

Albany
Atlanta
Brussels
Denver
Los Angeles
Miami
New York

**McKenna Long
& Aldridge**^{LLP}

1900 K Street, NW
Washington, DC 20006
Tel: 202.496.7500
mckennalong.com

Northern Virginia
Orange County
Rancho Santa Fe
San Diego
San Francisco
Seoul
Washington, DC

WILLIAM T. O'BRIEN
202.496.7107

EMAIL ADDRESS
wobrien@mckennalong.com

April 19, 2013

VIA EMAIL

Ms. Ann Stevens
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Supplemental Comments of Database Service Management, Inc.
In the Matter of SMS/800, Inc.*
WC Docket No. 12-260

Dear Ms. Stevens:

The Commission has before it SMS/800, Inc.'s pending Petition to Change the Composition of SMS/800, Inc. ("Petition"), which includes a request to move the role of toll-free number administrator ("TFNA") from Database Service Management, Inc. ("DSMI") to SMS/800, Inc. DSMI remains ready to step aside as the TFNA once the Commission has ruled. In the meantime, DSMI would like to update the Commission on the current status of its TFNA role and activities to ensure a smooth and final replacement of DSMI.

As the Commission is aware, for many years, SMS/800, Inc. and DSMI operated under contract in which DSMI was the business manager for SMS/800, Inc. Separately, DSMI has served as TFNA and the costs for providing the TNFA role was covered from the revenues it received under the contract. However, that contract expired on December 31, 2012. Because SMS/800, Inc.'s Petition was pending before the Commission as of the contract expiration date, and to assist with the anticipated transition of DSMI's business manager role, the parties entered a Memorandum of Understanding to continue operating through April 30, 2013. Both parties agreed that DSMI's business manager role would be fully transitioned to SMS/800, Inc. during that time period. This agreement was consistent with SMS/800, Inc.'s Petition, which indicated that it had essentially taken over the day-to-day role of business manager as of 2012. Thus, the parties intended to finalize that transition shortly thereafter.

Ms. Ann Stevens
April 19, 2013
Page 2

As of April 30, 2013, SMS/800, Inc. and DSMI agree that DSMI's role as business manager will be fully transitioned to SMS/800, Inc. DSMI will then serve solely and exclusively as TFNA until the Commission relieves it of this duty.

As DSMI indicated in its comments to the Commission dated October 1, 2012, the major roles and responsibilities of the TFNA fall into four main areas:

- Monitoring of toll-free number utilization data;
- Monitoring of SMS/800 resource utilization data;
- Monitoring SMS/800 functionality to assure assignment of toll-free numbers on a neutral basis as well as on a "first come, first served" basis to all Resp Orgs; and
- Reporting to the FCC and other regulatory bodies or pertinent industry organizations.

To continue to fulfill its TFNA role after April 30, 2013, DSMI will provide one (1) Full Time Equivalent ("FTE") employee and will invoice SMS 800, Inc. at the agreed upon amount of \$19,334.50 per month until the Commission transitions the TFNA role. DSMI notes that it will need ready access to the materials from SMS/800, Inc. to continue to perform its TFNA duties.

DSMI believes that the time has come for it to exit the role of TFNA and wind-up its affairs. Since it is not economically viable to continue to run this business in its current form, it wishes to be relieved of the TNFA responsibility as soon as possible. DSMI requests and looks forward to a quick ruling by the Commission on SMS/800, Inc.'s Petition. DSMI has been honored to serve as TFNA for so many years.

Respectfully,



William T. O'Brien

cc: Michelle Slater
Heather Hendrickson
Gina Perini, SMS/800, Inc.