855,[2] 9,700 numbers in the 800-629 NPANXX (former Beehive numbers),[3] and 18,000 numbers in various NPANXXs that were going to be spared in a single day.[4] ATIS SNAC believes that there is great demand for these TFNs and, given that there are no numbers currently available in the 800 NXX, ATIS SNAC expects that the more than 30,000 numbers held aside by the TFNA in the 800 NXX would be put to immediate use.

ATIS SNAC recommends that the Commission consider an equitable allocation method under which the unassigned 800 TFNs would be made eligible for allocation but with an allocation limit of 125 numbers per Resp Org (with all affiliates counted as a single Resp Org).[5] This option would allow almost every Resp Org interested in fresh 800 numbers to obtain them. This allocation would be fair and equitable for all Resp Orgs.

The easiest and least expensive way to accomplish this would be to apply the limit to the Resp Orgs for one day. After the one-day allocation limit ends, the remaining 800 numbers would be placed back into the spare pool and would be available to all Resp Orgs, and the allocation limits would be restored to their previous limits. This one-day limit change should apply to all TFNs reserved that day, not just the ones that have been set aside by request of the Commission. ATIS SNAC notes that this would require the TFNA to publicize this change and to inform Resp Orgs of the 125 number limit.

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[2] September 1, 2020, Letter to Joel Bernstein, Somos Vice President, Regulatory and Policy, from Kris Monteith, Chair of the Wireline Competition Bureau.
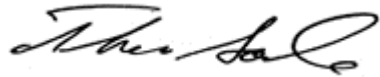
[3] *See Fifth Report and Order* in CC Docket No. 95-155, *Order* in NSD File No. L-99-87, *Order* in NSD File No. L-99-88 (released July 5, 2000) for more information about these numbers.

[4] March 5, 2018, Letter to Joel Bernstein, Somos Vice President, Regulatory and Policy, from Kris Monteith, Chair of the Wireline Competition Bureau.

[5] *Order*, In the Matter of Toll-Free Service Access Codes, CC Docket No. 95-155 (released April 21, 2017) at ¶11.

ATIS SNAC would welcome the opportunity to discuss these issues with the Bureau. If you have any questions about this matter, please do not hesitate to contact the undersigned.

Sincerely,

Thomas Goode
ATIS General Counsel

cc: Pamela Arluk, Division Chief, Competition Policy Division, Wireline Competition Bureau
    Heather Hendrickson, Deputy Division Chief, Competition Policy Division, Wireline
       Competition Bureau
    Matt Collins, Assistant Division Chief, Competition Policy Division, Wireline Competition
       Bureau
    Jordan Marie Reth, Deputy Designated Federal Officer (DFO) of the NANC
    David Greenhaus, 800 Response Information Services, ATIS SNAC Co-Chair
    Michael Gilbert, iconectiv, ATIS SNAC Co-Chair
    Joel Bernstein, Somos, Toll-Free Numbering Administrator