

**Before the
Federal Communications Commission
Washington, D.C, 20554**

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

**COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

I. INTRODUCTION

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Second Notice of Inquiry (“Second NOI”)² in the above-captioned proceeding. The Second NOI seeks comment on requiring voice service providers to report when numbers are disconnected and/or reassigned, so that customers using reassigned numbers do not inadvertently receive robocalls that were previously approved by the prior holder of that number.³ NTCA maintains that whatever method may ultimately be adopted, the Commission should consider exempting rural carriers, which have limited resources and staff, from any new requirement, at least initially. In the event new reporting rules are applied to small carriers, the Commission should ensure that any requirements should be simple to implement and execute, secure, and any costs should be fully recoverable.

¹ NTCA represents nearly 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All of NTCA’s service provider members are full service rural local exchange carriers (“RLECs”) and broadband providers. NTCA holds a seat on the North American Numbering Council, a Commission advisory body.

² *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Second Notice of Inquiry, FCC 17-90 (rel. Jul. 13, 2017).

³ Second NOI, ¶ 1.

II. THE COMMISSION SHOULD CONSIDER EXEMPTING RURAL CARRIERS FROM NEW REPORTING REQUIREMENTS UNTIL THEY ARE BETTER DEFINED AND HAVE BEEN IMPLEMENTED; AT THE LEAST, ANY COSTS OF COMPLIANCE SHOULD BE RECOVERED, AND RLECS SHOULD NOT HAVE TO REPORT AS FREQUENTLY

The Second NOI seeks comment on the costs and benefits of reporting reassigned number information.⁴ The Second NOI claims to “not believe” that voice providers would be “greatly burdened” by new reporting requirements⁵ – although the nature and specifics of the requirements at this point are unclear. NTCA is grateful that the Second NOI specifically asks if this belief is also true for small providers,⁶ as well as asking about any particular small business concerns.⁷ The Second NOI also presents a variety of potential alternative mechanisms for reporting, such as submitting information to a central database administrator selected by the Commission; or to aggregators or robocallers directly; or whether providers should make this information available to robocaller or the public.⁸ The Second NOI also inquires about the format, level of detail, and security of the information to be reported,⁹ as well as the frequency of reporting by carriers.¹⁰ Depending on the final rules, all of these factors could determine costs and whether small providers would be “substantially burdened.” Furthermore, the Second NOI asks how a new numbering database would be funded, what billing and collection procedures might be necessary, and what factors (such as quantity of numbers queried, frequency of activity, etc.) might be considered in determining any charges.¹¹

⁴ *Id.*, ¶ 14.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*, ¶ 29.

⁸ *Id.*, ¶¶ 15–19.

⁹ *Id.*, ¶ 22.

¹⁰ *Id.*, ¶ 23.

¹¹ *Id.*, ¶ 31.

NTCA respectfully suggests that the Commission seek recommendations on operational, financial and other specifics from the advisory North American Numbering Council (“NANC”) and its applicable work groups. NANC has a proven track record and experience with helping to design and implement solutions to various numbering issues and questions. Recommendations generated by the NANC could serve as a starting point for proposals.

Regardless of the final form any new reporting requirement(s) may take, precisely because the form of such requirements has not been defined, NTCA urges the Commission to consider exempting rural LECs, or at the very least, delaying the applicability of new rules until a simple, workable, and inexpensive system has been established and implemented. Rural carriers are currently faced with increasing regulatory requirements. While these have been growing for years, new requirements¹² are taking increasing amounts of scarce staff time, often requiring the use of outside consultants, even as support for delivering service in high-cost rural areas is enduring arbitrary cuts.¹³

In short, RLECs are being asked to do more with less. While taken individually, there may be good reason for each of these new requirements, and on their own some of the associated burdens may indeed be minimal, there is a cumulative effect as one requirement after another, of varying burden levels, are applied to small providers. Proper accounting for regulatory flexibility with respect to undefined requirements, such as those proposed here, therefore warrants at least a temporary exemption while such requirements are being defined and implemented such that they

¹² See, e.g., NTCA Paperwork Reduction Act Comments, *Information Collection Being Submitted For Review And Approval To The Office Of Management And Budget*, 81 Fed. Reg. 96453, OMB Control No. 3060-XXXX, ICR Reference No: 201612-3060-022 (fil. Jan. 30, 2017), regarding High-Cost Universal Broadband (“HUBB”) buildout reporting; NTCA Comments, *Information Collection Being Submitted For Review And Approval To The Office Of Management And Budget*, 81 Fed. Reg. 95138, OMB Control No. 3060-0986 (fil. Feb. 27, 2017), regarding Form 481 reporting requirements.

¹³ See, e.g., *Ex Parte* Letter from Michael R. Romano, Sr. Vice President – Industry Affairs & Business Development, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 10-90 (fil. Aug. 15, 2017).

can then be reviewed in a meaningful way for purposes of regulatory flexibility compliance. Therefore, exempting small carriers, especially at the outset, is a reasonable approach. In the event that any new reporting regime is applied to small carriers, as part again of its regulatory flexibility obligations, the Commission must at least ensure that it is simple, easy for small businesses with small staff to implement, and that any resulting costs are fully recoverable.

The Second NOI also asks if the frequency of updates might vary according to the size of the provider.¹⁴ In the event that disconnection or reassignment reporting requirements will apply to RLECs notwithstanding the arguments above, NTCA suggests that smaller providers be required to report on a less frequent basis than larger providers.

Finally, the Second NOI inquires about customer privacy¹⁵ and whether there should be any control of tracking of those who access disconnect or reassigned number information.¹⁶ Customers may disconnect or change phone numbers for a variety of reasons, and the disposition of disconnected or reassigned numbers should not be available to those without a valid business or law enforcement need. Furthermore, as the Second NOI notes, a repository of disconnected or aging numbers could simply be mined by fraudulent robocallers or other bad actors for spoofing or other purposes. Reasonable safeguards should be in place to assure that numbering information is only accessed by those with legitimate needs.

¹⁴ Second NOI, ¶ 23.

¹⁵ *Id.*, ¶ 22, ¶ 26.

¹⁶ *Id.*, 24.

III. CONCLUSION

Pending better development, definition, and implementation of specific reporting requirements, it is reasonable to exempt smaller providers from new numbering requirements, especially at the outset. In any event, if and when such requirements apply, the Commission should ensure that they are simple to administer, easy for small businesses with small staff to implement, and that any resulting costs are fully recoverable. Moreover, any access to information reported should be restricted to those with a legitimate business or law enforcement need.

Respectfully submitted,



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