



**REPORT TO CONGRESS
REASSIGNED NUMBER DATABASE
Status of Commission Efforts**

Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59,
Second Report and Order, FCC 18-177 (2018)

**Prepared by the:
Consumer and Governmental Affairs Bureau**

**Submitted to the:
United States Congress pursuant to § 9 of the Pallone-Thune Telephone Robocall Abuse
Criminal Enforcement and Deterrence Act**

December 8, 2020

I. EXECUTIVE SUMMARY

In 2018 the Commission authorized establishment of the Reassigned Numbers Database (Database or RND) to prevent consumers from receiving unwanted calls intended for someone who previously held their number.¹ Once operational, the Database will provide comprehensive and timely information to enable callers to avoid making calls to reassigned numbers, thereby potentially avoiding costly and time consuming litigation. Congress directed the Commission to report on the status of its efforts to create the Database.² In this Report, we describe the Commission's efforts to establish the Database to date; the technical and operational guidance that guide the scope of our procurement of a Database Administrator; Database funding; and the requirements for aging of numbers, recordkeeping, and reporting permanent disconnection data to the Database. Commission staff have made significant progress toward making the Database operational since the Commission authorized its creation in December 2018. We have awarded a contract to SomosGov, Inc. to develop the Database, and we anticipate the Database may be operational as early as June 2021.

II. INTRODUCTION

The Commission authorized establishment of the Database to prevent consumers from getting unwanted calls intended for someone who previously held their number. The Database will contain reassigned number information from every service provider that obtains North American Numbering Plan (NANP) U.S. geographic numbers and toll free numbers.³ Callers will use the Database to determine whether a telephone number has potentially been reassigned so they can avoid calling consumers who neither expect nor want to receive the call.⁴ Callers that use the Database may be shielded from liability under the Communications Act of 1934, as amended, and the Commission's rules for wrong-number calls made due to Database error.⁵

The Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) requires the Commission to issue this report to Congress by December 30, 2020.⁶ Specifically, the Commission must report on its efforts to ensure:

¹ See generally *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Second Report and Order, 33 FCC Rcd 12024 (2018) (*Reassigned Numbers Database Order*).

² Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, § 9(a), 133 Stat. 3274 (2019) (TRACED Act).

³ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12025, para. 3. Two petitions for reconsideration of this Order remain pending. Petition of Professional Ass'n for Customer Engagement for Reconsideration, CG Docket No. 17-59 (filed Apr. 25, 2019); Petition of Competitive Carriers Ass'n, CTIA, and USTelecom-the Broadband Ass'n for Reconsideration, CG Docket No. 17-59 (filed Apr. 25, 2019).

⁴ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12025, para. 3.

⁵ *Id.* at 12043, paras. 53-55; see also Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, §2(9), 105 Stat. 2394 (1991), *codified at* 47 U.S.C. § 227. The Commission's rules implementing the TCPA are codified at 47 CFR § 64.1200.

⁶ TRACED Act § 9(a) (requiring the report to be submitted to Congress and made publicly available on the Commission's website not later than one year after the TRACED Act's enactment).

(1) the establishment of a database of telephone numbers that have been disconnected, in order to provide a person making calls subject to section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)) with comprehensive and timely information to enable such person to avoid making calls without the prior express consent of the called party because the number called has been reassigned;

(2) that a person who wishes to use any safe harbor provided pursuant to [the *Reassigned Numbers Database Order*] with respect to making calls must demonstrate that, before making the call, the person appropriately checked the most recent update of the database and the database reported that the number had not been disconnected; and

(3) that if the person makes the demonstration described in paragraph (2), the person will be shielded from liability under section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)) should the database return an inaccurate result.⁷

This report describes the status of the Commission’s efforts to establish the Database; the technical and operational guidance that guide the scope of our procurement of a Database Administrator; Database funding; and the requirements for aging of numbers, recordkeeping, and reporting permanent disconnection data to the Database. The Report also addresses access to the Database information and the associated safe harbor from TCPA liability should the Database return an inaccurate result.⁸

III. THE REASSIGNED NUMBERS DATABASE

A. Procurement

In the *Reassigned Numbers Database Order*, the Commission stated that it intended to combine the contract for the Reassigned Numbers Database Administrator (Database Administrator) with the contracts for the North American Numbering Plan Administrator and Pooling Administrator to realize operational efficiencies.⁹ The Commission has worked with the North American Numbering Council (Council) to develop the technical and operational guidance described below to establish the scope of the procurement.

The Commission began the procurement with a Request for Information in April 2019 to “gather capabilities statements and other market information from potential sources, including

⁷ *Id.* at § 9(b)(1)-(3).

⁸ *Id.* at § 9(b)(2)-(3). Absent safe harbor protection, a caller would incur TCPA liability under 47 U.S.C. § 227(b).

⁹ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12037, para. 34 (“[t]he Commission will therefore seek to procure a contract that consolidates the [Reassigned Numbers Database] Administrator’s functions with the present [North American Numbering Plan Administrator] and Pooling Administrator functions as soon as reasonably practicable”).

responses to questions relevant to a potential procurement for planning purposes.”¹⁰ The Commission used the information it received in response to the Request for Information to inform the subsequent Request for Proposal. In June 2020, the Commission issued a Request for Proposal for a single contract for the services of the North American Numbering Plan Administrator, Pooling Administrator, and Reassigned Number Database Administrator.¹¹

The Commission awarded the North American Numbering Plan Administrator/Pooling Administrator/Reassigned Number Database Administrator contract to SomosGov effective December 1, 2020 with a five-year base period and options for the Commission to continue the contract for up to a total of eight years.¹²

B. Technical and Operational Guidance

The Commission in the *Reassigned Numbers Database Order* required the Council to develop a Technical Requirements Document for the Database and report its recommendations to the Commission.¹³ The Commission also directed the Council to report on issues and considerations related to “collecting fees from database users, the billing and collection from services providers . . . and interaction and coordination necessary and advisable between the Administrator and the Billing and Collection Agent.”¹⁴

The Council submitted its Technical Requirements Document to the Commission in January 2020.¹⁵ The Technical Requirements Document describes the required functionality of the Database including the services required to be available to its users.¹⁶ The Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau sought comment on the Technical Requirements Document for procurement purposes.¹⁷ The Commission

¹⁰ FCC, Request for Information, Attachments/Links, RFI_-_NANPA_PA_RND_-_041619.pdf at 2 (Apr. 16, 2019), <https://beta.sam.gov/opp/033a01de3e111ce5daae1feab8731b6e/view>.

¹¹ FCC, NANPA/PA/RNDA Services (June 26, 2020), <https://beta.sam.gov/opp/3f66ec0aa2a04bde8f396a5ee63b4c74/view>.

¹² Press Release, FCC, FCC Selects SomosGov as Next Telephone Number Administrator and Reassigned Numbers Database Administrator (Dec. 1, 2020), <https://www.fcc.gov/document/fcc-selects-somogov-next-telephone-number-administrator>.

¹³ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12045, paras. 59-60. The *Order* specifies the information to be contained in the Technical Requirements Document. *See id.*

¹⁴ *Id.* at 12045, para. 59.

¹⁵ Letter from Jennifer K. McKee, Vice President and Associate General Counsel, NCTA, to Kris Anne Monteith, Chief, Wireline Competition Bureau, FCC, and Patrick Webre, Chief, Consumer and Governmental Affairs Bureau, FCC (Jan. 13, 2020) (on file at <https://www.fcc.gov/about-fcc/advisory-committees/north-american-numbering-council/general/nanc-correspondence>).

¹⁶ *See generally* Wireline Competition Bureau and Consumer and Governmental Affairs Bureau Seek Comment on Technical Requirements for Reassigned Numbers Database, CG Docket No. 17-59, Public Notice, 35 FCC Rcd 38, Attachment (WCB/CGB 2020) (*TRD Public Notice*).

¹⁷ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12046, para. 62; *see also* *TRD Public Notice*, 35 FCC Rcd 38, 39 (observing that “the Commission has stated that it expects the NANC’s guidance an any relevant comments to be incorporated into contracting decisions related to the Database.”).

incorporated the Council’s recommendations and the comments it received into the requirements included in the contract solicitation.¹⁸

As required, the Council submitted its report and recommendations regarding the costs to operate the Database and an appropriate fee structure for its users to the Commission in February 2020.¹⁹ The Council’s report and recommendations are discussed in section C.2, below.

C. Database Funding

1. Database Creation Costs

In the *Reassigned Numbers Database Order*, the Commission determined that “[t]he costs to establish and create the query functionality will be recovered using the same type of mechanism that is currently used to recover the [North American Numbering Plan Administrator’s] costs.”²⁰ Specifically, “database creation costs will be included along with the other numbering administration costs the Billing and Collection Agent bills to and collects from providers.”²¹ Once the Database is operational and receiving fees from users, the Database Administrator will repay the database creation costs to the Billing and Collection Agent, which will reimburse the service providers the creation costs paid.²²

Welch, LLP (Welch) currently serves a five-year term as the North American Numbering Plan Billing and Collection Agent. Welch is responsible for calculating, assessing, billing, and collecting payments for numbering administration functions, and for distributing funds to the entities that support these functions.²³ Welch annually develops the projected numbering administration costs and fund size estimate for the upcoming fiscal year. In July 2020, Welch submitted its Fiscal Year 2021 Contribution Factor and Fund Size report to the Commission for its approval,²⁴ projecting \$6 million for creation of the Database.²⁵ Welch proposed a contribution factor for service providers that included both North American Numbering Plan funding and Database creation costs.²⁶ Based on the report from Welch, the Commission

¹⁸ Combined NANPA/PA Technical Requirements Document, at Attachment 1.1 – NANPA-PA TRD.docx at 26, § 3.1.5.2 (June 26, 2020), <https://beta.sam.gov/opp/3f66ec0aa2a04bde8f396a5ee63b4c74/view#attachments-links>.

¹⁹ Letter from Jennifer K. McKee, Vice President and Associate General Counsel, NCTA, to Kris Anne Monteith, Chief, Wireline Competition Bureau, FCC, and Patrick Webre, Chief, Consumer and Governmental Affairs Bureau, FCC (February 13, 2020), <https://docs.fcc.gov/public/attachments/DOC-362500A1.pdf> (Council Recommendation Letter).

²⁰ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12041, para. 47.

²¹ *Id.*

²² *Id.* at 12041, para. 49.

²³ See 47 CFR § 52.16(a). The North American Numbering Plan Administrator and the Pooling Administrator receive North American Numbering Plan funds.

²⁴ See Letter from Mark Jackson, Partner, Welch LLP, to Marlene H. Dortch, Secretary, FCC (July 15, 2020) (on file in CC Docket No. 92-237).

²⁵ See *id.* at 4.

announced the fund size estimate and contribution factor for Fiscal Year 2021 on August 10, 2020.²⁷ Welch has invoiced service providers for their portions of the funding.

2. Cost Recovery and Operational Costs

As described above, Database creation costs will initially be borne by service providers. Once operational, the Database Administrator will collect fees from Database users to pay for its operational costs as well as to repay service providers their funding of the creation costs.²⁸

In February 2020, the Council made recommendations to the Commission on: (1) the Database Administrator collecting fees from Database users, including how to structure such fees and the amount of such fees; (2) the billing and collection of Database creation costs from service providers, and the subsequent return of such amounts to them, to be administered by the Billing and Collection Agent; and (3) the interaction and coordination necessary and advisable between the Database Administrator and the Billing and Collection Agent in performing these roles.²⁹ The Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau sought comment on the cost and fee structure recommendations on February 26, 2020 for procurement purposes.³⁰

The Commission incorporated the Council's recommendations and relevant public comments in the Request for Proposal.³¹ In the Performance Work Statement, the Commission directs the Database Administrator, in consultation with the Commission, to establish a tiered, subscription-based user fee structure and determine subscriber rates.³² The Database

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²⁶ See *id.* The *Reassigned Numbers Database Order* stated that “[t]he costs to establish the database and create the query functionality will be recovered using the same type of mechanism that is currently used to recover the NANPA’s costs. Thus, database creation costs will be included along with the other numbering administration costs the Billing and Collection Agent bills to and collects from providers.” *Reassigned Numbers Database Order*, 33 FCC Rcd at 12040-41, para. 47. In accordance with this guidance, Welch calculated the contribution factor including the Database creation costs in accordance with section 52.17(a) of the Commission’s rules. 47 CFR § 52.17(a).

²⁷ *Wireline Competition Bureau Announces the Proposed North American Numbering Plan Administration Fund Size Estimate and Contribution Factor for October 2020 through September 2021*, CC Docket No. 92-237, 35 FCC Rcd 8595 (WCB 2020).

²⁸ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12041, para. 49.

²⁹ Council Recommendation Letter.

³⁰ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12046, para. 62; see also *Wireline Competition Bureau and Consumer and Governmental Affairs Bureau Seek Comment on NANC Recommendations on Cost Funding and Fee Structure for Reassigned Numbers Database*, CG Docket No. 17-59, 35 FCC Rcd 1560 (WCB/CGB 2020) (observing that “the Commission has stated that it expects the NANC’s guidance an any relevant comments to be incorporated into contracting decisions related to the Database”).

³¹ Federal Communications Commission (FCC) North American Numbering Plan Administrator, Pooling Administrator, and Reassigned Numbers Database Administrator Performance Work Statement, at Attachments/Links, Attachment 1 – NANPA-PA-RND PWS.pdf (Apr 9, 2020), <https://beta.sam.gov/opp/3f66ec0aa2a04bde8f396a5ee63b4c74/view#attachments-links> (Performance Work Statement).

³² *Id.* at 5-6, § 1.4.

Administrator “will attempt to collect exactly enough money through [Database] subscription fees to allow it to repay the Service Providers for the RND creation costs and cover its own fee to operate the RND.”³³ In April 2020 the Consumer and Governmental Affairs Bureau established an excess fee distribution policy in the event that the Database Administrator collects more subscription fees than are needed in a given year.³⁴

D. Recordkeeping, Reporting Requirements, and Aging of Numbers

The *Reassigned Numbers Database Order* requires service providers “to keep accurate and complete records associated with the permanent disconnections of their subscribers on a going-forward basis as soon as this information collection becomes effective.”³⁵ Once the Database is operational, service providers must submit this information to the Database Administrator on the 15th day of each month.³⁶ Notwithstanding the foregoing, small service providers (those providers with 100,000 or fewer domestic retail subscriber lines) will have six additional months to begin both maintaining and reporting data to the Database Administrator.³⁷

The *Reassigned Numbers Database Order* also establishes a minimum aging period of 45 days before a permanently disconnected number can be reassigned.³⁸ Because the Database is updated monthly, the 45-day aging period prevents telephone numbers from being reassigned too quickly, before the Database reflects the change.

The rules adopted in the *Reassigned Numbers Database Order* became effective on July 27, 2020.³⁹ As of that date, “compliance with the rules for aging numbers and maintaining records of the most recent date of permanent disconnection is now required.”⁴⁰ Compliance with the obligation to report that information to the Database Administrator is not yet required.⁴¹ The

³³ *Id.* at 8, § 1.8.

³⁴ *Consumer and Governmental Affairs Bureau Establishes Guidelines for Operation of the Reassigned Numbers Database*, CG Docket No. 17-59, 35 FCC Rcd 3559 (CGB 2020) (*Guidelines Public Notice*). If more subscription fees are received in any given year, excess funds will be distributed as follows: “(1) [i]f the database had a funding deficit in the prior year(s), the Administrator will apply the excess funds to reduce or eliminate that deficit; (2) [i]f any excess funds remain after step 1 and the Service Providers have not been paid in full for their funding of the database creation costs, the Administrator shall apply the excess funds to accelerate their repayment, and (3) [i]f any excess funds remain after steps 1 and 2, the Administrator shall apply them to future years of Reassigned Numbers Database operations and thereby lower the fees paid by subscribers.” *Id.* at 3561-62.

³⁵ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12039, para. 41.

³⁶ *Id.* at 12038, para. 39.

³⁷ *Id.* at 12039, paras. 43-44.

³⁸ *Id.* at 12030, para. 15.

³⁹ *See id.* at 12051, para. 80 (the rules became effective “30 days after the Commission’s publication of a notice in the Federal Register announc[ing] approval by OMB under the PRA”); *see also* Federal Communications Commission, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, 85 FR 38334 (June 26, 2020).

⁴⁰ *Consumer and Governmental Affairs Bureau Announces Compliance Date for Reassigned Numbers Database Rules*, CG Docket No. 17-59, Public Notice, 35 FCC Rcd 6738 (CGB 2020). The Public Notice also noted that small service providers will have until January 27, 2021 to comply with the record maintenance rule.

⁴¹ *Id.*

Commission will announce the compliance date for the reporting requirement once the Database is established.⁴²

The Alliance for Telecommunications Industry Solutions, Inc. (ATIS), a telecommunications industry group comprised of nearly 200 global information and communications technology companies, develops and publishes guidelines for its members. In late July 2020, ATIS updated its guidelines for management and reporting of numbering resources to reflect the new aging and reporting rules from the *Reassigned Numbers Database Order*.⁴³ ATIS also created a new guide for service providers with information on reporting permanently disconnected numbers to the Database in compliance with the Commission's rules.⁴⁴

E. Database Information, Access, and Use

Once the Database is operational, a caller will query the Database for a phone number using the last date the caller is reasonably certain the consumer had the number, either by getting the consumer's consent to call on that date or having actually called and reached the consumer on that date. The Database will return one of three responses to "explain whether the number has been reassigned (or more accurately, permanently disconnected) since the date provided": "yes," "no," or "no data."⁴⁵

The Consumer and Governmental Affairs Bureau addressed the meaning these terms in the *Guidelines Public Notice*.

- "The Reassigned Numbers Database will return a value of 'yes' if the queried number is contained in the database and the date provided in the query is the same as or before the permanent disconnect date for that number in the Reassigned Numbers Database (i.e., the number has been permanently disconnected on or after the date that the caller enters into its query)."⁴⁶

⁴² *Id.* Small service providers will have an additional 6 months to comply with the reporting rule.

⁴³ ATIS, Guidelines for the Administration of Telephone Numbers (July 22, 2020), [https://access.atis.org/apps/group_public/download.php/54598/ATIS-0300070\(2020-07\).zip](https://access.atis.org/apps/group_public/download.php/54598/ATIS-0300070(2020-07).zip); ATIS, North American Number Plan Numbering Resource Utilization/Forecast (NRUF) Reporting Guidelines (July 22, 2020), [https://access.atis.org/apps/group_public/download.php/54599/ATIS-0300068\(2020-07\).zip](https://access.atis.org/apps/group_public/download.php/54599/ATIS-0300068(2020-07).zip); ATIS, Thousands-Block (NPA-NXX-X) and Control Office Code (NPA-NXX) Administration Guidelines (July 22, 2020), [https://access.atis.org/apps/group_public/download.php/54600/ATIS-0300119\(2020-07\).zip](https://access.atis.org/apps/group_public/download.php/54600/ATIS-0300119(2020-07).zip).

⁴⁴ ATIS, Reassigned Number Database (RND) Guidelines for Service Provider Reporting of Permanently Disconnected Number Data (July 22, 2020), [https://access.atis.org/apps/group_public/download.php/54596/ATIS-0300120\(2020-07\).pdf](https://access.atis.org/apps/group_public/download.php/54596/ATIS-0300120(2020-07).pdf).

⁴⁵ *Reassigned Database Numbers Order*, 33 FCC Rcd at 12031, para. 19.

⁴⁶ *Guidelines Public Notice*, 35 FCC Rcd at 3560.

- “The Reassigned Numbers Database will return a value of ‘no’ if the queried number is in the database and the date the caller provides in its query is after the permanent disconnect date contained in the database, or if the number is not in the database and the date the caller provides is on or after the date all providers are required to report disconnected numbers to the Reassigned Numbers Database (i.e., the number has not been permanently disconnected after the date the caller enters into its query).”⁴⁷
- “The Reassigned Numbers Database will return a value of ‘no data’ if the queried number and a permanent disconnect date are not contained in the database and the date provided in the query is before the date all providers are required to report disconnected numbers to the Reassigned Numbers Database (i.e., the database does not contain either the date or number data queried by the caller).”⁴⁸

The Database Technical Requirements Document and the Performance Work Statement further elaborate the information to be contained in the Database, how users will access the Database, and how the information can be used.

F. Safe Harbor

The Commission established a safe harbor for good faith users of the Database to shield them from TCPA liability they could incur due to Database error.⁴⁹ A caller that proves that it: (1) obtained consent from the intended call recipient; (2) checked the Database prior to calling the number (to verify that the number had not been permanently disconnected after the date the caller obtained consent); and (3) received an incorrect query response of “no” may qualify for the safe harbor.⁵⁰ As stated in the *Reassigned Numbers Database Order*, “callers that wish to avail themselves of the safe harbor from TCPA liability must demonstrate that they appropriately checked the most recent update of the database and the database reported ‘No.’”⁵¹

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ 47 CFR 64.1200(m); *see also* Federal Communications Commission, Advanced Methods to Target and Eliminate Unlawful Robocalls, 85 FR 38334.

⁵⁰ *See Reassigned Numbers Database Order*, 33 FCC Rcd at 12042-45, paras. 54-57. *See also* TRACED Act § 9.

⁵¹ *Reassigned Numbers Database Order*, 33 FCC Rcd at 12043, para. 55; *see also* 64.1200(m)(2). Assuming the caller otherwise meets its burden of proof, the safe harbor provision would shield it from TCPA liability if the Database erroneously returns a “no” response.

IV. CONCLUSION

The Commission continues to make consistent and demonstrable progress towards the creation of the Reassigned Numbers Database. Once operational, the Database will minimize unwanted telephone calls to unexpected and unconsenting recipients. It will also reduce the risk of litigation and TCPA liability to legitimate business callers that query the Database prior to making a call. Callers will be able to query the Database to verify whether the number to be called has been permanently disconnected and thus potentially reassigned. Upon proof of receiving an incorrect negative query result from the Database, callers may be able to avail themselves of the safe harbor provision to avoid TCPA liability.