**Before the**

**FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

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In the Matter of )

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Text-Enabled Toll Free Numbers ) WC Docket No. 18-28

)

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Toll Free Service Access Codes ) CC Docket No. 95-155

)

**COMMENTS OF**

**THE AD HOC TELECOM USERS COMMITTEE**

The Ad Hoc Telecom Users Committee (“Ad Hoc”) hereby submits its comments in response to the Declaratory Ruling and Notice of Proposed Rulemaking (“NPRM”) released in the dockets captioned above.[[1]](#footnote-1) For the reasons discussed below, Ad Hoc supports the Commission’s proposal in the NPRM to require messaging providers to obtain a subscriber’s authorization through the subscriber’s designated Responsible Organization (“RespOrg”) and to require the RespOrg to reflect the subscriber’s authorization to text-enable its toll free number in the Service Management System (“SMS”) Database.

For over 35 years, Ad Hoc has represented enterprise customers in numerous proceedings before this Commission. Ad Hoc members are among the nation’s largest and most sophisticated corporate buyers of information technology (“IT”) and communications services. Committee members come from a broad range of industry verticals – including banking, construction, financial services, insurance, information services, logistics, manufacturing, and payment processing – and they maintain tens of thousands of business premises in every region of the country. As substantial, geographically-diverse end users of network and IT services nationwide, Ad Hoc members are uniquely qualified to provide a credible, unbiased, and informed perspective regarding the impact of Commission proceedings on customers in the communications marketplace.

Because Ad Hoc admits no wireline or wireless service providers as members and accepts no funding from them, Ad Hoc’s positions are not influenced by any commercial self-interest that would support unnecessary regulatory constraints on competing service providers. Indeed, as high-volume purchasers of IT and communications products and services, Ad Hoc members have historically been among the first beneficiaries of the Commission’s de-regulatory efforts. As a consequence, Ad Hoc has consistently advocated for de-regulation in communications markets as soon as a market becomes competitive.

Ad Hoc members are also some of the country’s largest users of toll free numbers and therefore have a substantial stake in ensuring that toll free numbers continue to be a reliable resource for customer communications. Toll free numbers are a critical resource for Ad Hoc’s members and other toll free customers who have made significant investments in customer service and customer outreach systems that depend upon reliable and secure toll free service and toll free number assignments. Over time, toll free customers and the callers seeking to connect with them have learned to depend on toll free service in a wide range of settings, from the credit card issuer seeking rapid notification of a stolen card to a pharmaceutical company responding to adverse drug reactions to a manufacturer educating purchasers about product safety. Thus, Ad Hoc members view the integrity of the toll free number assignment and activation process as a critical component of their businesses.

The Declaratory Ruling rightly clarifies that it is only the toll free customer that can authorize text-enabling of the toll free number. Adoption of the proposals in the NPRM (designating RespOrgs as the appropriate parties to implement text-enabling authorizations and requiring that authorization to be recorded in a field in the SMS/800 database) is a necessary next step to ensure that authorization for text-enabling toll free numbers and routing of authorized text traffic complies with the existing rules for toll free number management.

Ad Hoc members were surprised to learn that texting service providers are able to text-enable a toll free number that may already be in working status for voice traffic without using the RespOrg system established by this Commission to ensure that the toll free customer is informed about the status of its numbers and retains control of the number regardless of changes in the underlying service provider. The Declaratory Ruling alone, without the proposed rule changes, would not preserve these customer protections.

Enterprise customers count on their RespOrgs to manage their toll free numbers. They typically establish internal processes and designate personnel who are responsible for – and knowledgeable regarding – their RespOrg, the RespOrg’s procedures for contacting them, and their company procedures for responding when issues arise regarding their toll-free numbers.

Text-enabling (or making any other change to the status of a toll free number) without the knowledge of a customer’s RespOrg creates substantial risks for enterprise customers. If service providers are allowed to text-enable toll free numbers without (1) the knowledge of the relevant RespOrg, (2) the notice the RespOrg provides to the toll free customer, or (3) the authorization the RespOrg obtains from the designated employee(s) responsible for managing the customer’s toll free numbers, then opportunities for consumer fraud and confusion are greatly increased. Consumers will associate a toll free number with the familiar toll free voice customer regardless of whether the consumer is using that number to place a voice call or send a text. And a consumer instructed to text information using a toll free number associated with a trusted business will (reasonably) assume that any information sent to that number will be received only by that business.

If texting service providers are permitted to circumvent the RespOrg notification/authorization process and rely on contacts with personnel other than the toll free customer’s designated RespOrg contact, then the risk that toll free numbers will be misused greatly increases. An individual or company could, for example, text-enable the toll free customer service number on the back of a credit card and ask consumers to text via that number sensitive personal and/or financial information associated with their card account. Consumers would reasonably assume that the text is legitimate because the toll free text number matches the toll free voice number they are accustomed to using. That scenario is not unlikely or far-fetched; enterprise customers are already concerned about the practice of “smishing,” i.e., “phishing” for sensitive information but using SMS communications rather than traditional email services.

As the NPRM recognizes,[[2]](#footnote-2) the Commission has already exercised its plenary jurisdiction over the North American Numbering plan[[3]](#footnote-3) to establish rules that protect the rights of toll free customers with respect to the management of their toll free numbers. Under those rules, the Service Management System Database (“SMS Database”) is the only administrative database system for toll free numbers and it should continue to be, despite the advent of text messaging as a service. It is the SMS Database system that enables RespOrgs to “enter and amend the data about toll free numbers within their control.”[[4]](#footnote-4) And RespOrgs are the only entities chosen by toll free subscribers “to manage and administer”[[5]](#footnote-5) information regarding their toll free numbers in the SMS Database. Only RespOrgs can “enter and amend” the records for routing traffic to toll free numbers and data regarding the toll free numbers.[[6]](#footnote-6) Allowing parties other than RespOrgs to solicit and maintain toll free customer authorization information contradicts this long-established and well-functioning process.

Accordingly, Ad Hoc supports the NPRM’s proposals to require toll free customers or entities authorized by them to notify their RespOrg when a toll free number is text-enabled and to require RespOrgs to record that authorization in the SMS Database. These requirements will ensure that toll free customers or their messaging providers contact the customer’s RespOrg to ensure appropriate management of the customer’s toll free resources as well as ensuring that status information for toll free numbers in the SMS Database is complete and accurate.

Absent compliance by text message providers with the same number management rules applicable to voice service providers, the rights and responsibilities of toll free customers with respect to text-enabling their toll free numbers will be uncertain at best. In an uncertain environment, demand for text-enabling will be suppressed and the development of a market for the service will be impeded. Moreover, a robust and centralized clearinghouse for administering and managing toll free number attributes like text-enabling is the most efficient and cost-effective way to manage those attributes.

CONCLUSION

For the reasons set forth above, the Commission should adopt the changes proposed in the NPRM and eliminate the risk of unauthorized text-enabling of toll free numbers.

Respectfully submitted,

**AD HOC TELECOM USERS COMMITTEE**

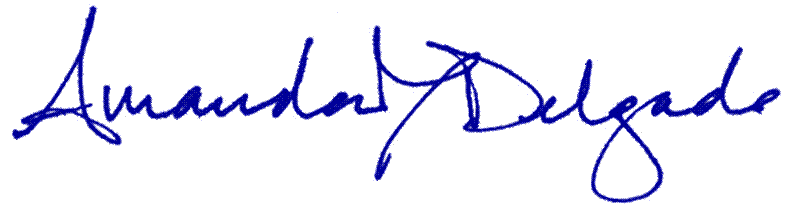
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August 23, 2018

**Certificate of Service**

I hereby certify that true and correct copies of the preceding Comments of Ad Hoc Telecommunications Users Committee were filed this 23rd day of August, 2018 via the FCC’s ECFS system.

By: \_

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1. *Text-Enabled Toll Free Numbers; Toll Free Service Access Codes*, WC Docket No. 18-28 and CC Docket No. 95-155, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 18-77 (rel. June 12, 2018). 83 Fed. Reg. 34974-80 (July 24, 2018). [↑](#footnote-ref-1)
2. *NPRM* at para 26. [↑](#footnote-ref-2)
3. *See* 47 U.S.C.§ 251(e). *See also Kristin Brooks Hope Ctr. v. FCC*, 626 F.3d 586 (D.C. Cir. 2010), *Sprint Corp. v. FCC*, 331 F.3d 952 (D.C. Cir. 2003). [↑](#footnote-ref-3)
4. 47 C.F.R. § 52.101(d). [↑](#footnote-ref-4)
5. 47 C.F.R. § 52.101(b). [↑](#footnote-ref-5)
6. 47 C.F.R. § 52.101(d). [↑](#footnote-ref-6)