



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU INVITES COMMENTS ON THE AUCTION OF TOLL FREE NUMBERS IN THE 833 CODE

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

Comments Due: April 13, 2020

On December 17, 2019, Somos, Inc. (Somos),¹ with oversight from the Federal Communications Commission (Commission), conducted the first-ever U.S. auction of toll free numbers (the 833 Auction). The auction included 17,638 numbers in the 833 code for which there were multiple competing requests.² Forty-four applicants qualified to bid in the 833 Auction,³ and 39 winning bidders won a total of 1,659 toll free numbers.⁴ At the Commission's direction, Somos publicly released 833 Auction application and bidding data on January 16, 2020.⁵

The Commission established the 833 Auction as an experiment in using competitive bidding as a way to assign toll free numbers. It therefore directed the Wireline Competition Bureau (Bureau), after completion of the auction, to issue a report outlining the outcomes of the auction, lessons learned, and future recommendations for toll free number assignment methodologies.⁶ The Bureau now invites comment on these subjects from auction participants, toll free number stakeholders, and the public.

Specifically, we invite comment on the efficacy of the single round, sealed-bid Vickrey auction design used in the 833 Auction; education and outreach efforts undertaken throughout the 833 Auction process; the auction application process; the upfront payment mechanism in the auction considering the Commission's goal of ensuring bidders place sincere offers, while maximizing auction participation; and improvements for any future toll free number auctions that would promote the efficient and equitable assignment of toll free numbers through competitive bidding. We also invite comment on whether those that participated in the 833 Auction would be likely to participate in any future auction. We further determine in this Public Notice, consistent with the discretion granted by the Commission,⁷ that Somos

¹ See *Toll Free Assignment Modernization, Toll Free Service Access Codes*, Report and Order, 33 FCC Rcd 9274, 9295, para. 63 (2018) (designating Somos as the auctioneer for the 833 Auction) (*Toll Free Assignment Modernization Order*).

² *Auction of Toll Free Numbers in the 833 Code, Notice and Filing Requirements, Upfront Payments, and Procedures for the 833 Auction*, AU Docket No. 19-101, WC Docket No. 17-192, CC Docket No. 95-155, Public Notice, 34 FCC Rcd 6560 (2019).

³ *Auction of Toll Free Numbers in the 833 Code, Somos Announces 44 Applicants Qualified to Bid in 833 Auction*, AU Docket No. 19-101, Public Notice, DA 19-1254 (rel. Dec. 10, 2019).

⁴ *Auction of Toll Free Numbers in the 833 Code, Somos Announces Winning Bidders for the 833 Auction*, AU Docket No. 19-101, Public Notice, DA 19-1315 (rel. Dec. 20, 2019).

⁵ The data is available in searchable form at <https://auction.somos.com/search/>.

⁶ *Toll Free Assignment Modernization Order*, 33 FCC Rcd at 9285, para. 26.

⁷ *Id.* at 9295, para. 64 n.145.

need not obtain an independent audit of the 833 Auction because the costs of such an audit are likely to exceed the benefits.

Filing Requirements. Pursuant to section 1.419 of the Commission's rules, 47 CFR § 1.419, interested parties may file comments on or before the date indicated above. All filings should refer to WC Docket No. 17-192 and CC Docket No. 95-155. 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://www.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 9050 Junction Drive, Annapolis Junction, MD 20701.
 - 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).

Ex Parte Rules. Proceedings WC Docket No. 17-192 and CC Docket No. 95-155 have been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁸ 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.

⁸ See 47 CFR §§ 1.1200(a), 1.1206.

For further information, please contact Jordan Reth, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau at (202) 418-1418 or by email at jordan.reth@fcc.gov.

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