

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

In the Matter of)	
)	
Advanced Methods to Target and Eliminate Unlawful Robocalls)	CG Docket No. 17-59
)	
)	

**REPLY COMMENTS OF
ITTA – THE VOICE OF AMERICA’S BROADBAND PROVIDERS**

ITTA – The Voice of America’s Broadband Providers (ITTA) hereby submits its brief reply to comments filed in response to the Second Further Notice of Proposed Rulemaking seeking comment on ways to address the problem of unwanted calls to reassigned numbers.¹ ITTA appreciates the Commission’s ongoing efforts to combat unwanted calls, including illegal robocalls.² However, in light of the potentially substantial costs associated with establishing the proposed reassigned numbers databases, with uncertain countervailing benefits, ITTA echoes the commenters that urge the Commission to exercise caution prior to adopting any measures in response to the *Second FNPRM*.

As some commenters point out, it is highly questionable whether a new, centralized database would confer any benefit as compared to existing commercial solutions, “which have seen a marked improvement in coverage and reliability in recent years.”³ Therefore, ITTA agrees with the multiple commenters that advocate for the Commission to complete a

¹*Advanced Methods to Target and Eliminate Unlawful Robocalls*, Second Further Notice of Proposed Rulemaking, FCC 18-31 (Mar. 23, 2018) (*Second FNPRM*).

² See, e.g., Comments of ITTA – The Voice of America’s Broadband Providers, CG Docket No. 17-59 (July 3, 2017).

³ CTIA Comments at 3-4. See Neustar Comments at 2; NTCA Comments at 3-5.

comprehensive cost-benefit analysis before taking any action on its database proposal.⁴

Commissioner O’Rielly himself expressed “wonder whether the benefit of a new database will exceed the costs of creating it and potentially requiring service providers to keep it or other databases current.”⁵

In this regard, ITTA supports the many sentiments calling for the Commission to pump the brakes and take a cautionary approach prior to implementing any solutions in response to the *Second FNPRM*. A number of commenters point to the pending Commission proceeding revisiting the definitions of an automatic telephone dialing system and a “called party” pursuant to the Telephone Consumer Protection Act (TCPA).⁶ The Commission’s ultimate disposition of those issues ultimately affects, for instance, the number of entities that may seek to consult a reassigned numbers database in order to avoid TCPA liability, and, consequently, the Commission’s cost-benefit analysis, and also influences what a reassigned numbers database should include.⁷ Other ideas that the Commission could entertain include recommendations that the Commission refer consideration of the technical, operational, and financial issues associated

⁴ See CTIA Comments at 2, 5; INCOMPAS Comments at 3; CenturyLink Comments at 3 (“Before moving forward and imposing additional burdens on the industry to create another tool of potentially limited benefit, more information is needed about the consumer benefits that stand to be realized from the proposed action so a proper cost-benefit analysis can be performed.”). At least one commenter already has concluded that the proposal for a new government reassigned numbers database fails a cost-benefit analysis. See, e.g., Neustar Comments at 3.

⁵ *Second FNPRM* at 33, Statement of Commissioner Michael O’Rielly.

⁶ See *Consumer and Governmental Affairs Bureau Seeks Comment on Interpretation of the Telephone Consumer Protection Act in Light of the D.C. Circuit’s ACA International Decision*, Public Notice, DA 18-493 (CGB May 14, 2018); *ACA International v. FCC*, 885 F.3d 687 (D.C. Cir. 2018).

⁷ See Neustar Comments at 3, 12-14; ATIS Comments at 3; INCOMPAS Comments at 3-4; CTIA Comments at 2, 3, 9; U.S. Chamber Institute for Legal Reform Comments at 6-8 (ILR Comments); CenturyLink Comments at 5. See also *Second FNPRM* at 9, paras. 30-31 (seeking comment on how use of a reassigned numbers database should intersect with TCPA compliance).

with the proposed database to the NANC,⁸ or consider implementing a wireless-only trial database “to address the most acute reassignment issues” while gaining practical experience on the burdens and benefits a new database could produce before contemplating its expansion to wireline providers.⁹

Should the Commission choose to fully move forward with the database solution, however, it must adopt a cost-recovery mechanism for service providers.¹⁰ ITTA concurs with the numerous commenters that express significant concern with the prospective costs of the proposed reassigned number database.¹¹ Fundamentally, this is a matter of equity, as database costs should be “borne entirely by those entities most responsible for creating the need for such a database and that will benefit from its use: those parties initiating the calls.”¹²

For the foregoing reasons, ITTA urges the Commission to refrain from adopting any measures relative to its reassigned numbers database proposal at least until it has separately resolved the myriad TCPA implementation issues in response to the D.C. Circuit’s *ACA International* decision, in order to afford it full information for purposes of evaluating the relative costs and benefits of the proposal. If the Commission nevertheless is intent on taking some action on the proposal prior to resolution of those issues, it should refer the proposal to the

⁸ See iconectiv Comments at 5.

⁹ CenturyLink Comments at 1-2, 9-10.

¹⁰ See NTCA Comments at 9; INCOMPAS Comments at 2-3. Cf. CenturyLink Comments at 9 (“There needs to be sufficient funding to create and operate such a database, and a corresponding funding model to ensure that all costs remain covered, or else the database risks being a non-starter.”).

¹¹ See, e.g., ILR Comments at 2-5; CTIA Comments at 4, 7-8.

¹² NTCA Comments at 9. See INCOMPAS Comments at 3; CenturyLink Comments at 9.

NANC and/or first implement a wireless-only trial database, and, in any event, it must adopt a cost-recovery mechanism for service providers.

Respectfully submitted,

By: /s/ Michael J. Jacobs

Genevieve Morelli
Michael J. Jacobs
ITTA
1101 Vermont Ave., NW, Suite 501
Washington, DC 20005
(202) 898-1520
gmorelli@itta.us
mjacobs@itta.us

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