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July 6, 2017

Marlene Dortch

Secretary

Federal Communications Commission

445 12th Street, SW

Washington DC 20554

Re: Notice of *Ex Parte* Presentation, CG Docket No. 02-278

Dear Ms. Dortch:

This *Ex Parte* Notice relates to a meeting on July 5, 2017 between me and David Grossman of Commissioner Clyburn’s office.

During this meeting we discussed the topics on the agenda of the July 2017 FCC Open meeting.[[1]](#footnote-1) I provided the following information on the Second Notice of Inquiry - CG Docket No. 17-59: Advanced Methods to Target and Eliminate Unlawful Robocalls:[[2]](#footnote-2)

1. The idea for a reassigned number database has been supported by both industry and consumer advocates.[[3]](#footnote-3)
2. A database would be fully accurate and relatively inexpensive to operate and for callers to access if it has the following components:
   1. All cell phone providers would be required to participate by providing timely and regular information about the dates that cell phone numbers that change ownership;
   2. Callers could access the database easily online and simply ask: “For telephone number XYZ, when was the last time it changed ownership?” This would maintain both the privacy of the consumers whose telephone numbers are being called, and the corporate interests of the phone companies to avoid having the information about which telephone numbers are serviced on their networks in the public domain; and
   3. The fees charged to callers for accessing the information would pay for the maintenance of the database.
3. Industry has proposed that in return for using the database, that they be provided a safe-harbor from liability for reassigned numbers. This makes no sense, and is completely unnecessary.
4. Access to a reliable database provides its own reward to callers: protection from reassigned number litigation. The callers themselves should support the database, and have every incentive to ensure its complete accuracy (and thus support the database with the fees paid for accessing it.) If a safe harbor were permitted, it would undermine the incentive to the callers to ensure that the database is accurate and reliable.

If there are any questions, please contact Margot Saunders at the National Consumer Law Center (NCLC), [msaunders@nclc.org](mailto:msaunders@nclc.org) (202 452 6252, extension 104). This disclosure is made pursuant to 47 C.F.R. § 1.1206. Thank you very much.

Sincerely,

Margot Saunders

Senior Counsel

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1. https://www.fcc.gov/news-events/events/2017/07/july-2017-open-commission-meeting. [↑](#footnote-ref-1)
2. <http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0622/DOC-345473A1.pdf>. [↑](#footnote-ref-2)
3. *See* Hearing on *The Telephone Consumer Protection Act at 25: Effects on Consumers and Business* Before the United States Senate Comm. on Commerce, Science and Transportation, 114th Cong., 2d Sess. (May 18, 2016) (statement of Monica Desai, Partner, Squire, Patton Boggs), available at <https://www.commerce.senate.gov/public/_cache/files/11ba8b7f-dea2-4c81-a515-7e312a50f40f/E74117FDEE42CEBCE9832497DF2AB5CB.monica-desai-testimony.pdf>, and <https://www.commerce.senate.gov/public/_cache/files/c80ec902-c005-4121-97b3-b5a12a8b87b8/F301D6B6AE8DDF2E2A761DE9CEF08DB7.margot-saunders-testimony.pdf>. [↑](#footnote-ref-3)