

December 11, 2014

EX PARTE NOTICE

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: MD Docket No. 14-92, *Assessment and Collection of Regulatory Fees for Fiscal Year 2014*;
MD Docket No. 13-140, *Assessment and Collection of Regulatory Fees for Fiscal Year 2013*; and
MD Docket No. 12-201, *Procedures for Assessment and Collection of Regulatory Fees*

Dear Ms. Dortch:

On December 9, 2014, Gina Perini (SMS/800, Inc.), Joel Bernstein (SMS/800, Inc.), Suk Yee Wong (SMS/800, Inc.) and Aaron Panner (Kellogg, Huber, Hanson, Todd, Evans, and Figel, SMS/800, Inc. outside counsel), met with Roland Helvajian (Office of Managing Director), Thomas Buckley (OMD), Craig Stroup (OMD, by phone), Mika Savir (Enforcement Bureau, by phone), Ann Stevens (Wireline Competition Bureau), Michelle Sclater (WCB) and Heather Hendrickson (WCB, by phone) to discuss the logistics surrounding the Commission's new fees on toll-free numbers (TFNs).

SMS/800 ("the company") emphasized several points from our comments in the FNRPM: 1) Should the Commission require the company to take action against a Resp Org for non-payment of Commission fees, such procedures must be spelled out specifically by the Commission in its rules, the rules must state that the Commission may require such action of the company, and the rules must require the company to include tariff language detailing any actions that the Commission could require be taken by the company; 2) If the Commission requires the Company to share proprietary customer information which may be necessary to identify Resp Orgs, the Commission must put such requirement in its rules and require the Company to include such requirement in the company's tariff; 3) If the Commission requires the company to suspend or disconnect a Resp Org, the Commission must first go through the same procedures as in cases involving potential suspension of a license of a delinquent licensee; and 4) No matter what enforcement process the Commission chooses, the Commission should ensure that the Resp Org's end-user customers are not harmed due to the Resp Org's failure to pay Commission fees.

The company also explained its procedures for dealing with delinquent payments, including the effect of Resp Org suspension and disconnection. In addition, the company

described potential outreach efforts that might be pursued to inform Resp Orgs of any new regulatory fees.

The company noted that the Commission instituted a \$500 *de minimis* fee standard starting in FY 2014. The company estimated that, if the Commission used its proposed one-cent per month per TFN fee, about 200 of the more than 450 Resp Orgs would be responsible for the fee.

Please do not hesitate to contact me if you have any further questions.

Sincerely,



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cc: Roland Helvajian
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Ann Stevens
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