

Release Date: December 7, 2000

December 6, 2000

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FEB 16 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC DOCKET: 95-155/

Re: Modifying SMS/800 Disconnect and Suspend
Status functions to preclude transfers of toll-free
numbers directly between subscribers

Dear Mr. Wade:

The Commission's Common Carrier Bureau has increasingly received reports that toll-free numbers are being unlawfully transferred between subscribers. Similar reports have reached the Commission's Enforcement Bureau and Consumer Information Bureau. These reports typically indicate that numbers are placed in Disconnect Status and Suspend Status without the subscribers' knowledge and then transferred to other subscribers, in contravention of the Commission's toll-free number regulations. Accordingly, with this letter, the Bureau is directing DSMI to make changes to the Disconnect Status and Suspend Status functions in the SMS/800 database that will be consistent with existing regulations and that may help preclude such unlawful number transfers. These changes will make it substantially less likely that RespOrgs are able to use the SMS/800 to effectuate transfers that are contrary to our rules.

The Commission's toll-free number regulations, which are published in the Code of Federal Regulations at 47 C.F.R. section 52.101 *et seq.*, do not provide for toll-free numbers to be transferred directly from one subscriber to another.¹ In particular, the "lag time" regulations at section 52.103 provide only for numbers to be returned to Spare Status when subscribers no longer use them. Also, the "hoarding" regulations at section 52.107 prohibit selling a toll free number for a fee. These rules implement the Commission's policy that numbers must be made available to subscribers on a "first come, first served" basis. Direct transfers of numbers between subscribers contravene the lag time and hoarding rules and violate the "first come, first served" policy.

The SMS Tariff similarly does not permit toll-free numbers to be transferred directly between subscribers, consistent with the Commission's regulations. It provides,

¹ The Commission adopted the toll-free regulations in Toll Free Service Access Codes, *Second Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-155, 12 F.C.C.Rcd. 11162 (1997).

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