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

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

COMMENTS OF ZipDX
RE: FCC 17-90 Second Notice of Inquiry
Reassigned Telephone Numbers

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Should the Commission choose to formalize a method for data regarding reassigned numbers, we advocate for the simplest, most cost-effective and scalable approach, which we believe is to extend the existing Calling Name (CNAM) infrastructure to support this specific function.

At (15) through (19), the NOI presents four alternatives for facilitating exchange of reassignment data.

Only the first alternative, "Report to an FCC-established Database," is practical (and it should probably be an FCC-*designated* Database, we're not sure what "established" means here). Service providers know when a number has been reassigned; the entities placing calls need to query for reassignment data. A solution that requires that every calling entity be able to query every service provider is untenable. For example, if there were just 500 service providers, and 1000 potential callers, there would need to be 500 times 1000 or half-a-million relationships established to enable full information exchange. While "aggregators" could help (as suggested in the second alternative proposed in the NOI), such an arrangement would still be chaotic and not scale well except in the case of a mature mechanism.

At (30), the NOI asks about using an existing database. Most service providers already have CNAM update capability in place.[1] Adding a reassignment field to the CNAM database, and making a query mechanism available to callers, will leverage resources that are already in place. Building that from scratch just for reassigned numbers would be wasteful.

[1] Not all carriers populate CNAM information for all their subscribers. For example, Verizon and AT&T tend not to populate this information for their wireless customers. However, those carriers do have the technical ability to update the CNAM database and we believe they could, with some effort, modify what they already have to provide number reassignment updates.

CNAM is not a single database, and we noted above that aggregators can prove problematic. However, we think that the CNAM infrastructure is sufficiently well-established that it can be adapted quickly for the reassigned number application.

At (21) and (26), the NOI asks about economics to support the database. Today, those retrieving CNAM data typically pay a per-query fee; part of that is shared with the service provider that contributed the information. We think that callers querying for reassignment information should similarly pay a fee, but it would be much smaller and would not be shared. (A query for reassignment data associated with a number would NOT return the *name* information in this approach, even though both would be stored in the same database.) The fee becomes a small additional cost of doing business for the calling entities.

At (22), the NOI asks about the format of the data. Simple is almost always better. For a given telephone number, the database should store the date and time ("unix time" format would be acceptable) when that number was last assigned[2] to a new customer. Prior to placing a call, a calling entity would query the database for the last-assigned-time associated with the number to be called. If the date and time of the customer's consent is prior to the value returned from the database, then the calling entity knows that the consent is no longer valid and the call should not be placed. All numbers would have a default (initial) value of 0 in the database, which is 1970-Jan-01 00:00 UTC. Any valid consent dates should be subsequent to that.

The NOI process is not particularly well-suited for working out the details (or even the generalities) of this sort of application. We propose that if the FCC chooses to pursue this, they

[2] Optionally, a service provider could also update the database when a number is de-assigned. This would have the advantage for the calling entities that they would avoid placing calls to out-of-service numbers. However, when thinking about initialization and start-up of this new data, it is more important that the new assignment date be the mandatory value.

convene a workshop and welcome all interested parties to attend. While prepared remarks directed toward workable solutions would be welcome, the bulk of the time should be reserved for a true *working session* led by someone technically competent and not particular vested in any given approach. That means a constructive discussion among the participants leading to a viable outcome.

The NOI states at (1): "[W]e initiate a proceeding to address the problem of robocalls made to phone numbers of consumers who had consented to receive calls but whose phone numbers have subsequently been reassigned to a new consumer." At (14), the NOI states: "We believe such reporting as part of a comprehensive reassigned numbers resource would greatly benefit both consumers (by not getting unwanted calls intended for another consumer) and robocallers (by not wasting resources calling the wrong consumer and by avoiding potential TCPA violations)."

If those were the real issues, then the focus on reassigned numbers is too narrow and the "problem" of reassigned numbers is overstated. The real problem is that while robocalls[3] are almost always annoying, it is particularly frustrating to get a robocall that is intended for someone else (a "wrong number robocall"). Exacerbating the problem is the tenacity some robocallers exhibit in calling a given number repeatedly, especially if they get voicemail or no answer. Ironically, the advice given to many consumers for dealing with unwanted robocallers is to not answer, let them go to voicemail, and/or just hang up (rather than pressing "9 to be removed from our list") so even a "legitimate" robocaller may never get the message that the called party doesn't want to receive more calls.

[3] We understand "robocall" in this context to include calls placed by automated dialing equipment on behalf of a human or group of humans.

Some robocalls are mass-marketing efforts broadcast to anybody that will listen. Another category of robocalls are personalized to the intended called party, with messages like your prescription is ready, your flight's been cancelled, your appointment is confirmed for tomorrow at 2 PM, or you're going to get kicked out of your house if you don't pay your mortgage by Tuesday. It is this second category of directed calls that is the context for the discussion here.

There are many reasons that personalized robocalls might be misdirected. Certainly a reassigned number is one of those reasons, but others include: a wrong number provided by the intended recipient (intentionally or unintentionally); a data entry error by the calling organization; an error somewhere in the process that wrongly ascribed a particular number to the intended recipient (for example, confusion when two people share the same name and perhaps live in the same town); a phone number that was shared (among family members or roommates) who have now gone their separate ways, with one retaining the number; and failure on the part of the caller to heed a previous "stop calling" request. A reassigned numbers database is not going to address any of these other reasons for unwanted (or missed) calls.

At (14), the NOI asks about a Safe Harbor. Because there are so many other reasons that calls might be misdirected, callers should not earn a "get out of jail free" card just by accessing and honoring the reassigned numbers database. In fact, such a database would be its own reward for many callers, because if the reassigned numbers problem is as prolific as many claim it is, then knowing that a number is no longer associated with the intended recipient tells the caller that they need to do new research to track down their target.

In conclusion, we think that a reassigned numbers database should leverage a database and interfaces that are already part of carrier infrastructure. Minimal extensions should be made to accommodate the additional information. Service providers should incur the smallest possible

burden to populate the database. Callers should be responsible for incremental costs. Any safe harbor should be limited in scope and should not undermine the protections of the TCPA. Details should be worked out in a collaborative workshop.

Respectfully submitted,

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