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September 19, 2017

Ex Parte Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby, Room TW-A325
Washington, D.C. 20554

Re: WC Docket No. 17-192; CC Docket No. 95-155

Dear Ms. Dortch:

On September 15, 2017, Ann Berkowitz of Somos, Inc., met with Amy Bender of Commissioner O’Rielly’s office and Ms. Berkowitz and I met with Travis Litman of Commissioner Rosenworcel’s Office. On September 18, 2017, Ms. Berkowitz and I met with Claude Aiken of Commissioner Clyburn’s Office and Nathan Eagan of Commissioner Carr’s Office, and Gina Perini of Somos, Inc., Ms. Berkowitz, and I met with Jay Schwarz and Courtney Fisher of Chairman Pai’s Office. The Purpose of all of the meetings was to discuss the proposed Notice of Proposed Rulemaking (“proposed NPRM”) in the above-captioned docket.

Somos explained that it had shared the proposed NPRM with Resp Orgs and had answered questions and received some preliminary feedback concerning the proposals for auctions and secondary markets. Some Resp Orgs have welcomed the proposals while others have expressed concern or uncertainty. Somos is encouraging Resp Orgs to share their views with the Commission in response to the NPRM after it is released. Somos also discussed that paragraphs 42-44 of the proposed NPRM, which suggest that the Commission might consider changes to the basic regulatory scheme governing the Toll Free Numbering Administrator (without proposing anything in its place) had raised questions and concerns, particularly given widespread satisfaction in the toll-free community with the current structure. Those paragraphs are procedurally improper and unnecessary, and Somos would encourage that they be removed before the NPRM is released.

Marlene Dortch, Secretary
September 19, 2017
Page 2

Somos also explained that if the paragraphs in question are left in the NPRM, certain language in paragraph 44 should be modified. In particular, although the NPRM suggests that Somos's "operations and budget" are not transparent, in fact, detailed financial information is submitted to the Commission each year to support proposed tariff filings. Although much of that information is part of the public tariff filing, some of it is provided to the Commission under confidential cover. Thus it is not correct that Somos does not "specifically describe its operating costs, or any other pricing guidelines." Further, while it is correct that in connection with the SMS service Somos "is only allowed to recover operating costs," such requirement is separate and apart from Somos' corporate structure as a nonprofit corporation. To be sure, the Commission's rules require that the rates charged under the tariff be based on the cost of providing the SMS service, and Somos adheres to that requirement. It is also correct, as the Commission recognized in 2013, that the changes to Somos's membership and Board of Directors created corporate efficiencies that benefited SMS/800 users.

This letter is being electronically filed for inclusion in the record of these proceedings. If you have any questions concerning this matter, please contact me at (202) 326-7921.

Sincerely,

 HNW

Aaron M. Panner

cc: Jay Schwarz
Courtney Fisher