

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
SMS/800, Inc. Petition to Change the	)	CC Docket No. 95-155
Composition of SMS/800, Inc.	)	WC Docket No. 12-260
	)	

**COMMENTS IN RESPONSE TO PUBLIC NOTICE SEEKING  
ADDITIONAL COMMENTS ON SMS/800, INC. PETITION**

Hypercube Telecom, LLC, Americatel Corporation, Matrix Telecom, Inc., Excel Telecommunications, Inc., and U.S. TelePacific Corp. d/b/a TelePacific Communications ] (“Joint Commenters”), by undersigned counsel, submit comments in response to the Commission’s Public Notice seeking additional comments in the above-captioned proceeding.<sup>1</sup>

Joint Commenters (and other commenters that filed in response to the Commission’s initial request) support the Petition to expand the membership and governance of SMS/800, Inc. (“Petitioner”).<sup>2</sup> As Joint Commenters explained in the initial comments, the proposed expansion of the Petitioner’s membership and management will ensure balanced representation and will allow input from diverse industry participants, including several hundred Responsible Organizations (“RespOrgs”), eight Service Control Point (“SCP”) owners and operators, and the three Bell Operating Companies (“BOCs”).

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<sup>1</sup> Public Notice, *Wireline Competition Bureau Seeks Comment on SMS/800, Inc. Proposal to Become Toll Free Database Neutral Administrator and to Transfer Tariffing Responsibilities*, CC Docket No. 95-155, WC Docket No. 12- 260, DA 13-451 (rel. March 15, 2013).

<sup>2</sup> See Comments of Hypercube Telecom, LLC, Americatel Corporation, Matrix Telecom, Inc., Excel Telecommunications, Inc., and U.S. TelePacific Corp. d/b/a TelePacific Communications, CC Docket No. 95-155, WC Docket No. 12-260 (dated October 1, 2012); see also, Comments of OneStream Networks, LLC (dated September 27, 2012); Comments of ICIM Corporation (dated September 28, 2012); Comments of Signal One (dated September 28, 2012); Comments of Disaster Recovery Center Inc. dba Telecom Recovery (dated October 1, 2012); Joint Comments of SMS/800, Inc. Transition Committee (dated October 1, 2012).

Joint Commenters also support Petitioner’s request to assume the role of neutral administrator, which is currently filled by Database Services Management, Inc. (“DSMI”). The Commission does not need to seek competitive bids for the neutral administrator role to assure that the Commission’s neutrality criteria as set forth in Section 52.12(a)(1) are met.<sup>3</sup> Indeed, Petitioner has already demonstrated that the Commission’s neutrality criteria will be met upon completion of the expansion of Petitioner’s membership and management.<sup>4</sup> As Petitioner explained, no entity will “control” Petitioner given its non-profit structure, its board membership structure, and the majority vote requirement in its bylaws, and thus Petitioner will not be an affiliate of any telecommunications provider or interconnected VoIP provider.<sup>5</sup> Petitioner will not derive a majority of its revenues from any one telecommunications service provider through the operation of SMS/800 services, and as a non-profit entity, it will not issue debt.<sup>6</sup> Petitioner will not be subject to “undue influence” in toll-free number administration because Petitioner, like DSMI, will have no discretion to administer the SMS/800 service in a manner inconsistent with the tariff.<sup>7</sup> Accordingly, upon completion of the expansion of the Petitioner’s membership and management, the Commission should grant Petitioners’ request to assume the role of toll free database neutral administrator.

In addition, Joint Commenters support Petitioner’s request to transfer tariffing responsibility for SMS/800 services from the BOCs to Petitioner upon completion of the

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<sup>3</sup> See Comments of Anonymous Remailer (dated February 12, 2013); see also, 47 C.F.R. §52.12(a)(1).

<sup>4</sup> See Ex Parte Letter from Aaron M. Panner to Marlene Dortch, Secretary, WC Docket No. 12-260 (dated November 20, 2012).

<sup>5</sup> *Id.* pp. 3-5.

<sup>6</sup> *Id.* p. 5.

<sup>7</sup> *Id.* p. 5.

expansion of the Petitioner's membership and management. The transfer of tariffing obligations, along with the assumption of the role as neutral administrator, will streamline the provision of SMS/800 service by eliminating an additional contracting party.

Respectfully submitted,

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