TollFreeNumbers.com

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Federal Communications Commission
Ajit Pai, Chairman
445 12th Street, SW
Washington, DC 20554

November 13, 2017

Re: WC Docket No. 17-192, CC Docket No. 95-155 – REPLY COMMENT FOR NOTICE OF PROPOPOSED RULE MAKING ON TOLL FREE ASSIGNMENT MODERNIZATION

Dear Chairman Pai,

I'm excited to respond to the 2nd part of the NPRM about acknowledging the inherent value of numbers and allowing the development of a secondary market for valuable vanity numbers. I'm excited about this because I think it's long overdue and I think the customers would benefit, but I also have some serious concerns about rushing in and changing everything all at once.

Customers have long recognized the value of good vanity numbers and sought out ways to get better numbers. I think the customers demand for better numbers is the ultimate reason why we should open this up and allow and even encourage this. I could go on for pages and pages about the value of better numbers and how this helps customers, helps phone companies, and helps the industry. Rather than just one more industry insider saying you should to it, I think the most important voice here is the customers.

That's why rather than just saying it would be good I'm going to **DO** some of what the FCC is suggesting, match up customers with the owner of numbers they want and send as many customer leads to shared use owners as I can with our new lookup tool at TollFreeNumbers.com. I'll survey both our recent customers and the potential customers we sent to the shared use owners, about creating a secondary market for good numbers and give the commission the real customer feedback we receive.

I've always stayed away from shared use because it tends to lead to hoarding and because I promote owning your own number. I also offer an alternative and it may decrease my sales in the long run to suggest shared use numbers. I'm going to change that though because if it benefits the customer and the industry then that's ultimately the right thing to do.
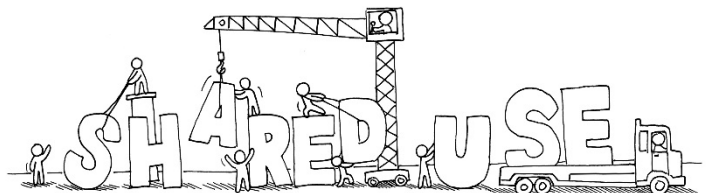
No Rules have to be Changed

Don't get me wrong, I want an open secondary market for
vanity numbers but I can't help but look at how the 833
numbers were handled and wonder if this whole process
might have been designed to *create* this situation. Regardless
of that, I think it's important to realize that how you decide
these 18,000 set aside 833 numbers does NOT mean anything
else has to be changed, no matter how you do it.

I also think it's a huge mistake to link these two separate
things. It's already delaying the 833 #s which are already so overdue that customers are giving
up and leaving, and it rushes the industry changes that we aren't ready for yet, for absolutely no
reason.

Lottery:
If you have a lottery for the 833 set side numbers, that doesn't mean you have to
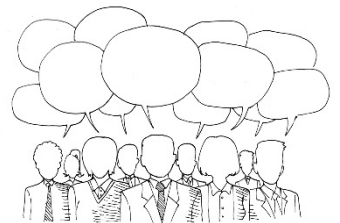use a lottery to pick which request to give #s dropping from the aging process to.

Survey:
If you use a survey to determine the best customer request for the 833 numbers set aside,
that doesn't mean you have to do a survey of the requests for the aging numbers that drop
back into the pool.

Rating System:
If you created some type of rating system and used that to prioritize the
phone companies and their requests for the 833 numbers set aside, you
wouldn't have to use that ranking to determine who gets new dropping
numbers.

Trademarks:
If the you decided to use Federal Trademarks as the basis for prioritizing the 833
numbers set aside, that wouldn't mean that you have to do the same thing for new
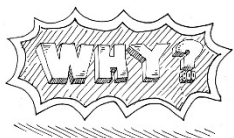numbers dropping back into the available pool.

First-come first-served:
If you decided to use the time that the requests were submitted in the week Somos accepted requests during April, and give the set aside 833 numbers out on a first come first served basis that doesn't mean you have to decide all other requests on a first come first served basis. Or if you use a first come first served basis for other things that doesn't mean you have to use a first come first serve basis for the 833 numbers set aside.

Auction:
Finally, if you do decide to have an auction for some or all of the 833 numbers requested during the opening by multiple resporgs, why in the world would that require us to use an auction for numbers dropping back into the pool or anything else.

It doesn't mean we have to use an auction for 822 numbers just because we did for a few of the 833 numbers, any more than using rationing and first come first served for 844 and 855 numbers meant we had to do the same thing for 833 numbers.

Why in the world would auctioning some, or even all of the 833 numbers set aside, require us to change the whole system and mean we have to allow anyone else to auction off numbers?

The obvious answer is that IT DOESN'T *require it!*

I'm clearly not against changing the system. I would love and benefit from that, more than anyone except for the companies holding large amounts of numbers. In all honesty, there's clearly no need to change ANYTHING in order to allow the FCC to auction off the set aside numbers.

Not only is there no need to, but I believe it's clearly WRONG to change the whole system and going to hurt the industry to turn the rules on their head before you do a few things to prepare the industry to change.

Imagine if Somos came out and said we're discontinuing the Web Based Access, MGI and 3270 access at the end of the month going to give you a whole new more modern system all at once. They didn't do that. They're changing (aka modernizing) their system too, but have done it in steps over several years. There were steps that had to be taken and things they had to do, before they could just "modernize" the whole system.

It's kind of like saying we have to build a deck but we don't want a new deck on an old house. So we want to remodel the whole house to match the new deck and we're going to remodel the whole house on the same schedule as the deck project. It doesn't matter that Somos won't have their new toll free registry ready to support the new house until 2018, or that we haven't cleaned out the attic or basement in the old house in decades, we don't know how much it'll cost or how it'll work, but we have to change it all right now?!
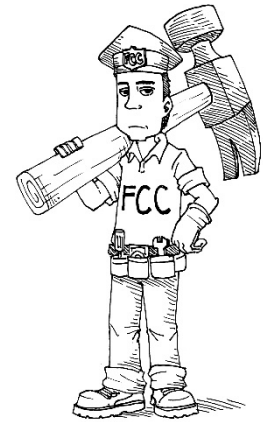
Don't put the cart before the horse
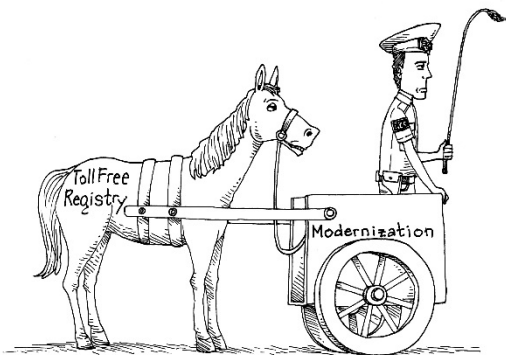
The first most obvious thing necessary to create ownership and the ability to transfer and sell toll free numbers is a whois type registry. Somos has said that the new toll free registry could be adapted to allow them to maintain and show a customer of record name. This new toll free registry and this new capability are NOT available today but may be available in 2018. You can't promote or even talk about ownership of toll free numbers and marketing them if you don't have a way to maintain and display the ownership information and know who's number it is. Can you imagine trying to sell domain names without a whois system?

In the remodeling analogy, it's like saying lets remodel the kitchen now even though the appliances won't be ready until at least a year from now. It's fine to start talking about it now but it doesn't make sense to actually do any of this until that's ready since that's the foundation of "ownership".

We really have to clean up a little before we can remodel the whole house

Imagine trying to remodel or even just paint the home of a hoarder. You have avoided even looking into the closets for years and you want to suddenly just remodel it without cleaning it. Toll free numbers have always been invisible. That's part of why they're hard to clean up and keep track of. They're not boxes on a shelf you can audit very easily or find if you've lost track of them. I can't tell you how many times a customer calls me saying a toll free number isn't going through to anyone and then when they looked it up on my website and called the phone company responsible for it, the rep says it's not their number. The bottom line is that even the biggest more most respected phone companies have unassigned toll free numbers laying around in their closet.

Toll free numbers have always been invisible but if there's going to be a registry soon we're ALL going to have to clean up our act. And if we don't clean things up before the lights go on and everyone sees how many millions of numbers are locked in the basement, and in our collective closets, it's going to make both the industry and the FCC look bad.

Don't get me wrong, I'm all for a registry and allowing the free market to grow and to get more valuable numbers into the hands of the businesses that need them. That's the whole purpose of my business. But we just have to have a transition period, to allow every company to clean our collective acts up.

It would be easier for kids if the parents simply changed the rules to say we don't have to clean up our rooms any more, but that doesn't really make them cleaner. And with the registry coming, it's like saying you don't have to clean your room any more when you know you have a house full of people coming to visit you for the holidays.

Setting up the registry ownership information system would also be a great time to clean up the hoarding issues as well. So in reality we would probably need to wait until some time AFTER that before we started moving forward with the remodeling concept as well.

Take away the incentive or excuse to hold so many numbers.

Interisle Consulting Group suggested on November 7th, adding a fee high enough to make it prohibitive for organizations taking large volumes of numbers. Unfortunately, many of those organizations have deep pockets and you'd have to put a lot of regular phone companies out of business before you'd even make a dent in the pockets of the people you're trying to stop. That's why I think it's far better to take away the incentive to suck up millions of numbers by preventing them from monetizing all those held numbers.

Taking away the financial incentive to hoard numbers wouldn't hurt regular phone companies, and wouldn't hurt the consumer, any more than reducing spam would. Toll free numbers are a limited public resource and the job of the FCC is to make sure they are used effectively and simply holding huge volumes of numbers for wrong numbers is the equivalent of phone spam and the epitome of what the FCC is supposed to be preventing. That's also been a larger part of why we're running out of toll free numbers than anyone wants to admit.
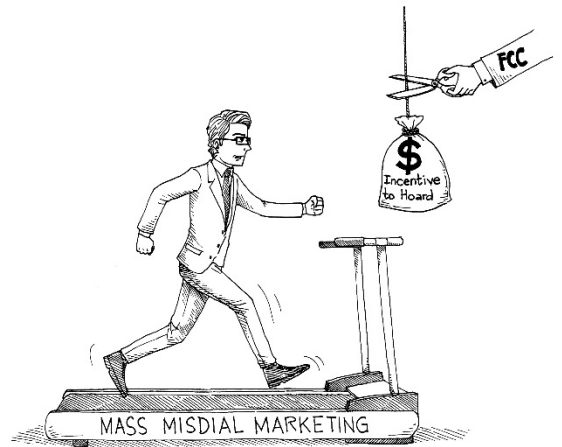
That's why I think it's way overdue to declare "Mass Misdial Marketing" an invalid use of toll free numbers. (Mass Misdial Marketing is the practice of sucking up large volumes of toll free numbers just for the purpose of playing advertising to wrong numbers, or trying to sell wrong number callers something.)

While we're at it, let's declare shared use to be an invalid use of toll free numbers IF they have fewer than one customer for every two toll free numbers. Shared Use owners always cite cases where they have multiple customers on a single number as the reason that should be allowed. I'm all for that! But holding large quantities of numbers without any legitimate customer isn't sharing anything and is where it crosses the line into hoarding.

Toll free numbers are a public resource and abusing them hurts everyone. Just doing this will improve the system and force companies to return a lot of numbers, not to mention delaying the exhaust of our toll free number supply.

Part of opening up and bringing the industry out of the shadows has to be cleaning up the shadowy practices. If you don't do this when they do install the toll free registry and the public can see who owns all the toll free numbers it's going to be obvious that the FCC hasn't been doing it's job. Just taking a stronger stance on this before this all becomes visible will also make the industry clean itself up, just like taking a stronger approach on immigration reduced it by 70-80% without even changing the regulations (or building a wall).

Trademark dispute resolution

If you grant ownership of numbers, and concede that numbers have value and are more than just numbers, you also open up a lot of trademark issues. Part of the self cleaning and enforcement process should probably include a way to address some trademark issues. If we're going to say that 1-800 642-7676 is more than just the digits and its best most valuable use is 1-800 MICROSOFT, we may need a way for Microsoft to be able to request it if it's not being actively used (by more than just a misdial marketing business). Part of the solution to this might be the free market, saying now Microsoft can BUY it, but big brand name companies sometimes feel entitled and giving them a window to submit requests might reduce some conflicts. I'm not a lawyer and I'm sure a lot of other lawyers can address this more thoroughly.

Dropping Numbers

I made some suggestions in my filing before the NPRM vote about potential changes to the process for dropping numbers, but I think it's premature to worry about making changes here. This should be a whole different project and I think we have to wait and review the success of the current projects before we talk about a whole new one. Let's just take a stronger stance and enforce the current rules and take away the incentives to hoard first, as I already suggested above before we worry about reinventing the dropping number process too.

Conspiracy theories are made of this stuff

The last thing I'm even reluctant to bring up, but I think has to be mentioned is the suddenness of the desire to completely change the whole system here with no clear reason and no studies or analysis. You're using a situation that you've gone out of your way to create with the 833 numbers, as a reason to do something that will make some people involved hundreds of millions of dollars. Add to that some people natural distrust of government and it might make some people suspicious. I talked to someone I trust and don't personally think this is necessarily rooted in anything nefarious. But anyone that sees the amount of money some people stand to make from this, can't help but be at least a little suspicious about where this sudden desire to change things came from.

I won't say any more than that here, except to say my mother always said, "You have to not only do the right thing, but avoid the appearance of doing the wrong thing."

Summary

I can boil this down into four sentences.

1. In order to create a secondary market we have to have a toll free registry.
2. In order to implement a toll free registry we have to clean up our collective rooms.
3. In order to clean up our rooms we have to take away the incentive to suck up numbers and enforce the regulations, not get rid of them.
4. Then once we've cleaned up our rooms, and got a toll free registry, we can and should definitely change the rules and create a secondary market.

Someone pointed out after my previous letter that many of the things I'm suggesting are NOT in my best interest, or the best interests of my colleagues. That's true, but I believe these are the right things and believe it's time to look past what's best for myself individually. I'm trying to sincerely help the industry and believe that is the right thing to do. In the long run I hope that helps us all, and I hope this helps the process.

Very sincerely,

Bill Quimby
Bill Quimby
President of TollFreeNumbers.com