



# PUBLIC NOTICE

Federal Communications Commission  
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## WIRELINER COMPETITION BUREAU SEEKS PETITIONS TO SET ASIDE TOLL FREE NUMBERS IN THE 833 CODE FOR USE BY GOVERNMENT ENTITIES AND NON-PROFIT PUBLIC HEALTH AND SAFETY ORGANIZATIONS

WC Docket No. 17-192; CC Docket No. 95-155

**Petition Filing Date: May 16, 2019**

With this Public Notice, the Wireline Competition Bureau (Bureau) invites any interested government entity and non-profit health and safety organization to file a “Petition for an 833 Toll Free Number” for public health and safety purposes<sup>1</sup> on or before May 16, 2019. The Bureau will then release a Public Notice seeking comment on petitions filed and establishing a comment period. After review of petitions filed and any comments received in response, the Bureau will grant those petitions that it determines comply with the standard established in the *Toll Free Assignment Modernization Order* and prior Commission and Bureau Orders. If the Bureau grants a request for a particular number, it will direct Somos, Inc., the Toll Free Numbering Administrator, to set that number aside from the forthcoming auction of over 17,000 toll free numbers in the 833 code (833 Auction) and assign it, without cost, to the petitioner.<sup>2</sup>

In September 2018, the Commission adopted rules to allow the use of competitive bidding to assign toll free numbers and announced the 833 Auction.<sup>3</sup> When it announced the 833 Auction, the Commission also mandated that certain toll free numbers that promote health and safety be removed from the auction and set aside for use by government and non-profit entities, without cost. The Commission’s rationale for this set aside was that those entities use toll free numbers to provide service to the public and “face unique budgeting challenges that may place toll free numbers assigned at auction out of reach.”<sup>4</sup> The Commission directed the Bureau to review petitions from government and section 501(c)(3)<sup>5</sup> non-profit entities, and stated that the standard of review should be “consistent with the unusual and

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<sup>1</sup> *Toll Free Assignment Modernization*, WC Docket No. 17-192, CC Docket No. 95-155, Report and Order, FCC 18-137, 33 FCC Rcd 9274, 9309, para. 102 (2018) (*Toll Free Assignment Modernization Order*) (directing the Wireline Competition Bureau to review petitions for government and nonprofit entities).

<sup>2</sup> In accordance with our rules, the petitioner must work with a RespOrg to reserve the number in the Service Management System Database. See 47 CFR § 52.101.

<sup>3</sup> See generally *Toll Free Assignment Modernization Order*.

<sup>4</sup> *Id.* at 9229-9300, paras. 74-75.

<sup>5</sup> 26 U.S.C. § 501(c)(3).

compelling public health and safety standards in Commission precedent.”<sup>6</sup> The Commission further noted that it “will use the 501(c)(3) designation as well our existing standard for public health and safety use to limit set-asides to those legitimate public interest organizations that truly promote public health and safety. This process is consistent with the way the Commission has considered petitions for reassignment of toll free numbers in the past.”<sup>7</sup>

In accordance with the *Toll Free Assignment Modernization Order*, and as part of the Commission’s next step of establishing procedures for the 833 Auction, we establish a deadline for set-aside petitions.<sup>8</sup> The Bureau will accept petitions from government entities and non-profit health and safety organizations to set aside toll free numbers in the 833 code for public health and safety purposes<sup>9</sup> until May 16, 2019. Petitioners must demonstrate that the 833 toll free number for which a set aside is requested will be used for a public health and safety purpose, “consistent with the unusual and compelling public health and safety standards in Commission precedent.”<sup>10</sup> In addition, non-profit health and safety organizations must furnish proof of their present section 501(c)(3)-designated non-profit status with their petition.<sup>11</sup>

The Bureau will accept petitions requesting that multiple numbers be set aside from the 833 Auction. If the Bureau approves a petitioner’s request for a particular number, based on a review of the petition and any comments filed in response, the Bureau will direct Somos to assign that number, without cost, to the government entity or non-profit health and safety organization that filed the petition.<sup>12</sup> Finally, if multiple government or non-profit entities request the same number for public health and safety purposes and meet the standard of our precedent, Somos will hold a lottery for that number.<sup>13</sup>

Pursuant to section 1.2 of the Commission’s rules,<sup>14</sup> interested government entities and non-profit health and safety organizations may file Petitions for an 833 Toll Free Number on or before the date indicated above. Petitions may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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<sup>6</sup> *Toll Free Assignment Modernization Order*, 33 FCC Rcd at 9300-01, para. 76. In the past, the Bureau has reassigned toll free numbers to aid victims of natural disasters, *Toll Free Service Access Codes*, 21 FCC Rcd 9925 (WCB 2006); further suicide prevention efforts, *U.S. Dep’t of Health and Human Servs. Substance Abuse and Mental Health Servs. Admin. Petition for Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, 27 FCC Rcd 2965 (WCB 2012); and maintain the primary means of communications for a statutorily-mandated State Department anti-terrorism program, *Toll Free Services Access Codes*, 32 FCC Rcd 7407 (WCB 2017).

<sup>7</sup> *Toll Free Assignment Modernization Order*, 33 FCC Rcd at 9300, para. 75 (citing *Toll Free Service Access Codes*, Order, 21 FCC Rcd 9925, 9925, para. 1 (WCB 2006)).

<sup>8</sup> Consistent with the *Toll Free Assignment Modernization Order*, 33 FCC Rcd at 9285, para. 29, further details concerning the proposed process for conducting the auction will be set forth in an Auction Comment Public Notice seeking comment on such details.

<sup>9</sup> *Id.* at 9300-01, para. 76.

<sup>10</sup> *Id.*

<sup>11</sup> See *id.* at 9300-01, paras. 75-76.

<sup>12</sup> *Id.* at 9299-300, paras. 74, 76.

<sup>13</sup> *Id.* at 9300-01, para. 76.

<sup>14</sup> 47 CFR § 1.2.

- Electronic Filers: Petitions may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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 filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., 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 12<sup>th</sup> 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

*Additional Information.* For further information, please contact Connor Ferraro, Attorney-Advisor, Competition Policy Division, Wireline Competition Bureau at (202) 418-1322 or [connor.ferraro@fcc.gov](mailto:connor.ferraro@fcc.gov).

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