

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

In the Matter of:)	
)	
Text Enabled Toll-Free Numbers)	WC Docket 18-28
)	
Toll Free Service Access Codes)	WC Docket 95-155
)	

Reply Comments

On behalf of the Association of Toll-Free Professionals (ATFP), I hereby submit comments in response to the Federal Communications Commission's Public Notice, seeking comments regarding the above-captioned matters.

Members and associates of ATFP hold many of the exclusive-by-market vanity toll-free programs in existence today. Programs such as 1-800-Home-Care, 1-800-Pavement, 1-800-Injured, 1-800-800-Cars, 1-800-Lawyers, and 1-800-Attorney are examples of exclusive-by-market licensing.

Twenty-five years ago voice and fax were the only major channels of communication, other than USPS. Today, end users expect to send text messaging and hold an absolute expectation that any text to a trusted toll-free voice number will reach the intended party, and no one else. Yet, these are not the only technologies that will ever be invented.

There are three core issues to which we will add perspective; RespOrg Validation, Revenue Neutrality, and Text Aggregation.

Before we address these issues, we caution the Commission not to change the course of a nascent industry on a basis of any single technology, but to recognize texting for what it is: the first of many applications that may grow out of toll-free numbers.

The Somos (TSS) “*Texting and Smart Services*” data fields are so named because they envisioned a variety of “multi-media” applications beyond mere texting. To enshrine text-enablers into a central role in toll-free number administration would be, in effect, failing the forest for a few trees.

One such technology is Visual Telephony. Key U.S. patent grants¹ have been issued to Verizon in 2004 and Telex in 2014. These telephony services initiate a visual display in response to dialing a toll-free number² which, in effect, brings the full power of the Internet under the command of the dial pad.

Surely, we cannot add a “*separate registry solely to enable and manage*” every new technology that comes along. Further, it is insufficient to merely preserve “*openness, transparency, and interoperability,*” as asserted by Century Link.³

What’s at issue here is the absurdity of having *multiple agents* authorize the functionality of a single toll-free number. Why would we divide validation authority when the subscriber already has a single, authorized agent?

Rather, we should endeavor to preserve is single-source accountability within a unified registry for all current and future technologies. To accomplish this, the Commission should establish Somos as the sole, neutral administrator for all toll-free functionality.

RespOrg Validation.

There seems to be great deal of misunderstanding about the role of the Somos registry.

¹ Verizon Visual Voice Calling US 8,036,355 B2 and Telex Visual Telephony US 8,890,927 B2

² <http://TelexLive.com>

³ <https://ecfsapi.fcc.gov/file/10824664026473/180823%20CenturyLink%20Comments%20WC%2018-28.pdf>

Somos does not compete with texting entities like Zip Whip nor does it text-enable toll-free numbers. In fact, Somos does not even validate end users, but simply facilitates the “*two-party consent*” process⁴ for the authorized agents of the subscribers.

Yet, professions in our midst continue to conflate these two functions. Even Somos declares itself the “*Authoritative Source of Text-Enabled Toll-Free Numbers*” on its website⁵ which, in itself, is misleading. Somos does text enable any numbers!

Rather, the role of Somos is to present validation requests to the subscriber’s authorized agent via the managing RespOrg. The fact is, only RespOrgs have access to the rightful subscribers, through a chain of agency.

The Somos registry simply *facilitates* two-party consent, as outlined in our 2016 submission and incorporated herein. What’s lost on Zip Whip and others is that their methods of consumer validation⁶ utterly fail in a commercial context.

Anyone outside the authorized RespOrg is simply guessing at the identity of a rightful subscriber. No bill copy. No apparent use. No dual-factor authentication. Not even absolute control over the toll-free number in question, is sufficient to validate rightful authority.

It is legally impossible to ordain an authorized subscriber without access to the chain of private relationships, where each identity is protected from public and upstream exposure by law.

⁴ See Attached filing from November, 2016

⁵ <https://www.somos.com/text-enabled-toll-free>

⁶ “Zipwhip, for example, employs multi- factored tests to confirm subscriber authorization and control. One key element of that verification is a dual-factor authentication procedure commonly used in many contexts: Zipwhip sends a confirmation code by calling the voice number and requires the subscriber to return that confirmation code to the company. This factor, alone, would prevent, for example, the type of fraud some speculated could happen by text-enabling a toll free number appearing on a credit card. No scammer would have sufficient access to the voice number to return the confirmation code Zipwhip sends. (In addition, other Zipwhip authentication methods also would likely stop such a scam before it could take place.) These practices are adequate today and, if a deficiency should arise, can quickly be improved by the industry.”

We reference an international licensing example in the attachment that brings this naive assumption into full view, and, we urge the Commission to expressly reject the notion that any 3rd party can unilaterally validate rightful subscribers.

What's also been lost here is the immense value RespOrg validation *brings* to Zip Whip and others, who are now expressly prohibited from enabling texting without subscriber permission. With RespOrg validation, text enablers are no longer responsible for nefarious activations, as they are relieved from this ineffective, self-verification process.

Revenue Neutrality

Let's be clear, the "TSS registry" is destined to be nothing more than few fields in Somos database, once fully integrated. Essentially, another check box on a digital order form.

Therefore, the monthly cost for text validation should be *included* in the maintenance cost of a toll-free number, and not a penny more. In effect, all toll-free numbers should cost the same, whether they are text enabled or not, which will foster rapid adoption of this new technology.

While it's reasonable to allocate a set management cost to voice and to text, the overall cost should be revenue neutral, currently 11.3 cents/month.

We urge the Commission to mandate that Somos establish revenue neutrality immediately and without delay.

Text Aggregation.

What seems unconscionable— as has been pointed out by virtually everyone affected here— is that Zip Whip is both the central aggregator and a competitor in the retail market.

Toll-free texting in North America is now a relevant market to which Zip Whip meets the legal test of a monopoly actor over essential faculties; the aggregation gateways.

Clearly, Zip Whip should divest itself into two independent entities and the Commission should mandate that the aggregation monopoly play fair, as Somos does as neutral administrator.

If reports of Zip Whip's anti-competitive behavior are true, those who enable it should break-up this entity at once, before the industry acts to recover treble damages.

A similar state of affairs developed in the Dot Com domain space, where Network Solutions owned the central registry while engaged in unfair trade practices in the retail market. Wisely, Verisign spin off Network Solutions in 2003 to avert conflicts of interest.

Conclusion

For these forgoing reasons— single-source accountability, the necessity of two-party consent, and revenue neutrality— we believe the Commission should mandate Somos to be the neutral registry for all toll-free services; voice, texting, visual telephony, and other services yet to be dreamed up.

Let's get past this multi-registry non-sense. What we need today is unity. Unified agency. A unified registry. And a unified Vision, so that text-enabled vanity numbers, like the 1-800-Butterball⁷ number cited by Zip Whip, actually work.

Respectfully submitted,

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⁷ Texting to number like 1-800-Buttball fails for three reason. 1) Text doesn't truncate, 2) letters don't always translate, and 3) the response often comes back in a separate window, as though it's a new conversation. If anyone has insight or expertise that would help fix these issues, please call me.

Attachments

- **November 2016 Submission**
- **Chain of Agency—Example**

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

In the Matter of:)	
)	
Petition of Somos, Inc. for a Declaratory)	WC Docket 95-155
Ruling Regarding Registration of)	
Text-Enabled Toll Free Numbers)	WT Docket No. 08-7
)	

Comments in Support

On behalf of the Association of Toll Free Professionals (ATFP), I hereby submit comments in response to the Federal Communications Commission's November 4, 2016, Public Notice, seeking comments regarding the above-captioned matter.

Members and associates of ATFP hold many of the exclusive-by-market vanity toll-free programs in existence today. Programs such as 1-800-Home-Care, 1-800-Pavement, 1-800-Injured, 1-800-800-Cars, 1-800-Lawyers, and 1-800-Attorney are examples of exclusive-by-market licensing. Twenty-five years ago voice and fax were the only major channels of communication, other than USPS. Today, end users expect to send text messaging and hold an absolute expectation that any text to a trusted toll-free voice number will reach the intended party, and no one else.

No one is disadvantaged by granting these Declaratory Rulings, certainly not text-enablers like Zip Whip. This is about maintaining the integrity of the toll-free numbers and the trust built up over decades of use.

What the TSS registry does, in effect, is create *two-party consent*, where one of the parties, the RespOrg, is the actual, lawful *agent* of the subscriber. The other party is the text enabler, who *cannot know* if they are acting for the rightful Customer of Record.

The rogue practice of text-enabling TFN's simply by requesting a bill copy or dialing the number alone is naïve and dangerous. The only way to discern the actual Customer of Record, from an apparent or fraudulent one, is for the authorized RespOrg to compare the activation request to the privately listed data—which is illegal to share with 3rd parties. Two-party consent has proven extremely effective to combating fraudulent use⁸ of toll-free numbers, since introduced with portability in 1993.

The current practice of unilateral activations, supported by Zip Whip, has no such safeguards and allows anyone with a bill copy— or a made-up bill copy— to activate texting on a toll-free number they do not own. To expand on Zip Whip's bank⁹ example:

*“A bank, for example, can notify existing customers of fraud alerts on the same 10-digit number that rings to the bank's call center. This timely notification from a **familiar number** to the customer is critically important in protecting consumers from scams and other malicious activity. This is both pro-consumer and pro-business.” [Emphasis added]*

In contrast to their contention that this is somehow “*pro-consumer*,” such a text is a perfect *phishing* link. An unsuspecting customer will likely assume it is their bank, because of the “*familiar number*” displayed, and give away their login credentials.

As most of us have experienced, smart phones automatically display the name associated with an incoming text, should it be in your contact list. More recently, smart phones even suggest names, based on numbers found in emails and other sources.

⁸ Actual use conversion, not Caller ID spoofing, which is widespread.

⁹ Zip Whip's May 26, 2016 letter to Ms. Marlene H Hortch, Secretary, FCC

It is because Call ID *cannot* be spoofed on toll-free texts, that we must safeguard activations. Business and reputation are at stake here, and the best way to combat such abuse is with the *two-party consent* of the TSS Registry.

In addition, we need *technical parity* with both local texting capabilities and voice calling, to be competitive in the market and for toll-free texting to grow. Much of this was outlined in the Somos response¹⁰ letter, but three key deficiencies are:

- Local number texting allows for pictures to be sent (MMS) as well as text (SMS).
Without universal MMS, toll-free texting is a *degraded* service.
- Local numbers texting and toll-free calls advise users whenever the text or call does not complete (“*Cannot be completed as dialed*,” for example). Without similar feedback, toll-free texting is a *degraded* service.
- Toll-Free calls are truncate beyond the 7th digit, allowing calls to 1-800-State-Farm or 1-800-Progressive to complete. Without truncation, toll-free texting is *degraded* and we cannot text to valuable vanity numbers, such as these.

We’re all in this together. Let’s move forward and bring the 21st century capabilities to business texting. That’s what we’ve all come to expect.

Respectfully submitted,

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¹⁰ Somos’ response to Zip Whip, July 1, 2016, letter to Ms. Marlene Dortch

Chain of Agency

In our November 2016 comments to the FCC we stated that a text enabler *cannot know* if they are acting for the rightful subscriber, simply because they see a number on a phone bill. Here's a real-world example that illustrates the multiple levels of agency inherent in commercial, toll-free arrangements.

Chain of Agency Example

There is toll-free program licensed to an Israeli company, who pays a call center specialist for their services. The call center specialist buys International services from a reseller they like who, in turn, buys bulk from an International carrier.

The International carrier is world-wide but does not have any U.S. operations, so they engage a US reseller who has accounts with 5 domestic carriers to accommodate lease-cost routing. In addition, the US reseller outsources their RespOrg services where we host the toll-free number under the name of the licensor, the sole and rightful "Customer of Record."

So, the question is who gets to text enable this number? There are 6 parties will "phone bills," each legitimately billing traffic on the number in question, any one of which could pass a dual-factor authentication test, if asked.

- ~ Israeli company has a bill (Call Center)
- ~ Call Center specialist has a bill (Reseller)
- ~ Reseller has bill (International Carrier)
- ~ International carrier has a bill (Domestic Carrier)
- ~ Domestic carrier has a bill (5 Carriers)
- ~ RespOrg has a bill (Somos)

All parties in the chain have phone bills showing the number, but none hold the actual authority of the licensor—and most don't even know who holds authority. Only the Israeli company is party to the licensing agreement. Authority simply *cannot be ordained from the outside*. It is not permissible to disclose the identity of the rightful subscriber to 3rd parties under US law.

Magic Bullet

In contrast, when a port or text request is submitted to the RespOrg, they—and only they— can work though the chain of secret relationships to get approval from the rightful subscriber. When the requestor gets that party right, it's like a magic bullet. If not, the request is denied and rightful subscriber is not disclosed.