

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
) CC Docket No. 95-155
855 Toll Free Allocation) DA 10-1604

REPLY COMMENTS OF TOLL FREE NUMBER COALITION

The Toll Free Number Coalition (the "Coalition"),¹ by its attorney, hereby submits its reply to the "Comments on Public Notice" filed in the above-captioned matter by Database Service Management, Inc. ("DSMI").

In its own Comments in this proceeding, the Coalition has demonstrated in detail DSMI's past failures to administer the release of toll free service codes in an equitable manner, and questioned its ability to administer the upcoming 855 code deployment in compliance with Commission requirements. To address this problem, the Coalition has urged the Commission to defer the planned release until such time as DSMI has demonstrated to the satisfaction of the Commission that the allocation will be administered in a fair, orderly, and non-discriminatory manner. In the alternative, should the Commission allow the planned deployment of the 855 service code to occur as planned, the Coalition has urged the Commission to direct all RespOrgs to defer for a period of thirty to sixty (30-60) days the assignment to customers of numbers using the new code, reserving the right to require DSMI to recover all numbers and institute a new deployment in the event there is demonstrable proof that the scheduled October 2 release is not fair and equitable. Under either scenario, the Coalition has urged the Commission to reinstate the right of first refusal early reservation plan of the Alliance for Telecommunications Industry

¹ The Toll Free Number Coalition is a coalition of small Responsible Organizations, toll free number service providers and their customers.

Solutions' SMS/800 Number Administration Committee (the "SNAC"), previously used in the 888 service code release.

In its filed Comments on Public Notice, DSMI has not acknowledged, much less addressed, any of the past failures in its administration of toll free number releases, stating only that an allocation scheme developed by SMS/800 Inc. "would need to be modified to support allocation for the 855 numbers." Plainly, this assertion does not confirm that the system to be deployed on October 2, 2010 is in fact ready and able to handle the 855 code opening in a fair, orderly and non-discriminatory basis.

Against this background, the Coalition reiterates its prayer for relief and, in addition, urges the Commission to:

1. Require DSMI to certify that its planned allocation mechanism is ready, and has been tested, to administer the 855 code opening in a fair, orderly, and non-discriminatory basis;
2. Require DSMI to identify the possible adverse consequences that might occur during the code opening, and their projected likelihood (by their degree of confidence that they will not occur);
3. Require DSMI to list, with specificity, the changes that it has made to the number allocation system since the last code opening, and how those changes will ensure that the problems encountered in the past will not recur;
4. Require DSMI to itemize those issues that – even at this late hour – have not yet been resolved and/or adequately communicated to the industry, which are vital to the equitable administration of the code opening;

5. Require DSMI to identify the differences that can be expected with respect to the timing and effectiveness in 855 number reservations, between the various methods of accessing the SMS/800 (i.e, MGI, WBA, etc.); and

6. Require DSMI to describe in detail what steps will be taken to ensure that each RespOrg will have the ability to synchronize accurately to the exact time of the code opening, so that none of the entities vying for access will have any advantage over the others.²

Finally, the Coalition respectfully restates that a delay in the 855 code opening of at least 30-60 days is warranted at this time, in order to allow adequate opportunity to resolve these and other issues (such as the process for replication and the best method of allocating 855 numbers). Contrary to DSMI's latest assertions, the most recent exhaust date prediction is now August 7, 2011, and with the implementation of a reasonable, equitable rationing plan the FCC can ensure that RespOrgs do not run out of toll free numbers well into 2011.³

The Coalition also respectfully submits that the Randomized Round Robin ("RRR") basis of allocation proposed by Vanity International is problematic for two reasons: The first can be illustrated by the situation where a RespOrg is given 5 (855) choices by a customer. Under RRR, the RespOrg can no longer submit the request in the customer's order of preference, because the system will randomize the request, meaning the customer will have as good a chance of getting his fifth choice as his first. Moreover, submitting the additional choices will reduce

² See Attachment 1, Statement of John Evancie, 800 Response.

³ See Attachment 2, Number Administration Summary Report for Saturday, 9/4/2010 of SMS/800. This report shows a total of 2,757,346 toll free numbers remaining in the spare pool. The quantity of number in use increased by 4,560. If usage continues at the same level as the average growth rate for the last six (6) weeks, the estimated exhaust date for the current toll free number pool would be as follows:

- (A) Total Spare Numbers = 2,757,346
- (B) Average Growth/Week = 57,210
- (c) Spare/Average Growth = 48 weeks (estimated exhaust date of August 7, 2011).

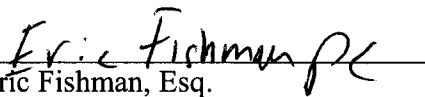
the customer's likelihood of getting his first choice because the amount of numbers in the randomly drawn pool will be larger.

Second, the RRR approach does not recognize the fact that the public good would be better served by allowing subscribers who have invested heavily in the branding and trademark development of their existing toll free number(s) to replicate the associated toll free number in the 855 code. Under RRR, there is a significant likelihood that such numbers will instead fall into the hands of number hoarders, mis-dial brokers, or as we have seen time and time again, directed to sex-based chat lines. Though the volume of subscribers opting to replicate their numbers in 855 may be relatively small (as compared to the 275,000 or so that opted for replication in 888), protecting the legitimate interests of these businesses makes for good public policy.

Respectfully submitted,

THE TOLL FREE NUMBER COALITION

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September 10, 2010

STATEMENT OF JOHN EVANCIE

My name is John Evancie, and I am Vice President, Information Services, of 800 Response, a Responsible Organization ("RespOrg"). In that capacity, I oversee the efforts of 800 Response to obtain toll free numbers for the company when a new toll free service code is deployed.

The FCC has directed that the 855 Code be opened at noon on October 2. While this direction may appear to be simple, it is complicated by the question, when is noon?

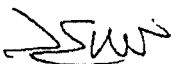
For decades, the telecommunications industry has had protocols for setting network clocks to assure accuracy. There are also protocols for setting computer clocks, one of which is described below. Rather than synchronize the SMS/800 computers to one of these highly accurate timepieces, DSMI has indicated that it **manually** synchronizes its clock twice a year. This makes it impossible for RespOrgs to synchronize their computers' clocks with the SMS/800 clock. Our own computer professionals have tried to determine "SMS/800 time" by observation, and it appears that the SMS/800 could be off by almost a minute. In an era when it is possible to synchronize to a millionth of a second this is unconscionable.

The ramification for the 855 code opening of DSMI's failure to synchronize the SMS/800 clock to a publicly accessible clock, is that it effectively turns the release into a lottery. The RespOrgs which guess the correct time are likely to end up with a disproportionate percentage, or possibly even all, of the vanity numbers, and sought-after numeric numbers, e.g. those ending in 8888, or 8000. This state of affairs highlights the inherent weakness of the "first-come, first-served" approach in an era of extremely fast and accurate computers. The process that has been

adopted by DSMI is essentially a blend between a lottery and a race to be won by a computer programmer; not a policy-based approach to distributing resources to users in a fair and equitable manner.

The material attached heretocomes from the site of the National Institute of Standards and Technology, a bureau of the Commerce Department, <http://www.nist.gov/physlab/div847/grp40/its.cfm>. If you follow the directions from that web site on your own computer, you'll see how quick and easy synchronization is.

I hereby state under penalty of perjury that the above statements are true and correct.



John Evancie

September 8, 2010

NIST Internet Time Service (ITS)

Set Your Computer Clock Via the Internet

One way to synchronize your computer clock via the Internet is through the operating system. Most operating systems (i.e. Windows, Mac, Linux) have an option to automatically synchronize the system clock periodically.

You may be allowed to pick which NTP server the time comes from.

Windows: Double-click the system clock and then click on the Internet Time tab.

Mac: Applications > System Preferences > Date & Time

Linux: System > Admin > Time and Date

The NIST Internet Time Service is composed of multiple stratum-1 time servers. Here are the [server names, locations, and IP addresses](#).

There are some steps you may have to take when [accessing the NIST Internet Time Service through a firewall](#).

Protocols and Authentication

The time information provided by the service is directly traceable to UTC(NIST). The service responds to time requests from any Internet client in several formats including the DAYTIME, TIME, and NTP protocols.

Requests in these formats generally do not support authentication, and no keys or passwords are needed to use these services.

In addition to these services, we provide authenticated NTP messages using a symmetric-key algorithm that is compatible with the reference implementation of the NTP software. (For example, see www.ntp.org) The authentication ensures that the message originated from a NIST time server and was not modified during transit. This service is provided by servers that are independent of the systems described in the previous text. All of the servers are synchronized using the same algorithm, and the accuracy of the time stamps (at the server) should be comparable for any one of them. The accuracy of the time stamps as seen by a user will usually be determined largely by the stability and reciprocity of the network connection between the server and the user's systems. See the [authenticated NTP description](#) for more details.

Internet time code protocols are defined by a series of documents called Request for Comments, or RFCs. These documents are available on-line from several sites on the Internet. The protocols supported by the NIST Internet Time Service are:

SMS/800®

Bulletin Number: NUM-10-36
Date: 07-Sep-10
Subject: Number Administration Summary Reports for Saturday, 9/4/2010 as of 11:59 PM, Eastern Time

	STATUS							TOTAL NUMBERS IN USE	PERCENT IN USE	SPARE	TOTAL POOL (In Use + Spare)
	WORKING	ASSIGNED	RESERVED	DISCONNECT	TRANSIT	UNAVAIL	SUSPEND				
NPA: 800	7,806,909	469	3,969	28,960	18,503	11,243	3	7,870,056	100.00%	0	7,870,056
NPA: 866	7,766,734	9,426	30,041	83,660	80,147	1,500	3	7,971,511	99.89%	8,489	7,980,000
NPA: 877	6,407,965	5,235	56,079	53,226	52,623	1,500	5	6,576,633	82.41%	1,403,367	7,980,000
NPA: 888	6,537,586	302	24,601	32,298	36,605	3,109	9	6,634,510	83.14%	1,345,490	7,980,000
TOTAL:	28,519,194	15,432	114,690	198,144	187,878	17,352	20	29,052,710	91.33%	2,757,346	31,810,056

CLOSED 800-NXX'S: ALL 0XX AND 1XX CODES (000-199)
271; 389; 415; 534; 623; 703; 740; 744; 751; 855; 904; 907; 911

CLOSED 866-NXX'S: ALL 0XX AND 1XX CODES (000-199)
555; 911

CLOSED 877-NXX'S: ALL 0XX AND 1XX CODES (000-199)
555; 911

CLOSED 888-NXX'S: ALL 0XX AND 1XX CODES (000-199)
555; 911

Bulletin Number: NUM-10-36 Page 2
Date: 07-Sep-10
Subject: Number Administration Summary Reports for Saturday, 9/4/2010 as of 11:59 PM, Eastern Time

WEEK ENDING DATE	TOTAL NUMBERS IN USE	SPARE	GROWTH/WEEK	NUMBERS RESERVED DURING WEEK	NUMBERS SPARED FROM DISCONNECT	NUMBERS SPARED FROM RESERVED	NUMBERS SPARED FROM UNAVAILABLE	TOTAL SPARED DURING WEEK
7/31/2010	28,779,794	3,030,262	70,343	102,933	21,775	10,815	0	32,590
8/7/2010	28,846,925	2,963,131	67,131	89,620	15,484	7,005	0	22,489
8/14/2010	28,905,046	2,905,010	58,121	106,764	40,036	8,607	0	48,643
8/21/2010	28,983,173	2,826,883	78,127	107,609	21,509	7,973	0	29,482
8/28/2010	29,048,150	2,761,906	64,977	98,939	25,717	8,245	0	33,962
9/4/2010	29,052,710	2,757,346	4,560	46,951	29,606	12,785	0	42,391

If usage continues at the same level as the average growth rate for the last six (6) weeks, the estimated exhaust date for the current Toll Free number pool is as follows:

- (A) Total Spare Numbers = 2,757,346
- (B) Average Growth/Week = 57,210
- (C) Spare/Average Growth = 48 Weeks (estimated exhaust date of 08/07/11)

CERTIFICATE OF SERVICE

I, Peter Connolly, an attorney with the law firm of Holland & Knight LLP, hereby certify that on this 10th day of September 2010, a true copy of the foregoing Reply Comments was served by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

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