

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Text-Enabled Toll Free Numbers)	WC Docket No. 18-28
)	
Toll Free Service Access Codes)	CC Docket No. 95-155

COMMENTS OF CSF HOLD CO

CSF HOLD CO (“CSF”) through counsel provides its comments in response to the Federal Communications Commission’s (“FCC’s”) Declaratory Ruling and Notice of Proposed Rulemaking in the above-captioned proceedings.¹

I. INTRODUCTION

CSF is the leading SaaS provider for toll free provisioning, texting, and least cost routing (“LCR”). With over 100 carrier and independent RespOrg customers, our flagship offering, 8MS® Cloud, helps our clients save time and money by simplifying and automating toll free voice and text provisioning and reducing carrier costs through optimized LCR. CSF also provides a robust cloud communications platform enabling global delivery of SMS, and MMS messaging. From small to large enterprises, businesses rely on us for fast and reliable message delivery to any of our supported 1,200 mobile networks in 220 countries. CSF has operated in the toll free provisioning space for 30 years.

As noted in the NPRM, the Commission has administered the toll free numbering system since 1967.² Those Commission efforts have resulted in a very successful and robust toll free marketplace, where the Nation’s Toll Free Numbering Administrator (“TFNA”), Somos,

¹ *Text-Enabled Toll Free Numbers*, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 18-77, (June 7, 2018) (“NPRM”).

² NPRM at ¶2.

administers the distribution of toll free numbers on a competitively neutral basis as required by the Commission's regulations.³ Under this system, RespOrgs are responsible for updating the National Toll-Free Number database, SMS/800 ("SMS Database")⁴ for toll free voice services.

In its recent Declaratory Ruling in this proceeding, the Commission appropriately held "that only a toll free subscriber may authorize the text-enabling of a toll free number and that such authorization must occur *before* a toll free number is text-enabled."⁵ This Commission action was necessary to clarify the rights of toll free subscribers and to build upon the existing, successful structure in place for managing toll free numbering resources for voice. CSF also adds that the authority to remove text enablement should also be the choice of the subscriber. CSF has many examples of subscribers having toll free numbers rightly text enabled for years, but then suddenly disconnected, without the subscriber's authority. The lack of subscriber confidence in their ability to make reliable decisions regarding text message enablement has created uncertainty in the subscriber community. This uncertainty has limited the growth of toll free texting and the corresponding benefits that toll free texting services provide businesses and non-profit organizations that wish to bring the benefits of text message communications to consumers. We are in absolute support of subscriber choice as it pertains to toll free text enablement and choice of providers.

In response to the NPRM, CSF submits that the Commission should further build on its 50 years of successful administration of toll free services. First, the Commission should establish the TFNA as the administrator of toll free texting services in addition to voice services.

³ See 47 CFR § 52.12(a)(1)

⁴ The SMS Database is the Service Management System established in the Commission's regulation, 47 CFR § 52.101(d).

⁵ NPRM at ¶11.

Second, RespOrgs should be responsible for updating the SMS Database to reflect a subscriber's text message enablement decision as well as the identity of the messaging provider.⁶ Third, if the Commission deems an alternate solution necessary, that solution should operate on a neutral and impartial basis. Building upon foundational industry mechanisms for administering toll free texting will best satisfy the Commission's twin goals of protecting the integrity of the Nation's toll free number system and making available the benefits of toll free texting widely available.⁷

II. DISCUSSION

The Commission has plenary statutory authority over the North American Numbering Plan in the United States.⁸ That authority provides the Commission with ample room to adopt mechanisms to “ensure that a toll free subscriber has indeed authorized a toll free number to be text enabled,”⁹ just as the Commission does for voice services. Simply put, the Commission has full authority over the telephone numbering system for all services, voice and text. The exact same statutory authority that animates the Commission's regulations for the provision of telephone numbers for voice services applies with equal force to text message. Indeed, the Commission has statutory authority to regulate every communications service that utilizes a North American Numbering Plan telephone number in the United States.

⁶ In the NPRM, the Commission defines “messaging provider” as “an entity that text-enables toll free numbers and also provides short message service (SMS) gateways, application programming interface support, and/or other tools to users of SMS service.” NPRM at ¶3. CSF notes this definition should include multimedia messaging services, MMS, as well.

⁷ NPRM at ¶2.

⁸ 47 USC § 251(e) (providing the Commission will the “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States” and mandating that telephone number be made “available on an equitable basis”).

⁹ NPRM at ¶13.

“To ensure that a toll free subscriber has indeed authorized a toll free number to be text enabled,” CSF agrees with the Commission’s proposal “to require [the] toll free subscriber to inform its RespOrg of the authorization.”¹⁰ And the RespOrg should be responsible for updating “the appropriate records in the toll free SMS Database.”¹¹ As part of this process, the RespOrg should capture the identity of the messaging provider as well. Finally, as in the case of voice services, the RespOrg should not record the subscriber’s identity, as doing so would essentially make the SMS Database a marketing tool for service providers, rather than a neutral registry. This approach would protect the integrity of the toll free system by building upon the existing industry infrastructure, which has served users and consumers exceedingly well for decades.

For these reasons, CSF supports a Commission ruling mandating use of the existing SMS Database for RespOrgs to record toll free number subscriber decisions.¹² There is no need to reinvent the wheel. By adopting the SMS Database as the authoritative database administered by the TFNA, the Commission will protect the integrity of the toll free system, prevent abuse, and ensure that the public benefits from toll free texting services.

CSF submits that a single, authoritative database operated by an impartial numbering administrator, like the TFNA, is appropriate for all toll free services, voice and text included. Regardless of what action the Commission ultimately takes, however, the Commission should continue its historic and on-going practice of ensuring that all telephone numbering administrators are neutral and impartial. Any Commission-endorsed registry must be operated by a neutral third party organization that does not compete against the relevant service providers.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at ¶21.

This is required by the Communications Act as well as the Commission's existing rules for telephone number administrators.¹³

The Commission's uniform use of independent, third-party database administrators for the management of key telecommunications resources has been as effective as it is sensible. In exercising their responsibilities, database administrators have access to substantial competitive information of all service providers and their customers. Having a competing service provider acting as the database administrator creates an inherent conflict of interest and an uneven playing field. It is obvious that a service provider should not have access to sensitive competitive information trusted to database administrators.

Toll free text messaging is an exciting, expanding use of toll free numbering resources, which are an important part of the North American Numbering Plan. As emphasized in these comments, a key feature of the Commission's administration of the numbering plan is neutrality. Third-party administrators, like the TFNA, serve as fair stewards of the numbering resources. Service providers provide service using the telephone numbers. The Commission has employed this framework for toll-free voice services successfully for decades, and the Commission should use this same framework for toll-free text messaging.

III. CONCLUSION

Consistent with the foregoing, CSF submits that the Commission should establish the TFNA as the administrator for toll free texting in addition to voice and affirms its support for

¹³ See 47 CFR § 52.12(a)(1) (establishing a neutrality standard whereby a number administrator (i) may not be an affiliate of any telecommunications service provider; (ii) may not issue a majority of its debt to, or may not derive a majority of its revenues from, any telecommunications service provider; and further (iii) may not be determined to be or not be subject to undue influence by parties with a vested interest in numbering administration and activities). Under this test, for example, a trade association representing a segment of the telecommunications industry could not serve as a neutral number administrator.

subscriber choice as it pertains to text enablement and service provider. Commission action is necessary to ensure proper use and performance of toll free messaging as a beneficial service offering. RespOrgs should be responsible for recording in the SMS Database subscriber text message enablement and messaging provider decisions. The Commission should continue and extend its rules that all number administration entities must be operated on an impartial basis according to fair neutrality criteria.

Respectfully submitted,

/s/

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