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November 14, 2013

Via Email

Ann Stevens (Ann.Stevens@fcc.gov)
Deputy Chief
Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 95-155
Toll Free Numbering Resources

Dear Ms. Stevens:

The Alliance for Telecommunications Industry Solutions (ATIS), is writing to provide input on behalf of its SMS/800 Number Administration Committee (SNAC) regarding Toll Free numbering issues. ATIS understands that the Commission may be considering the initiation of a proceeding regarding Toll Free numbering resources, including issues impacting these resources stemming from the ongoing transition of the PSTN to all IP networks. The list below includes input from the subject matter experts (SMEs) within SNAC regarding: (1) recommendations for Commission action to address significant Toll Free issues; and (2) topics that may warrant further consideration by the Commission and the industry.

Background. ATIS is a global standards development and technical planning organization that develops global technical and operations standards and solutions for information, entertainment and communications technologies. ATIS' work is primarily completed in its industry committees, which focus on specific aspects the communications ecosystem. ATIS SNAC, for example, 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. ATIS SNAC, comprised of SMEs representing providers and users of the 800 Service Management System (SMS/800), also provides recommendations to the owner/manager of the SMS/800 regarding design and management issues and maintains the Industry Guidelines for Toll Free Number Administration.

Direct Transfers of Toll Free Numbers. In its August 17, 2013, *Petition for Rulemaking*, ATIS SNAC recommended that the Commission revise its Part 52 rules¹ to specifically allow for the direct transfer of Toll Free numbers under certain limited circumstances between users without the numbers first returning to the spare pool. ATIS SNAC recommended that the Commission clarify that such direct transfers are permitted: (1) if the Toll Free number is mistakenly returned to the spare pool and picked up by another carrier; (2) to correct a fraudulent or unauthorized transfer of a Toll Free number or inadvertent transfer of a shared use number; or (3) as part of a bona fide merger, acquisition, bankruptcy, or other legitimate normal-course-of-business-related transfer.² ATIS SNAC reiterates its strong support for this rule change and notes that allowing a direct transfer of the Toll Free number would serve the public interest in efficient administration and allocation of Toll Free numbers. ATIS SNAC also believes that there may be value in examining other instances in which direct transfers would be warranted and would be happy to discuss this issue in more detail with you.

Need to Accommodate Geographic Routing during PSTN Transition. As explained in its comments in response to the Commission's April 18, 2013, *Notice of Inquiry (NOI)* regarding the Commission's long-term approach to numbering, ATIS SNAC notes that there is a need for an industry-led effort to identify an alternative mechanism for location-based routing for Toll Free Subscribers prior to any changes to the geographic constraints in the Commission's number assignment policies.³ ATIS SNAC recommends further that, while such work would best be done in the context of the PSTN transition to IP-based networks, the industry should continue to examine other measures to address current issues arising from inaccurate originating data provided to subscribers, improving the accuracy of location-based routing of Toll Free calls.

CPNI Rules and Toll Free Services. ATIS SNAC also believes that there is need for further clarity surrounding the application of the Commission's customer proprietary network information (CPNI) rules to Toll Free numbers. These rules note that telecommunications carriers may only use, disclose, or permit access to customers' CPNI in limited circumstances: (1) as required by law; (2) with the customer's approval; or (3) in its provision of the telecommunications service from which such information is derived, or services necessary to or used in the provision of such telecommunications.⁴ ATIS SNAC recommends that the Commission consider clarifying that the requirement for originating service providers to provide the correct originating information to the Toll Free Provider is consistent with the Commission's CPNI rules. This information is necessary to ensure that calls are routed in an accurate and timely manner and are billed correctly; however, concerns have been expressed by some originating service providers regarding whether the provision of such information would be a violation of the Commission's CPNI rules.

¹ 47 C.F.R. §§52.103, 52.107, and 52.111.

² ATIS *Petition for Rulemaking* (filed August 18, 2011) at p. 1.

³ Reply Comments of the Alliance for Telecommunications Industry Solutions (filed August 19, 2013) at p. 6.

⁴ See e.g., 47 U.S.C. § 222(c)(1); Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, CC Docket No. 96-115, Declaratory Ruling, 21 FCC Rcd 9990 (2006).

New Rules to Encourage Efficient Use of or Access to Toll Free Numbers. ATIS SNAC believes that the Commission should also investigate and solicit further public input on whether there is a need for new or modified rules to ensure the efficient use of Toll Free resources. The North American Numbering Council's (NANC) Future of Numbering (FoN) Working Group prepared a White Paper entitled "Toll Free Resources – Allocation, Assignment and Management" (dated May 14, 2010) that identified the nature of issues expressed by some FoN participants and examined ideas and possible methods for introducing ownership rights into the Toll Free assignment paradigm. This White Paper was approved by NANC for circulation among Toll Free industry stakeholders and other interested parties, and subsequently submitted to the Commission.⁵

Letter of Agency. A Letter of Agency (LOA) is provided to a Submitting RespOrg in order to transfer a customer's current Toll Free number(s) to an alternate service provider. ATIS SNAC believes that the Commission should consider mandating the use of industry developed standardized LOA forms and/or mandating that the database administrator implement the procedures outlined on the new standardized form(s).

RespOrg Registrations and Affiliated RespOrgs. Section 52.105 of the Commission's rules defines the term "affiliate."⁶ ATIS SNAC believes that there may be value in clarifying the meaning of "affiliate" as used in this section to include entities that have *de jure* or *de facto* control of an entity, consistent with the processes established by SMS/800, Inc. Such a clarification may prevent RespOrgs from gaining unfair advantages with regard to access to Toll Free resources (including when reservation caps are implemented and/or if limitations are set for the initial availability of new Toll Free codes) or in matters of governance of Toll Free resources.

Averting Premature Exhaust of Toll Free Numbers. Another issue that may warrant Commission attention is the continued availability of Toll Free resources. Given the difficulties encountered in accurately forecasting the demand for Toll Free numbers, SNAC recommends that the Commission consider: (1) setting limits on the volume of numbers that can be taken from the spare pool in any one day/week when exhaust situations start to develop; and/or (2) setting aside additional Toll Free codes for future use.

Hoarding and Warehousing. SNAC also recommends that the Commission consider reviewing the definitions of "hoarding" and "warehousing" in the Commission rules,⁷ as well as the associated enforcement procedures, to determine whether revisions to these rules are necessary to prevent the unnecessary loss of Toll Free resources.

⁵ See Letter from Betty Ann Kane, NANC Chair, to Sharon Gillett, Chief of the Wireline Competition Bureau (dated June 20, 2011).

⁶ 47 C.F.R. §52.105.

⁷ See 47 C.F.R. §§52.105, 52.107.

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ATIS SNAC would be happy to provide additional information about these issues or to set up time to discuss these matters. If there are any questions, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Goode". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thomas Goode
ATIS General Counsel

cc: Michelle Sclater, Attorney Advisor, Wireline Competition Bureau
Heather Hendrickson, Attorney Advisor, Wireline Competition Bureau