

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

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

**COMPETITIVE CARRIERS ASSOCIATION, CTIA, AND USTELECOM-THE  
BROADBAND ASSOCIATION  
REPLY TO OPPOSITION OF THE JOINT PETITION FOR RECONSIDERATION**

**I. Introduction and Summary**

Pursuant to Section 1.429 of the rules of the Federal Communications Commission (Commission),<sup>1</sup> the Associations listed above (Petitioners) respectfully file this Reply to the Oppositions<sup>2</sup> raised to the Petitioners' Joint Petition for Reconsideration (Petition).<sup>3</sup>

Fundamentally, Petitioners agree with both parties responding to the Petition—the Reassigned Numbers Database (Database) will help calling parties curb unwanted robocalls and time is of the essence to get the Database up and running. In contrast to the opposing parties (Respondents), however, our proposal to bifurcate the administration of the North American Numbering Plan Administrator (NANPA) and Pooling Administrator (PA) functions from the Database administration is the fastest way to achieve this result due to a number of technical and operational factors. Further, our corollary proposal to provide flexibility to propose a funding mechanism other than the billing and collection (B&C) methodology in the *Order* can also serve

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<sup>1</sup> 47 C.F.R. § 1.429(g).

<sup>2</sup> Comments of the National Association of Federally-Insured Credit Unions, CG Docket No. 17-59 (filed May 15, 2019) (NAFCU Comments); Opposition of Somos, Inc. to the Joint Petition for Reconsideration Filed by Competitive Carriers Association, CTIA, and USTelecom—The Broadband Association, CG Docket No. 17-59 (filed May 22, 2019) (Somos Opposition).

<sup>3</sup> Competitive Carriers Association, CTIA, and USTelecom-The Broadband Association Joint Petition for Reconsideration, CG Docket No. 17-59 (filed Apr. 25, 2019).

to establish the Database more rapidly.<sup>4</sup> For these reasons, the Commission should move expeditiously to grant the Petition and enable a swift and competitive process to establish the Database.

## **II. Granting the Petition is the Fastest Way to Operationalize the Reassigned Numbers Database**

While Petitioners agree with Respondents' call to establish the Database as quickly as possible to curb unwanted calls, their concerns about the Petition's effect on the speed of operationalizing the database are misguided; in fact our proposal would allow the Database to be established even faster than the Commission's current method. Both Somos and NAFCU express concerns that reconsideration "will delay the launch of the [Database] or disrupt the Commission's already in-progress procurement process"<sup>5</sup> or "cause further delay in the creation of a reassigned numbers database, which could result in more costly litigation and liability for credit unions."<sup>6</sup> However, the record establishes that these concerns are misplaced. The Petition's proposal to bifurcate the administration of the NANPA and PA functions from the Database administration is the fastest way to achieve the Commission's goal due to the following operational and technical factors.

Operationally, combining the functionalities of two completely dissimilar databases is simply inefficient. Somos, the incumbent NANPA/PA, provides thin rationalizations for combining the databases that do not withstand scrutiny. It claims that "administering numbering resources calls on mutual managerial, technical, and operational expertise."<sup>7</sup> Petitioners agree

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<sup>4</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Second Report and Order, FCC 18-177, CG Docket No. 17-59 (Dec. 2018) (*Order*).

<sup>5</sup> Somos Opposition at 2.

<sup>6</sup> NAFCU Comments at 2.

<sup>7</sup> Somos Opposition at 3-4.

that administering the database requires a certain skill set and expertise, but there is no reason why that expertise lies only in the hands of the current NANPA/PA—there are numerous companies with such expertise and disaggregating the administration allows for those companies to compete to administer the Database based upon their skill sets and value proposition. Somos also claims that “because the service providers interface with each database, it makes sense for the same entity to administer all three.”<sup>8</sup> But the Petitioners’ member companies are the very service providers Somos refers to, and the Petitioners’ member companies have suggested that any efficiency gains are sufficiently outweighed by the inefficiencies in combining the administrative functions. The fact that one potential vendor, NetNumber, has expressed support for the Petition on the basis that it would be able to competitively bid on the Database administrator function should the Commission bifurcate it<sup>9</sup> speaks volumes about how granting the Petition can make the process much more technically, operationally, and cost efficient.

Importantly, the Petition does not, as Somos surmises, cast doubt on the current capabilities of the NANPA/PA.<sup>10</sup> Instead, the Petition makes clear that the NANPA/PA functions are sufficiently distinct from the Database administrator functions that one has no bearing on the other and few, if any, significant efficiencies would be gained by combining them. The North American Numbering Council (NANC) Numbering Administration Oversight Working Group (NAOWG) was charged with “preparing a report outlining the mechanisms for the fee structure and pricing for the users of the Database” recently requested a 10-month extension to complete its task.<sup>11</sup> One of the reasons the NAOWG requested an extension is the

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<sup>8</sup> Somos Opposition at 4.

<sup>9</sup> Comments of NetNumber, CG Docket No. 17-59 (filed May 22, 2019) at 2-3 (NetNumber Comments).

<sup>10</sup> Somos Opposition at 4.

<sup>11</sup> Letter from Travis Kavulla, Chair, North American Numbering Council, to Kris Montieth, Chief, Wireline Competition Bureau, and Patrick Webre, Chief, Consumer and Governmental Affairs Bureau at 1, WC Docket No.

dissimilarity between the NANPA/PA and the Database. NAOWG stated that it “is familiar with the NANPA/PA systems, but it has recognized that the [Database] will be a much more transaction-intensive database. The NAOWG anticipates it will have few administrative and functional similarities with the NANPA/PA systems.”<sup>12</sup> NetNumber agrees, stating that it “shares the concerns . . . about the Commission’s assumption that it may be able to achieve operational efficiencies and cost savings by combining the [Database] administration with the current NANPA and PA functions” because “[t]he operational needs for the [Database] are distinct from NANPA/PA Administration.”<sup>13</sup>

Notably, the NANPA Request for Information (RFI)<sup>14</sup> is proposing the combination of what is now two systems for the management and assignment of central office codes and 1,000 number telephone number blocks. This effort alone would absorb resources of the winning vendor and has the potential of delaying the Database’s development. Further, due to the dissimilarities between the operations of the an assignment and management system and a transactions-based system, the winning vendor of a combined NANPA/PA/Reassigned Numbers Database contract will likely not have expertise specific to developing a transaction-based database, like the Reassigned Numbers Database, as opposed to combining two preexisting databases, such as the NANPA and PA systems.

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17-58, (Apr. 30, 2019) (writing on behalf of the Numbering Administration Oversight Working Group (NAOWG)) (NANC Letter).

<sup>12</sup> *Id.* at 2.

<sup>13</sup> NetNumber Comments at 3.

<sup>14</sup> FedBizOpps.Gov, Administration of the North American Numbering Plan, Thousands-Block Number Pooling & Reassigned Numbers Database, Solicitation No. FCCRFI-2019-NANPA-PA-RNDA (Apr. 16, 2019) <https://www.fbo.gov/index.php?s=opportunity&mode=form&id=a8098b3f8f80e96f48989cab0efbf440&tab=core&abmode=list&>.

Additionally, the processes surrounding the Technical Requirements would be more efficient if the Database were bifurcated from the NANPA/PA function. The Technical Requirements for the combined NANPA/PA systems were completed in the fall of 2018, which means the Request for Proposal (RFP) for a bifurcated NANPA contract could move forward today, even while the Technical Requirements for the Database are still being developed.<sup>15</sup> Doing so would let the NANPA RFP proceed free of the weight of Database development and, as a result, Petitioners believe the NANPA system work could begin and likely be completed prior to the completion of the Database's Technical Requirements and the subsequent RFP process. Combining the Database and the NANPA contracts delays the work on the NANPA systems until the completion of the Database Technical Requirements, and therefore delays the development of the RFP for the combined Database and NANPA contracts. Such combined contract creates inefficiencies by forcing work on both efforts to occur in parallel before either can become operational and as a result neither the combining of the NANPA and PA systems nor the Database can be completed in a timely fashion.

The Petitioners' corollary request that potential bidders have the flexibility to propose a funding mechanism other than the billing and collection (B&C) methodology in the *Order* is also an important component in ensuring the Database is established as quickly as possible—the opposite of Somos' claim that it would introduce delay.<sup>16</sup> The *Order* requires that the service

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<sup>15</sup> As previously noted, the NAOWG has already requested an additional 10 months to develop the technical and operational recommendations for the combined NANPA/PA and Database. *See supra* n. 11.

<sup>16</sup> Somos Opposition at 5. *See also* NAFCU at 2 (“Instead of worrying about the initial database start-up costs providers may incur, as the Petitioners emphasize in their Petition, the Commission should focus on the end goal for the creation of a reassigned numbers database: consumer protection.”). Petitioners, like NAFCU, which has an expressed interest in “creat[ing] the greatest cost efficiencies, thereby limiting the costs to credit unions to use the database,” have an interest in making the Database as cost-efficient as possible for all parties. *Id.*

providers fund the up-front Database costs.<sup>17</sup> Due to the industry contribution cycle, funding would only become available when the winning bidder confirmed the Database development costs. The industry contribution factor is typically approved annually in June and implemented at the end of September. Thus, a winning bidder named in July would not receive funding until the following calendar year in September, potentially delaying the initiation of the Database development by as much as 15 months. In contrast, having the vendor front the costs, as Petitioners propose the Commission should provide flexibility to do, would allow the vendor to begin immediate development of the Database irrespective of the industry's funding cycle.

Further, it appears Somos' claim of potential delay due to a change to the B&C methodology is based on a misreading of the Petition. Somos asserts numerous reasons why having a vendor take on the risk for start-up costs would delay, and even harm the process,<sup>18</sup> but Petitioners never requested that all potential vendors assume the start-up risks, merely that it should be *an option* for a vendor whose business incentives align with that model.<sup>19</sup> Thus Somos' claim that "[i]t may, for instance, dissuade vendors from bidding, thereby diminishing the value to the Commission (and ultimately the public) of competitive bidding" appears to stem from a misunderstanding; allowing for multiple forms of funding strategies in the bidding phase would only serve to open the pool of potential vendors who could make use of the added flexibility, which would in turn increase the competitiveness of the process.

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<sup>17</sup> *Order* at para. 47.

<sup>18</sup> Somos Opposition at 5.

<sup>19</sup> See Petition at 6 ("A corollary request is for flexibility to consider administrator funding scenarios beyond the existing decision to recover the upfront database costs from service providers through the mechanism that is currently used to recover the NANPA and PA costs; potential administrators may propose different funding mechanisms in their bids that could eliminate the need for the billing and collections mechanism and associated costs.).

### III. Conclusion

As demonstrated above, granting the Petition will increase the speed and efficiency in which the Database can be deployed, which a common goal of all parties in this is proceeding.<sup>20</sup> Accordingly, the Petitioners respectfully ask the Commission to grant the limited relief requested in the Petition.

Respectfully submitted,

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<sup>20</sup> See, e.g., NAFCU Comments at 2 (“Ultimately, NAFCU supports the option that most expeditiously establishes the reassigned numbers database and creates the greatest cost efficiencies . . .”).