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November 20, 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: CC Docket No. 95-155; WT Docket No. 08-7

Dear Ms. Dortch:

On November 16, 2017, Ann Berkowitz of Somos, Inc., and I met with Terry Cavanaugh and Linda Oliver of the Office of General Counsel and Ann Stevens of the Wireline Competition Bureau to discuss Somos's Petition for a Declaratory Ruling Regarding Registration of Text-Enabled Toll-Free Numbers.

Somos's presentation focused on the procedural aspects of its petition, and in particular the need for a declaration clarifying the requirement that a messaging services provider seek Resp Org authorization before text-enabling a Toll-Free number. Such a requirement does not constitute a new rule – much less does it alter any existing rule – but instead follows directly from the Commission's determination that Resp Orgs are the entities responsible for managing and administering Toll-Free numbers. 47 C.F.R. § 52.101(b). Resp Orgs cannot fulfill their responsibility for ensuring the integrity of Toll-Free number assignment unless they are informed of the subscriber's choice to text-enable a particular Toll-Free number. Only the Resp Org has the ability to ensure, by virtue of an existing direct or indirect relationship with the Toll-Free subscriber, that the subscriber with authority over a particular Toll-Free number has authorized text-enablement. Furthermore, the Commission's authority over numbering does not depend on whether numbers are used for telecommunications services, and any action that undermines the integrity of a Toll-Free number affects *all* uses of that number.

Under 47 C.F.R. § 1.2(a), the Commission may “on motion . . . issue a declaratory ruling terminating a controversy or removing uncertainty.” That provision applies here, because there is, at a minimum, “controversy” regarding whether a messaging service

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provider is free to bypass the established mechanism for Toll-Free number assignment and administration when text-enabling a Toll-Free number. In our view, there is no “uncertainty” – the current rules make clear that enabling a new service using a Toll-Free number without informing the Resp Org responsible for that number violates existing rules. The Commission should act promptly to resolve this issue.

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,

A handwritten signature in dark ink, appearing to read "Aaron M. Panner", written in a cursive style.

Aaron M. Panner

cc: Terry Cavanaugh  
Linda Oliver  
Ann Stevens