

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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

**REPLY COMMENTS OF TRACFONE**

TracFone Wireless, Inc. (“TracFone”), through its attorneys, hereby provides reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Second Further Notice of Proposed Rulemaking* (“*Second FNPRM*”) in the above-referenced proceeding,<sup>1</sup> in which the Commission seeks comment on proposals intended to minimize unwanted calls to reassigned numbers. TracFone agrees with the Commission that such calls “subject[] the recipient of the reassigned number to annoyance and waste[] the time and effort of the caller while potentially subjecting the caller to liability,”<sup>2</sup> and supports the Commission’s laudable goals of reducing such calls and providing callers with certainty about Telephone Consumer Protection Act (“TCPA”) liability. TracFone urges the Commission to: (i) decline to impose reassigned number reporting requirements on entities that do not obtain numbers directly from the North American Numbering Plan Administration (“NANPA”); and (ii) adopt a safe harbor from TCPA liability for callers that use a reassigned numbers database, whether commercial or FCC-established.

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<sup>1</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Second Further Notice of Proposed Rulemaking, FCC 18-31, CG Docket No. 17-59 (rel. March 23, 2018).

<sup>2</sup> *Id.* ¶ 1.

In the *Second FNPRM*, the Commission seeks comment on whether “the obligation to report data about a number to a reassigned numbers database should be imposed on the entity that obtained the number directly from the NANPA.”<sup>3</sup> TracFone endorses this view. As the Commission acknowledged in the *Second FNPRM*, citing previous comments in this proceeding, “some service providers, such as resellers and interconnected VoIP providers that do not obtain numbers directly from the NANPA, might not have knowledge of certain changes in the status of a number if they do not have control over the provision of the number.”<sup>4</sup> Indeed, resellers have no control whatsoever over the assignment number process. When resellers procure new customers, the underlying carrier assigns numbers individually upon the reseller’s request. The underlying carrier similarly handles the relinquishment of the number when a customer discontinues service with a reseller or requests a new phone number. To ensure that the Commission does not place reporting burdens on entities that do not have complete information about the reassignment status of phone numbers, the Commission should decline to impose reporting requirements for a reassigned numbers database on entities that do not obtain numbers directly from the NANPA.

The *Second FNPRM* also seeks comment on whether the Commission should adopt a safe harbor from TCPA liability for callers that use a reassignment numbers database prior to placing calls.<sup>5</sup> TracFone supports the adoption of such a safe harbor, as applied to either a new reassigned numbers database or existing commercial solutions for avoiding calls to reassigned numbers. The

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<sup>3</sup> *Id.* ¶ 40.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* ¶ 31.

adoption of such a safe harbor, which has substantial support in the record,<sup>6</sup> would strike an appropriate balance between the ability of callers to take steps to ensure their continued ability to reasonably rely on parties' prior express consent and serving the Commission's interest in reducing unwanted robocalls to reassigned numbers.

TracFone urges the Commission to adopt rules consistent with the comments provided herein.

Respectfully Submitted,

**TRACFONE WIRELESS, INC.**

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<sup>6</sup> See, e.g., Comments of Credit Union National Association, CG Docket No. 17-59, at 5 (filed June 7, 2018) (supporting a safe harbor for callers that use a centralized database established by the Commission); Comments of NTCA—The Rural Broadband Association, CG Docket No. 17-59, at 3-5 (filed June 7, 2018) (supporting a safe harbor for callers that use existing commercial database solutions); Comments of the U.S. Chamber Institute for Legal Reform, CG Docket No. 17-59, at 8-10 (filed June 7, 2018) (supporting a safe harbor for companies that use existing commercial database solutions and, should one be created, an FCC-established database).