

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
) CC Docket No. 95-155
Toll Free Service Access Codes)

COMMENTS OF CENTURYLINK

On November 14, 2012, SMS/800, Inc., the company that oversees the 800 Service Management System (SMS/800) for the North American Numbering Plan (NANP), recommended that the Commission open the 844 toll free code on February 15, 2014.¹ This recommendation was based in part on a variety of SMS/800 forecasts, all suggesting an exhaustion of toll-free number resources by around the fourth quarter of 2015.² More recently, the SMS/800 filed an *Ex Parte* with the Commission advising that some significant number utilization activity occurring in March, 2013 made it believe that the forecasted exhaustion date in 2015 might be overstated and toll-free number exhaustion might occur more rapidly than it had previously predicted.³

¹ Letter from Gina Perini, Chief Administrative Officer and General Counsel, SMS/800, Inc. to Marlene H. Dortch, Secretary, FCC, CC Docket No. 95-155 and WCB Docket No. 12-260 (filed Nov. 14, 2012). SMS/800, Inc. had previously advised the Wireline Competition Bureau (Bureau) that the projected date for toll free number exhaust based on existing open codes is first quarter 2014. *See* Letter from Thomas O. FitzGerald, President & CEO, SMS/800, Inc. to Sharon E. Gillett, Chief, Wireline Competition Bureau, CC Docket No. 95-155 (filed June 27, 2012); *see also* Letter from Thomas O. FitzGerald, President & CEO, SMS/800, Inc. to Julie A. Veach, Chief, Wireline Competition Bureau, CC Docket No. 95-155 (filed Nov. 8, 2012) (providing updated forecast) (November 8th SMS/800 Letter).

² November 8th SMS/800 Letter at 2.

³ Letter from Gina Perini, Chief Administrative Officer and General Counsel, SMS/800, Inc. to Julie A. Veach, Chief, Wireline Competitions Bureau, FCC, CC Docket No. 95-155 and WCB Docket No. 12-260 (filed Apr. 4, 2013).

Through this filing,⁴ CenturyLink supports the SMS/800 recommendation that the Commission begin now to deploy the 844 code. As a general matter, we believe that opening the new code should proceed similarly to the opening of the 855 code, which the Commission specifically references. Timely Commission action to formalize the introduction of the 844 code should minimize the need to undertake extraordinary measures regarding the introduction of this code (measures such as potential rationing of existing toll-free number resources) which would adversely impact carriers, Responsible Organizations (RespOrgs) and the public.

It is critical that the Commission appreciate that the current inventory of toll-free number codes must be maintained for a period long enough for carriers and RespOrgs to modify their existing equipment or systems (or secure new ones) before the 844 code is introduced to the marketplace. In CenturyLink's estimation, the leadtime required to deploy the 844 code could take as long as 9 months. During that time, carriers and RespOrgs would be modifying their switching programs, feature activations, as well as the coding in their Operational Support Systems to accommodate accurate provisioning and billing.

As the *Public Notice* noted, when the Commission opens the 844 code for the first time, subscribers will have access to essentially all the toll free numbers within the 844 Numbering Plan Area, including vanity numbers within the 844 code.⁵ In this context, CenturyLink supports the use of the number allocation method the Commission adopted to open the 855 toll free code. In that model, each RespOrg was required to release 100 numbers in the code, per day, for the

⁴ This filing is in response to the April 4, 2013 Public Notice (DA 13-617) in CC Docket No. 95-155.

⁵ Vanity numbers are generally understood to be telephone numbers that also spell a person's or company's name or spell a word or acronym that is chosen by the subscriber.

first 30 days that the code was open.⁶ In 2010, the Bureau adopted that method to help ensure an efficient and equitable distribution of new numbers at the code's opening.⁷ CenturyLink agrees that the distribution method chosen achieved the Commission's objective and urges its adoption with respect to the opening of the 844 code, as well.

Certainly the deployment of the 844 code must be done within the strictures of the Commission rules which prohibit warehousing, hoarding, and brokering of toll free numbers.⁸

⁶ Essentially the Commission waived its rule that toll-free numbers be made available to interested parties on a first come, first served basis during this 30-day allocation period. *See* 47 C.F.R. § 52.111 (“Toll free numbers shall be made available on a first-come, first-served basis unless otherwise directed by the Commission.”).

⁷ *See Toll Free Service Access Codes*, Order, CC Docket No. 95-155, 25 FCC Rcd 13687, 13689 ¶ 5 and note 15 (2010) (“we find that a limit of one hundred 855 numbers per day per RespOrg, is a reasonable limit that affords all RespOrgs, regardless of their size and connectivity, an opportunity to reserve their most desired 855 vanity numbers. DSMI has provided a recent, six-week representation of the amount of toll free numbers reserved per week. Based on this information, the current 425 active RespOrgs are reserving approximately 30 toll free numbers per day. For our allocation scheme, we have increased the daily reservation number to one hundred per day to account for increased demand expected with a new code opening. Accordingly, we conclude that based on the number of RespOrgs vying for vanity numbers in the newly-opened 855 code, a limit of one hundred numbers per day for a 30-day allocation period is sufficient to level the playing field for 855 vanity numbers./n15 [Note text: “We believe that a 30-day allocation period gives the 425 RespOrgs sufficient opportunity to reserve their customers’ most desired 855 vanity numbers. A daily allotment affords RespOrgs multiple attempts to satisfy the needs of subscribers looking for a vanity number that meets their needs. We believe anything beyond 30 days would unnecessarily restrict access to 855 numbering resources.”].

⁸ *See* 47 C.F.R. § 52.105(a) (defining warehousing as the “practice whereby Responsible Organizations, either directly or indirectly through an affiliate, reserve toll free numbers from the Service Management System database without having an actual toll free subscriber for whom those numbers are being reserved.”); *see also*, 47 C.F.R. § 52.107(a) (“hoarding is the acquisition by a toll free subscriber from a Responsible Organization of more toll free numbers than the toll free subscriber intends to use for the provision of toll free service.”).

And, as the *Public Notice* cautions any 844 number should only be reserved at the request of a legitimate end user customer and should not be reserved with the intent of selling said number for a fee.⁹

Respectfully submitted,

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⁹ The definition of hoarding also includes number brokering, which is “the selling of a toll free number by a private entity for a fee.”. 47 C.F.R. § 52.107(a).