

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

In the Matter of)
)
Toll-Free Service Access Codes) CC Docket 95-155

ORDER

Adopted: October 5, 2017

Released: October 5, 2017

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. The U.S. Department of State (State Department or Department) has filed a petition requesting that the Commission permanently reassign to it the toll free number 800-US-REWARD (800-877-3927).¹ For the reasons set forth below, the Wireline Competition Bureau (Bureau) grants the State Department’s unopposed petition.

II. BACKGROUND

2. For over 15 years, the State Department has used 800-US-REWARD as the primary means of communication with its Rewards for Justice Program (RFJ Program).² Mandated by statute,³ the RFJ Program provides monetary incentives for information leading to the arrest or conviction of any individual for committing, preventing, or frustrating an act of international terrorism against a U.S. person or U.S. property.⁴

3. The State Department asserts that permanent reassignment of 800-US-REWARD “advances national defense and public safety and would be in the public interest,” and that rewards offered via the RFJ Program have “contributed to bringing terrorists to justice and preventing acts of international terrorism against U.S. persons and property.”⁵ Since the inception of the RFJ Program in 1984, the U.S. has paid in excess of \$125 million for information that brought terrorists to justice or prevented acts of international terrorism worldwide.⁶

4. According to the State Department, it has made significant investments to promote the use of

¹ See generally Petition of U.S. Department of State for Permanent Reassignment of the Toll-Free Number 1-800-US-REWARD, CC Docket No. 95-155, at 1 (filed May 5, 2017), <https://ecfsapi.fcc.gov/file/10505220125122/US%20Department%20of%20State%20Petition%20for%20Permanent%20Reassignment%20of%20the%20Toll-Free%20Number%201800USREWARD%20-5MAY2017.pdf> (USDS Petition).

² See USDS Petition at 3-4.

³ See generally 22 U.S.C. § 2708 (setting forth the parameters of the RFJ Program).

⁴ USDS Petition at 3.

⁵ *Id.* at 4.

⁶ U.S. Dep’t of State, *Rewards for Justice Program*, <https://rewardsforjustice.net/english/about-rfj/program-overview.html> (last visited Oct. 1, 2017).

800-US-REWARD throughout the world.⁷ Over the past 15 years, the number has been printed on numerous items, such as matchbooks, posters, air-dropped leaflets, handbills, newspapers, magazines, pamphlets, business cards, pens, and soccer balls, which have been distributed worldwide.⁸ The State Department claims that because this number has become an integral part of the RFJ Program, its loss “would jeopardize the [State] Department’s ability to gain information from sources who learn of the number from these extensive advertising efforts and seek to provide counter-terrorism information to the [State] Department.”⁹

5. The State Department also notes that TellNet Communications, Inc., operated by Nathaniel Hart, is the subscriber of record for 800-US-REWARD and has provided administrative services, including use of the number, to the State Department for over 15 years.¹⁰ Mr. Hart wishes to cease providing these services, and does not oppose permanent reassignment of 800-US-REWARD to the Department so it can continue using the number for the RFJ Program.¹¹ The Commission sought public comment on the State Department’s petition and received none.¹²

III. DISCUSSION

6. Under the Communications Act of 1934, as amended (the Act), the Commission has exclusive jurisdiction to administer numbering resources,¹³ as well as a statutory mandate to promote the national defense and the safety of life and property.¹⁴ The Commission has twice formally directed the reassignment of a toll free number. In both instances those assignments were necessitated by public safety concerns. In the 2005 *800-RED-CROSS Order*, the Commission found that assignment of 800-RED-CROSS to the American Red Cross would further “the overwhelming public interest in assisting the disaster recovery efforts related to Hurricane Katrina.”¹⁵ Similarly, in 2012, the Bureau reassigned three suicide hotlines—800-SUICIDE, 877-SUICIDA, and 888-SUICIDE—to the Department of Health and Human Service’s Substance Abuse and Mental Health Services Administration to promote the public

⁷ USDS Petition at 3 (noting that the State Department has advertised the number in wide-ranging places such as Afghanistan, Colombia, Europe, the Horn of Africa, Iraq, Philippines, Tajikistan, and Turkey).

⁸ *Id.* at 3-4.

⁹ *Id.* at 4.

¹⁰ Letter from Victor Klingelhofer, Counsel to Nathaniel Hart, to Marlene H. Dortch, Secretary, FCC, (filed May 1, 2017), <https://ecfsapi.fcc.gov/file/10505220125122/1800USREWARD%20Agree%20Letter.pdf> (Klingelhofer Letter).

¹¹ Klingelhofer Letter at 1. *See also* USDS Petition at 1.

¹² *See generally Wireline Competition Bureau Seeks Comment on U.S. Department of State Petition to Permanently Reassign 1-800-US-REWARD*, Public Notice, 32 FCC Rcd 4007 (WCB 2017).

¹³ *See* 47 U.S.C. § 251(e)(1) (“The Commission shall have exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States”).

¹⁴ *See id.* § 151 (creating the Federal Communications Commission “[f]or the purpose of regulating interstate and foreign commerce in communication by wire and radio . . . for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication”). Under current Commission rules, toll free numbers are to be made available on a first-come first-served basis, “unless otherwise directed by the Commission.” 47 CFR § 52.111.

¹⁵ *See Toll Free Service Access Codes*, Order, 20 FCC Rcd 15089, 15090, para. 3 (2005) (*800-RED-CROSS Order*) (Commission temporarily reassigned toll free numbers to American Red Cross); *see also Toll Free Service Access Codes*, Order, 21 FCC Rcd 9925, 9925, 9927, paras. 1, 5 (WCB 2006) (*800-RED-CROSS Permanent Reassignment Order*) (Bureau permanently reassigned toll free numbers to American Red Cross).

safety goal of suicide prevention.¹⁶ In both those cases, the Commission found that there were highly unusual and compelling public interest reasons to reassign toll free numbers from one subscriber to another.¹⁷

7. In the instant case, likewise, highly unusual and compelling public interest reasons support reassignment of 800-US-REWARD to the State Department. The worldwide use of this number in counter-terror operations has made it synonymous with the State Department's statutory mission to create and administer its RFJ Program.¹⁸ Not directing this reassignment would most likely cause the State Department to lose the 800-US-REWARD number, along with 15 years of efforts to advertise and market that number. The 800 toll free code is the most sought-after of all the toll free codes.¹⁹ Without a direct reassignment to the State Department, Somos would release 800-US-REWARD to the spare pool of available toll free numbers, making it instantly available to any Responsible Organization (RespOrg). A RespOrg using an enhanced technology to access the database likely would obtain the number before the State Department's RespOrg could reserve it.²⁰ In such a circumstance, calls from informants to 800-US-REWARD would go to the new subscriber for the number and be useless or even harmful to the RFJ Program.

8. As the State Department notes, having to use a replacement number for its RFJ Program would jeopardize the program's utility.²¹ For over 15 years, the State Department has relied on this number as the linchpin of the RFJ Program, and as its primary means of receiving communication from the public. Also, potential informants rely on dialing 800-US-REWARD to ensure they are reaching the State Department with sensitive and potentially lifesaving information, not some other organization. For these reasons, we conclude that the highly unusual circumstances surrounding this number and the compelling public benefits associated with its continued use by the State Department—promoting the national defense and the safety of lives and property—warrant our deviating from the default reassignment process and instead reassigning 800-US-REWARD to the State Department for its continued use with the RFJ Program.

9. Accordingly, we hereby direct the toll free administrator, Somos, Inc., to transfer 800-US-REWARD (800-877-3927) to the RespOrg of the State Department's choosing for permanent reassignment to that agency. We note that although we direct the permanent reassignment of 800-US-REWARD to the State Department, toll free numbers are not the property of the individual entities to whom they are assigned.²² As in the two previous directed numbering reassignments, we also note here that this Order is independent of any agreement between the State Department and Mr. Hart, the subscriber of record for 800-US-REWARD, for the payment of administrative costs associated with the

¹⁶ *Toll Free Service Access Codes*, Order, 27 FCC Rcd 2965, 2965, para. 1 (WCB 2012) (*800-SUICIDE Order*) (Bureau permanently reassigned suicide hotline numbers to SAMHSA); *see also generally Toll Free Service Access Codes*, Order, 22 FCC Rcd 651 (WCB 2007) (Bureau temporarily reassigned suicide hotline numbers to SAMHSA).

¹⁷ *See 800-SUICIDE Order* at 2968, para. 6; *800-RED-CROSS Permanent Reassignment Order* at 9927, para. 5.

¹⁸ *See generally* 22 U.S.C. § 2708.

¹⁹ As an example of their popularity, in 2016, Somos asked the Commission to ration a large quantity of 800 numbers that had become available because no 800 numbers were then "currently available to RespOrgs from the Somos toll free database." *Toll Free Service Access Codes*, Order, 31 FCC Rcd 6828, 6828, para. 2 (WCB 2016) (citation omitted).

²⁰ *See, e.g., id.* at 6829, paras. 3, 4; *Toll Free Service Access Codes*, Order, 25 FCC Rcd 13687, 13687, para. 1 (WCB 1996); *Toll Free Service Access Codes*, Order, 28 FCC Rcd 16139, 16140, para. 3 (WCB 2013) (citation omitted).

²¹ *See generally* USDS Petition at 4.

²² *See, e.g., 800-RED-CROSS Permanent Reassignment Order*, 21 FCC Rcd at 9927, para. 4 (citation omitted); *800-SUICIDE Order*, 27 FCC Rcd at 2967, para. 5 (citation omitted); *see also supra* note 15.

number reassignment.²³

IV. ORDERING CLAUSES

10. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4(i), 5(c), 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), and 251(e), section 52.111 of the Commission's Rules, 47 CFR § 52.111, and pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, the petition of the U.S. Department of State IS GRANTED.

11. IT IS FUTURE ORDERED that, pursuant to sections 1, 4(i), 5(c), 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), and 251(e), section 52.111 of the Commission's Rules, 47 CFR § 52.111, and pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, Somos, Inc., the toll free number administrator, shall transfer the toll free number 1-800-877-3927 to a Responsible Organization chosen by the U.S. Department of State for permanent assignment to that agency.

12. IT IS FURTHER ORDERED pursuant to sections 1, 4(i), 5(c), 251(e), 408 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 251(e), and 408, and pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, that this action IS EFFECTIVE IMMEDIATELY UPON RELEASE.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau

²³ *Cf.*, e.g., *Toll Free Service Access Codes*, Order, 20 FCC Rcd 15089, 15091, para. 6 (2005) (stating Commission is acting in reliance on American Red Cross representation of relinquishment cost payment); *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, Order, 27 FCC Rcd 2965, 2966 n.10 (WCB 2012) (stating parties have reached agreement *sua sponte* to settle reasonable costs of relinquishing numbers).