



PUBLIC NOTICE

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**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON SOMOS, INC.
PETITION FOR DECLARATORY RULING REGARDING REGISTRATION OF
TEXT-ENABLED TOLL FREE NUMBERS**

**WC Docket No. 95-155
WT Docket No. 08-7**

**Comment Date: December 5, 2016
Reply Comment Date: December 20, 2016**

On October 28, 2016, Somos, Inc. (Somos, formerly known as SMS/800, Inc.), the Toll Free Numbering Administrator, filed a petition seeking a declaratory ruling that a messaging “provider may not text-enable a Toll-Free number without seeking authorization from the Responsible Organization with assignment and routing authority for that Toll-Free number.”¹ Somos also requests that the Commission clarify that any messaging provider that text-enables a toll free number properly register the toll free number with Somos’s Text and Smart Services Registry.² Somos argues these actions are necessary “to ensure accountability and promote open competition in messaging services.”³ Somos’s petition relies upon a white paper filed in WC Docket No. 95-155 and WT Docket No. 08-7.⁴

¹ Petition of Somos, Inc. for a Declaratory Ruling Regarding Registration of Text-Enabled Toll-Free Numbers, CC Docket No. 95-155 (filed Oct. 28, 2016) (Petition). Somos explains that, “[t]oll-[f]ree numbers have traditionally been available for assignment to landline telephone subscribers, and Short Message Service – texting – was traditionally a mobile-to-mobile service. But, in recent years, these two services have intersected, as service providers have developed the technical ability to ‘text-enable’ non-mobile numbers, allowing text messages sent from mobile devices to be delivered outside the wireless networks.” *Id.* at 1. See also *Toll Free Service Access Codes, Petition to Change the Composition of SMS/800, Inc.*, Order, CC Docket No. 95-155, WC Docket No. 12-260, 28 FCC Rcd 15328 (2013) (establishing Somos as the neutral administrator of the toll free Service Management System (SMS)).

² Petition at 1-2.

³ *Id.* at 1.

⁴ *Id. passim*; see also Letter from Joel Bernstein, Vice President, Regulatory and Public Policy, Somos, Inc., to Marlene Dortch, Secretary, FCC, WC Docket No. 95-155, WT Docket No. 08-7, Attach. White Paper, Texting with Toll-Free Numbers: Old-School Market Failure Plagues a New-Age Market (filed Sept. 29, 2016). WT Docket No. 08-7 concerns the regulatory status of mobile text messaging services. See *Wireless Telecommunications Bureau Seeks Comment Regarding Petition Seeking a Declaratory Ruling Clarifying the Regulatory States of Mobile Messaging Services*, WT Docket No. 08-7, Public Notice, 30 FCC Rcd 10973 (Wireless Telecomm. Bur. 2015).

Pursuant to section 1.419 of the Commission's rules, 47 CFR § 1.419, interested parties may file comments and reply comments on or before the dates indicated above. All filings should refer to WC Docket No. 95-155 and WT Docket No. 08-7. Filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Comments may be filed by paper or by using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments and replies may be filed electronically via ECFS: <http://apps.fcc.gov/ecfs>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

Proceedings 95-155 and 08-7 have been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in these proceedings should familiarize themselves with the Commission's *ex parte* rules.

⁵ See 47 C.F.R. §§ 1.1200(a), 1.1206.

For further information, please contact Margoux Brown, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1584 or via email at margoux.brown@fcc.gov.

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