

Ex Parte Filing

Ms. Marlene Dortch

Secretary

Federal Communications Commission

445 12th Street, S.W.

Washington, DC 20554

Re: CC Docket No. 95-155 Toll Free Service Access Codes;

CC Docket No. 96-115 Telecommunications Carrier’s Use Of Customer Proprietary Network Information And Other Customer Information

CC Docket No. 17-192 Toll Free Assignment Modernization

CC Docket No. 08-7 Text-Enabled Toll Free Numbers

CC Docket No. 08-7, FCC 18-178 Petition for Declaratory Ruling on Regulatory Status of Wireless Messaging Service

CC Docket NO. 19-101 Auction of Toll Free Numbers

Dear Ms. Dortch:

On July 23, 2019 the undersigned Noah Rafalko of MessageComm, which is a new trade association laser focused on growing a healthy messaging ecosystem, met in person with Travis Litman, Commissioner Rosenworcel's Senior Legal Advisor for wireline and consumer issues.

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Purpose of the meeting

The purpose of the meeting was to provide an unbiased education on the SMS (Short Messaging Service, AKA-Text Messaging) ecosystem and the current issues surrounding call/messaging geographic consensual communications completion.

Background

There is an urgent impact that needs to be addressed by the removal of what is defined as “Course” Location Based Services (LBS). Course LBS is location look-up using an imprecise look-up mechanism to provide geographic routing for a toll-free number call or message from a consumer to a toll free number.

Facts

Telecommunications service providers do not store and then market the data provided. The data is only used to properly geographically route communications using non-precise GPS location. This information that is used by telecommunication providers is exclusively used to geographically route a call based on course or what is also known as a “fuzzy” location data. Prior to the disabling of all LBS provided from a wireless provider, the toll free service providers would use the local telephone number identifying a cell tower closest to the consumer to determine the approximate area to route the call appropriately.

The fact is that cell towers cover many miles of an area as opposed to what was abused by third party location service companies, which is called “precise” GPS data which provides location within meters.

Impacts

The now disabled abilities that many users depend on to route text and voice calls provide valid and privacy protected use cases. Some of these use cases impacted are poison control, domestic violence hotlines, state driven commuter help lines, and many others which can negatively affect overall public safety. Providing “Course” location through the telecommunications use case allows a single number to be called or messaged and routing to the right place does not impede on consumer privacy protection. The inherent process of routing toll free calls for geographic location of the caller do not, and in telecommunications use cases rights are protected through the nature of the transaction.

Another point made was that the ability to timely and accurately route toll free calls and messages would have a significant impact on the valuation of numbers auctioned from the 833 NPA. Because the ability to share individual numbers among a group of independent customers or to terminate such numbers to many businesses based upon closest location expands to resource, tailors service to callers seeking to connect with the closest desired business, allows many businesses access to quality vanity toll free numbers, and presents an viable business case, the value of each number so used can increase significantly. Messaging routing impediments multiply the devaluation.

This “Shared Use” of high value numbers allows, for example, multiple entities to use 800-LAWYERS, depending on the origination location of the call. Were that number to be used by a single entity, providing services in a single state, the value of that number is diminished. It was noted that shared use will significantly increase the value of the most sought-after numbers in the 833 auction.

Solution

The Commission could provide a clear understanding to the mobile phone and other originating carriers that they both have the obligation to protect consumers “precise” location while providing “fuzzy” location data to toll free service providers would restore confidence and value to toll free numbers and the auction. The goal is to provide safe, private, and effective communications routing. In doing so, it would not be in conflict with privacy protections for consumers and ensuring toll free service providers would be able to offer geographic routing for public safety and “Shared Use” services to consumers with no undue call completion interference, latency, or unnecessary consumer opt in.

The Commission could achieve these goals through rendering a decision with respect to the Petition For Immediate Declaratory Relief or In the Alternative, Petition for Rulemaking, Filed by 800 Response Information Services, LLC, CC Docket No. 96-115.

Conclusion

In the case of these services “opt in” or “opt out” is not just unnecessary, but also presents a hindrance and possible safety issue to Consumers. Consumer behavior and privacy issues are paramount and this action has produced a major decline in toll free usage by asking for an opt in on a service directly contacted by the consumer.

When the Consumer consensually initiates and expects service such as opting in resembles a fishing or marketing type authorization. Consumers think they are opting into something beyond the single transaction which by nature is consensual. The CTIA has recently released messaging guidelines indicating that a consumer texting into a toll free number is consenting to the communication without being asked to opt in.

Sincerely,

MessageComm