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July 25, 2019

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Procedures for the Auction of Toll Free Numbers in the 833 Code,  
AU Docket No. 19-101;  
Toll Free Assignment Modification, WC Docket No. 17-192;  
Toll Free Service Access Codes, CC Docket No. 95-155**

Dear Ms. Dortch:

On July 24, 2019, Jeanne Stockman, Philip Linse, and I met by telephone with Wireline Competition Bureau, Competition Policy Division staff about the 833 Toll Free auction proceeding. Attending from the FCC were Division Chief Pamela Arluk; Attorney Advisors Matthew Collins, Alex Espinosa, Connor Ferraro, and Jordan Reth; Acting Deputy Chief Heather Hendrickson; and Tajma Rahimic, Attorney Advisor in the Auctions Division, Office of Economics and Analytics.

CenturyLink explained that the proposed order would assess unreasonable penalties on RespOrgs for failing to report secondary market transactions involving toll-free numbers, when the RespOrg may have no notice that such a transaction has even occurred. In the draft, paragraphs 133-138 state that RespOrgs would be denied access to the Toll-Free Database for failing to report a secondary market transition involving one of their customers within 60 days.

CenturyLink is one of the leading RespOrgs in the nation, and it had identified this problem in comments filed in the rulemaking proceeding. Denying a RespOrg access to the Toll-Free Database, particularly for RespOrgs as large as CenturyLink, is too severe a penalty for this type of reporting failure. Although it is understandable that the Commission would want information about secondary market transactions involving the toll-free numbers subject to auction, a RespOrg may not always receive timely information from its customers about secondary market transactions they complete – and about which the RespOrg could otherwise have no knowledge. A RespOrg like CenturyLink has tens of thousands of customers, some of whom are wholesale customers where the RespOrg is a further step removed from the end user customer.

Denying a RespOrg access to the Toll-Free Database – for the failure of a wholesale customer to provide it timely information sought by the FCC – would be potentially devastating to the RespOrg, preventing it from performing administrative functions for *all* of its customers, not just the wholesale customer that failed to report the secondary market transaction. The failure of a single customer could cripple tens of thousands of other, unrelated customers, all of whom did nothing wrong. CenturyLink pointed out that it is unreasonable to punish a RespOrg like CenturyLink – and disrupt tens of thousands of innocent customers that use CenturyLink as their RespOrg, for another company’s failure. Porting of toll free numbers would be shut down, and rerouting of toll free traffic needed to address service outages or emergencies, would also be prevented – all to the detriment of the public.

CenturyLink concluded that, if the Commission is to have a penalty for unreported transactions, the Commission should avoid these unreasonably severe, arbitrary, and disruptive consequences by recognizing marketplace realities. It should make allowances for RespOrg’s lack of knowledge about every secondary market transaction. It should allow a 30-day *cure period* after notice, so that a RespOrg may investigate and report a transaction before loss of database access and disruption of service. Also, the proposed 60-day clock -- or any deadline for reporting secondary market transactions – should not start until the RespOrg has *actual knowledge* that a secondary market transaction has in fact occurred.

Pursuant to section 1.1206(b)(2) of the Commission's rules, this notice letter is being submitted to this docket.

Sincerely,

/s/ John E. Benedict

Cc: Pamela Arluk  
Matthew Collins  
Alex Espinoza  
Connor Ferraro  
Jordan Marie Reth  
Heather Hendrickson  
Tajma Rahimic