

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

REPLY COMMENTS OF NEUSTAR, INC.

Commenters uniformly support the Commission's goal to root out unwanted robocalls made to reassigned phone numbers and the industry's desire to prevent unnecessary lawsuits targeting legitimate business communications with consumers. However, commenters disagree about the best means to accomplish this goal. Neustar, Inc. ("Neustar") respectfully submits these reply comments to address this disagreement.

As a neutral third-party administrator of U.S. numbering databases and an industry leader in the development of solutions to mitigate unwanted robocalls, Neustar understands how reassigned phone numbers contribute to the problem of unwanted robocalls. In Neustar's experience, and as Neustar explained in its initial comments, robust, sophisticated commercial solutions that already exist in the marketplace are the best means to mitigate this problem. Commercially-available solutions like Neustar's can accurately combine information from multiple datasets and deliver reliable information quickly and efficiently so that callers can avoid placing robocalls to phone numbers that have been reassigned. Relying upon multidimensional,

market-based solutions like Neustar’s will best achieve the Commission’s ultimate goals of reducing calls to reassigned numbers and protecting consumers.¹

Because of the availability of these robust commercial solutions, Neustar does not support the establishment of a new database of reassigned phone numbers as recommended by some commenters.² Neustar agrees with those commenters who correctly recognize that “creating and administering a new database” would involve “costs” and “burdens” that are unnecessary to assume,³ and would “create a host of complex, unique operational, technical and financial challenges.”⁴ Furthermore, even assuming such challenges could be overcome, a new database of reassigned numbers would fail to provide a “guaranteed method to discover all reassignments immediately after they occur” because of the delays inherent in data collection.⁵

¹ See, e.g., Comments of the Electronic Transactions Association, CG Docket No. 17-59, at 3 (filed Aug. 28, 2017) (“the Commission should consider market-based solutions and internal scrubbing by companies as a way to demonstrate compliance with the TCPA”) (“ETA Comments”).

² See, e.g., Comments of the American Financial Services Association, CG Docket No. 17-59, at 1 (filed Aug. 28, 2017); Anthem, Inc., CG Docket No. 17-59, at 1 (filed Aug. 28, 2017) (“Anthem Comments”); Comments of Blackboard, Inc., CG Docket No. 17-59, at 8 (filed Aug. 28, 2017).

³ Comments of Syniverse Technologies, CG Docket No. 17-59, at 2 (filed Aug. 28, 2017); see also ETA Comments at 2 (“the reassigned number database envisioned by the *Second NOI* will actually require the callers that are operating in good faith and attempting to comply with the TCPA to fund, at least in part, the creation and maintenance of, and ongoing access to, such a database”).

⁴ Comments of CTIA, CG Docket No. 17-59, at 13 (filed Aug. 28, 2017); see also Comments of ACA International, CG Docket No. 17-59, at 4 (filed Aug. 28, 2017) (noting that a reassigned phone number “database will impose enormous burdens on legitimate businesses while illegal robocallers will continue their harmful practices, thereby resulting in heavy compliance costs for likely little benefit”) (“ACA Comments”).

⁵ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Second Notice of Inquiry, FCC 17-90, ¶ 6 (“*Second Notice of Inquiry*”); see also ETA Comments at 2 (“there will be some amount of lag time between when a number is reassigned and when the database envisioned by the *Second NOI* is actually updated”).

In addition, creating a reassigned numbers database would not prevent consumers from receiving unwanted and illegitimate calls because such a database would be inherently incomplete. Among other issues, a telecommunications carrier to which telephone numbers have been allocated often lacks knowledge about which of its telephone numbers have been reassigned because it is often two or three levels removed from the service provider with the relationship with the end user. For example, a telecommunications carrier may provide telephone numbers to Mobile Virtual Network Operators, switchless resellers, Voice over Internet Protocol providers, among others – service providers that have no obligation to return numbers to their underlying telecommunications carrier when their end users disconnect service. In this scenario, a service provider may hold its own inventory of telephone numbers for reassignment to other end users without the knowledge of the telecommunications carrier, which would be unable to identify those held numbers as “reassigned” in any database the Commission may create. Commenters that support creation of a reassigned phone number database largely overlook or completely ignore these serious implementation issues.

By contrast, existing commercial services like Neustar’s avoid these implementation problems. Specifically, Neustar employs sophisticated analytics that facilitate accounting for disconnects or reassignments of numbers in a timely or useful fashion.

Neustar agrees with numerous commenters that the Commission should establish “a safe harbor” from violations of the TCPA when robocallers use a disconnected or reassigned number service, including services such as Neustar’s.⁶ As the Commission has recognized in other contexts, a safe harbor “provide[s] certainty while enabling the industry to continue to

⁶ *Second Notice of Inquiry*, ¶ 14; see also Comments of Vibes Media, LLC, CG Docket No. 17-59, at 14 (filed Aug. 28, 2017); ACA Comments at 6; Anthem Comments at 2; ETA Comments at 3.

innovate.”⁷ Here, a safe harbor would promote predictability, fairness, and efficiency in the TCPA enforcement process, enabling legitimate callers to use the best data available to abide by the TCPA and eliminating costly, time-consuming investigations into inadvertent violations.

Furthermore, a safe harbor based upon the use of a robust, commercially-available service would create an incentive for businesses to mitigate the risk of their making robocalls to reassigned phone numbers. Absent a safe harbor, not all businesses would take advantage of existing marketplace solutions. By encouraging businesses to use existing marketplace solutions, which would provide needed clarity and consistency in their approach, a safe harbor would not only eliminate unnecessary lawsuits targeting legitimate business communications with consumers, but also prevent harm to consumers by promoting TCPA compliance. By contrast, the safe harbor would not protect truly bad actors that are unlikely to adhere to the TCPA or avail themselves of any available risk-mitigation options.

In conclusion, the Commission should leverage existing commercial solutions to tackle the problem of reassigned phone numbers rather than create a new database and should establish a safe harbor to encourage callers to take advantage of such solutions.

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Respectfully submitted,

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⁷ *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, 27 FCC Rcd 787, ¶ 126 (2012).