

Petitioners Seek Reconsideration of Aspects of FCC Order Establishing Reassigned Numbers Database: What Does This Mean for the Substance and Timing of the Database?

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On April 25, 2019, two petitions were filed with the FCC seeking reconsideration of certain aspects of the Commission's Second Report and Order Adopted December 12, 2018, which established a reassigned number database (the "Database Order"). The first petition was filed by the Competitive Carriers Association, CTIA and USTelecom-The Broadband Association ("Association Petitioners") while the second was filed by the Professional Association for Customer Engagement ("PACE").

The Association Petitioners ask the FCC to reconsider its decision to merge the administration of the reassigned numbers database with the already consolidated North American Numbering Plan Administrator ("NANPA") and Pooling Administrator ("PA") functions under a single contract and a single administrator. The Association Petitioners "instead urge the Commission to refer these issues to the North American Number Counsel ("NANC") and allow it the flexibility to best satisfy its overarching mandate from the Commission 'to consider the most cost-effective ways of administering the database.'" The Association Petitioners argue that merging these dissimilar databases will not achieve the desired operational efficiencies referenced in the Database Order. Because these databases are so fundamentally different from a technological standpoint, according to the Association Petitioners, merging them together will likely add costs to the development of the reassigned numbers database by limiting the pool of potential vendors to those that can perform vastly different administrative functions. As a corollary to this request, given the incentives created by the Safe Harbor for the calling industry to utilize the database, the Association Petitioners also request that potential bidders have the flexibility to propose a funding mechanism other than the methodology proposed in the Database Order. Finally, the Association Petitioners request that the Commission maintain flexibility to evolve its database rules prior to launch to address any findings of the NANC, which is charged with assessing technical and operational issues regarding the administration of the database.

PACE requests that the Commission reconsider its decision to include business landlines and other toll-free numbers in the reassigned numbers database because doing so will create unnecessary burdens on providers seeking to comply with the database requirements and will not further the Commission's goal of protecting consumers from unwanted calls. PACE argues that the goal of the reassigned number database is to protect consumers, not businesses, and regardless, business landlines are rarely reassigned as compared to consumers' phone numbers. PACE also argues that including business landlines and other toll-free numbers in the reassigned numbers database is unnecessary because businesses do not incur liability for using an ATDS to place calls to a business landline or toll-free number. Thus, including them will do nothing more than increase the reporting burden placed on providers and the costs of administration. In addition, according to PACE, business landlines and toll-free numbers were never intended to be part of the database, and including them will create accuracy issues for the database administrator and users. PACE also requests the Commission to modify the Safe Harbor language to ensure clarity and uniformity in its application.



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As TCPAWorld noted yesterday, see [here](#), a few days after the petitions were filed, the FCC issued a Public Notice, requiring oppositions to the reconsideration petitions to be filed within 15 days of the date of publication of the notice in the Federal Register, with replies to be filed within 10 days after the time for filing oppositions has expired. It is as yet unclear whether these requests will have any impact on the timing of ultimate deployment of/access to the database. We are tracking and stay tuned.

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