

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

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In the Matter of )  
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Advanced Methods to Target and Eliminate )  
Unlawful Robocalls )  
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CG Docket No. 17-59

**OPPOSITION OF SOMOS, INC. TO THE JOINT PETITION FOR  
RECONSIDERATION FILED BY COMPETITIVE CARRIERS ASSOCIATION, CTIA,  
AND USTELECOM-THE BROADBAND ASSOCIATION**

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## INTRODUCTION & SUMMARY

By creating the Reassigned Numbers Database (RND), the Federal Communications Commission is working toward stopping unwanted telephone calls.<sup>1</sup> And by beginning the process of selecting an administrator who will run the RND (the RNDA) and serve as the North American Numbering Plan Administrator (NANPA) and Pooling Administrator (PA), the Commission is well on the way to achieving efficient numbering administration.

Petitioners Competitive Carriers Association, CTIA, and USTelecom-The Broadband Association (together, Joint Petitioners) would halt that progress. They ask the Commission to reconsider two “limited aspects” of the Commission’s *Order*.<sup>2</sup> Specifically, Joint Petitioners ask the Commission to reconsider its decisions to “merg[e] the administration of the [RND] with the already consolidated NANPA and Pooling Administrator functions under a single contract and a single administrator”<sup>3</sup> and to fund RND start-up costs through reimbursable contributions from service providers, paid to the Billing and Collection Agent.<sup>4</sup> They ask the Commission to refer those issues to the North American Numbering Council (NANC) for further evaluation.<sup>5</sup>

Somos, Inc. (Somos) files this opposition to underscore the importance of launching the RND and selecting an RNDA and NANPA/PA as soon as practicable. Joint Petitioners’ speculation about alternatives provides no basis for reconsideration, especially if that

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<sup>1</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Second Report and Order, CG Docket No. 17-59, FCC 18-177 (rel. Dec. 13, 2018) (*Order*).

<sup>2</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Competitive Carriers Association, CTIA, and USTelecom-The Broadband Association Joint Petition for Reconsideration 1, CG Docket No. 17-59 (filed Apr. 25, 2019) (*Joint Petition*).

<sup>3</sup> *Order* ¶ 34.

<sup>4</sup> *See Joint Petition* at 1-2.

<sup>5</sup> *Id.* at 2.

reconsideration will delay the launch of the RND or disrupt the Commission’s already in-progress procurement process.

## **DISCUSSION**

### **I. The Commission Has Adopted A Sensible Approach To A Serious Problem.**

Like Joint Petitioners, Somos applauds the Commission for creating the RND to address the important problem of unwanted calls.<sup>6</sup> The RND—a “single, comprehensive” tool for the collection and querying of disconnect data—should protect consumers from calls meant for others and do so at minimal cost.<sup>7</sup> Somos also agrees that the RNDA should “be an independent, non-governmental entity that must meet strict competitive neutrality requirements.”<sup>8</sup> And the Commission’s decision to select the RNDA through a competitive bidding process provides an effective way to identify a qualified, cost-efficient, and neutral administrator.<sup>9</sup> Importantly, Joint Petitioners do not seek to disturb these fundamental facets of the Commission’s *Order*.<sup>10</sup>

### **II. Joint Petitioners’ Concerns Do Not Warrant Delaying The Launch Of The RND Or The Bid For A Combined NANPA/PA.**

Despite recognizing the critical need to address unwanted calls and the importance of the RND, Joint Petitioners ask for further, time-consuming study by the NANC of issues the Commission has already resolved.<sup>11</sup> The Commission is appropriately eager to get the RND up

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<sup>6</sup> *Id.*

<sup>7</sup> *Order* ¶ 3.

<sup>8</sup> *Id.* ¶ 33.

<sup>9</sup> See *Administration of the North American Numbering Plan*, Order ¶ 3, CC Docket No. 92-237, FCC 18-88 (rel. July 9, 2018) (*July 2018 Order*); see also *Order* ¶ 3 (“And we leverage existing administrative structures as well as competitive bidding to minimize the costs of the database”).

<sup>10</sup> See, e.g., *Joint Petition* at 3 (“Appropriately, the Commission concludes in the *Order* that it is in the public interest for the reassigned numbers database to be administered by an independent third party administrator chosen with a competitive bidding process”); *id.* at 1 (asking the Commission to reconsider only “limited aspects” of the *Order*).

<sup>11</sup> *Id.* at 1-2.

and running.<sup>12</sup> It must also coordinate this effort with the selection of a new NANPA and PA. Reopening debate on the selection of a combined RNDA/NANPA/PA and the funding of RND start-up costs would unnecessarily delay the launch of the RND and risk slowing down the process of selecting an administrator for these critical numbering resources. Both efforts are already well underway. Indeed, the Commission has already received responses to its Request for Information regarding a combined RNDA/NANPA/PA, which takes as given the aspects of the *Order* that Joint Petitioners challenge.<sup>13</sup> And the NANC is itself preoccupied with the important task of creating the Technical Requirements Document for the RND and resolving other specific technical and operational issues.<sup>14</sup> Should the Commission change course as a result of the *Joint Petition*, it could threaten the timeline of the bidding process for the combined NANPA/PA. And the deployment of the RND would certainly be delayed by revisiting key questions of administration and funding before bidding could begin. Joint Petitioners' concerns do not justify disrupting these ongoing procedures and hindering the Commission's effort to provide the public with critical numbering resources.

**A. Combined administration makes sense.**

As the Commission explained in the *Order*, there are “operational and cost efficiencies” in having one entity serve as RNDA, NANPA, and PA.<sup>15</sup> As Somos knows from its current role as NANPA and PA, administering numbering resources calls on mutual managerial, technical,

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<sup>12</sup> *Order* ¶¶ 12, 47-48.

<sup>13</sup> See FedBizOpps.Gov, *Administration of the North American Numbering Plan, Thousands-Block Number Pooling & Reassigned Numbers Database*, Solicitation No. FCCRFI2019-NANPA-PA-RNDA (Apr. 16, 2019), <https://www.fbo.gov/index.php?s=opportunity&mode=form&id=a8098b3f8f80e96f48989cab0efbf440&tab=core&tabmode=list&> (*RFI*).

<sup>14</sup> *Order* ¶¶ 11, 59-62.

<sup>15</sup> *Id.* ¶ 34.

and operational expertise. Combined administration also allows “existing reporting and administration mechanisms” to be leveraged across systems, including billing and collection processes.<sup>16</sup> And because service providers interface with each database, it makes sense for the same entity to administer all three. Joint Petitioners recognize that service providers are the key actors with whom the NANPA and PA interact, but argue that they will not be “customers” of the RND.<sup>17</sup> Service providers may not be “customers” of the RND, but because they will report disconnect data to the RND, they are a core part of the RND ecosystem.<sup>18</sup>

To the extent Joint Petitioners’ doubts about the “operational efficiencies”<sup>19</sup> of joint administration turn on the current capabilities of the NANPA and PA, it bears remembering that the combined NANPA/PA will create a new and better build that will improve and expand the functionality of the numbering databases.<sup>20</sup> If the NANPA/PA is also the RNDA, it can create a new platform that further enhances the already existing synergies between the NANP and Pooling Administration Systems and the RND. If the administrative roles are separately assigned, this cost-saving, efficiency-enhancing opportunity will be lost.

The benefits that flow from combining the administrative roles extend beyond the operational domain. A single contract streamlines the procurement process, allowing both the Commission and vendors to participate in one competitive bidding process. Combination may also increase competition for the contract by increasing its value, thereby attracting bidders who might find it economically inefficient to bid on smaller separate contracts. Those considerations

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<sup>16</sup> *Id.*; *see id.* ¶ 47.

<sup>17</sup> *Joint Petition* at 4.

<sup>18</sup> *Order* ¶ 21.

<sup>19</sup> *Joint Petition* at 4.

<sup>20</sup> *RFI* at 7-8 (identifying system components and soliciting “proposed solutions [that] would have to be developed or modified to meet” the required numbering tasks).

underlay the Commission’s decision to combine the NANPA and PA.<sup>21</sup> They similarly support the Commission’s decision to add administration of the RND to the duties of the NANPA/PA.

**B. There is no need to revisit the funding of upfront costs.**

There is also no problem with the *Order*’s treatment of upfront costs that warrants reconsideration—and certainly not a problem that justifies postponing the debut of the RND or threatening the Commission’s timely selection of a combined NANPA/PA. The Commission decided “to leverage existing processes to fund creation of the database” by directing the Billing and Collection Agent, which already collects fees from service providers for the NANPA, to bill those same service providers for the RND’s upfront costs.<sup>22</sup> As the Commission recognized, this approach allows for the earliest possible launch of the RND.<sup>23</sup>

Nonetheless, Joint Petitioners propose instead that the RNDA, and not service providers, pay the RND’s upfront costs.<sup>24</sup> As we have explained, adopting their suggestion risks interfering with the launch and procurement effort.<sup>25</sup> But Joint Petitioners’ approach raises concerns even apart from that. It may, for instance, dissuade vendors from bidding, thereby diminishing the value to the Commission (and ultimately the public) of competitive bidding. Vendors—especially those who have not previously performed comparable duties—may be nervous about assuming large upfront costs for a database that does not yet have a track record of recovering costs. Prospective vendors may also have corporate governance policies that prohibit bidding on procurements that require upfront costs.

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<sup>21</sup> See *July 2018 Order* ¶¶ 7-8.

<sup>22</sup> *Order* ¶ 47. Requiring service providers to fund start-up costs poses only a temporary burden, for the *Order* permits service providers to eventually recoup those costs. *Id.* ¶ 49.

<sup>23</sup> *Id.* ¶ 47.

<sup>24</sup> *Joint Petition* at 5.

<sup>25</sup> *Supra* 2-3.

Joint Petitioners suspect that the safe-harbor provision will result in a quick return to the vendor on its upfront investment and allay bidders' concerns.<sup>26</sup> But Joint Petitioners' speculation offers no basis to overturn the Commission's considered decision, especially not when there are real drawbacks to doing so.<sup>27</sup> The prospect of recovering upfront expenses at some indeterminate point in the future is not only unlikely to assuage risk-averse vendors, it runs the added risk of boxing the contracting parties into a contract length they might not otherwise want. If vendors can recover start-up costs only later in time through usage fees, that may affect their willingness to accept a contract of a certain length. That length may or may not accord with what the Commission thinks best serves the public interest.

**C. Additional NANC review is unnecessary and ill-advised.**

The Commission need not solicit the NANC's views on combining the databases or assigning start-up costs to service providers. These issues are well within the Commission's bailiwick and, indeed, the Commission has already carefully considered them. Any additional information the Commission may want should come from responses to its recent Request for Information. Those responses should tell the Commission whether Joint Petitioners' fears about the quality and quantity of bidders are founded or not; the Commission will not need the NANC's additional input.

All that remains for the NANC to do is make the specific, technical recommendations the Commission solicited.<sup>28</sup> Developing the Technical Requirements Document for the RND is a critical step in the procurement process. As soon as it is complete, the Commission can move

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<sup>26</sup> *Joint Petition* at 5-6.

<sup>27</sup> See *Subsidiaries of Entercom Communications Corporation (Assignors) and The Entercom Divestiture Trust (Assignee) For Consent to Assignment of Licenses*, Order on Reconsideration ¶¶ 1, 6 n.19, FCC 18-152 (rel. Oct. 25, 2018) (denying petition for reconsideration that was based in part on petitioners' "unsupported speculation").

<sup>28</sup> See Order ¶¶ 11, 59-62

forward with selecting an administrator. Placing any additional burden on the NANC would only distract the NANC from this important task. That additional burden is particularly unwarranted when the NANC has already communicated to the Commission that it is having difficulty meeting the existing timeline for developing the RND Technical Requirements.<sup>29</sup> Referring more tasks will virtually guarantee further delay.

### **III. Whatever The Commission Decides To Do, Time Is Of The Essence.**

Ultimately, whatever the Commission decides to do, it is imperative that it act quickly. Somos does not believe that any aspect of the Commission's order needs altering. But if the Commission does reconsider its decision to merge the RND with the NANPA/PA or charge upfront costs to service providers, it should still swiftly press forward with this important step toward stopping unwanted telephone calls.

### **CONCLUSION**

For the foregoing reasons, Somos respectfully asks the Commission to deny the Joint Petition for Reconsideration.

Respectfully submitted,

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<sup>29</sup> See Letter from Travis Kavulla, Chair, NANC, to Kris Monteith, Bureau Chief, Wireline Competition Bureau, FCC, and Patrick Webre, Bureau Chief, Consumer and Governmental Affairs, FCC, CG Docket No. 17-59 (filed May 14, 2019).