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March 12, 2018

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: *Advanced Methods To Target and Eliminate Unlawful Robocalls*, CG Docket
No. 17-59**

Dear Ms. Dortch:

I write to commend the Commission on its ongoing efforts to reduce the number of unwanted calls received by consumers and to ensure that businesses reach the individuals they intend to call—including, most recently, through the release of the Commission’s Draft Second Further Notice of Proposed Rulemaking (“Draft Second FNPRM”) in the above-referenced proceeding. Comcast strongly supports the proposal in the Draft Second FNPRM to establish a centralized, Commission-designated database of reassigned telephone numbers, and to encourage use of this resource by adopting a safe harbor from liability under the Telephone Consumer Protection Act (“TCPA”) for businesses that rely on the database.

As Comcast has explained, the absence of any comprehensive database of number reassignments today presents significant challenges for businesses and consumers seeking to communicate with one another.¹ Legitimate businesses face the risk of substantial liability under the TCPA for calls placed to numbers for which the caller had previously obtained consent but that, unbeknownst to the caller, have since been reassigned—particularly in light of the 2015 ruling that callers are responsible for obtaining the consent “not of the intended recipient of a call but of the current subscriber,” and the decision to grant such callers only a one-call safe harbor before charging them with “constructive knowledge” of the reassignment (even if that one call does not yield *actual* knowledge).² Without access to a comprehensive tool for determining

¹ See Comments of Comcast Corp., CG Docket No. 17-59, at 3-9 (filed Aug. 28, 2017) (“Comcast NOI Comments”); Reply Comments of Comcast Corp., CG Docket No. 17-59, at 1-3 (filed Sept. 26, 2017).

² *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling and Order, 30 FCC Rcd 7961 ¶ 72 (2015).

whether a number has been reassigned, even committed efforts by legitimate businesses to comply with the TCPA cannot entirely protect against “gotcha” lawsuits based on calls mistakenly placed to reassigned numbers. The absence of a comprehensive reassigned number resource also harms consumers by frustrating communications that they desire and expect, thus potentially leaving them without easy access to critical information about the services they receive.

The Draft Second FNPRM represents a laudable step forward in addressing these issues. The item appropriately follows up on the Notice of Inquiry issued last year in this proceeding and, drawing from the insights gained through that earlier round of comments, includes specific proposals related to the establishment of a centralized, Commission-designated database for reassigned numbers. The item asks important questions aimed at ensuring that this resource meets the needs of legitimate businesses while minimizing unnecessary burdens on voice providers—by considering what types of information should be included in the database, how frequently such information should be updated, and what problems would result if providers were required to furnish this information to an assortment of third-party data aggregators rather than to a centralized resource. Moreover, while the Draft Second FNPRM properly emphasizes that use of the database would be wholly voluntary for callers, the item correctly seeks to encourage widespread use by proposing the adoption of a TCPA safe harbor for callers that rely on the database. As Comcast has explained, such a safe harbor would benefit legitimate businesses and consumers alike; as more callers make use of the resource due to the existence of the safe harbor and as fewer calls are mistakenly directed to reassigned telephone numbers, consumers would receive more of the communications they desire as they change from one number to another.³

Comcast looks forward to continuing to provide input on the Commission’s efforts to establish a comprehensive reassigned number resource.

Respectfully submitted,

/s/ Kathryn A. Zachem

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³ See Comcast NOI Comments at 13.