



PUBLIC NOTICE

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CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU ANNOUNCES INTERIM USAGE CHARGES FOR THE REASSIGNED NUMBERS DATABASE

CG Docket No. 17-59

On December 13, 2018, the Commission released the *Reassigned Numbers Order*, establishing a single, comprehensive Reassigned Numbers Database (RND or Database) to address the problem of unwanted calls to consumers with numbers reassigned from a previous consumer.¹ Callers and caller agents will be able to use the Database to determine whether a telephone number has been reassigned from the consumer they intend to reach, thus allowing them to avoid calling consumers with reassigned numbers who may not wish to receive their call.² With this Public Notice, the Consumer and Governmental Affairs Bureau (Bureau) announces the initial interim usage charges for subscriptions to the RND.³ After a successful beta test, the Database is expected to be available for full use on November 1, 2021.⁴

Subscription Tiers and Rates. The RND will offer six subscription tiers: Extra Small, Small, Medium, Large, Extra Large, and Jumbo, as summarized in the table below and further detailed in Appendix A. Those wishing to use the RND may sign up for a one-month subscription, a three-month subscription, or a six-month subscription. The RND Administrator (Administrator) expects to offer an annual subscription option in the future, as well.

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

² The *Reassigned Numbers Order* stated that “caller” for these purposes includes, but is not limited to, a person or entity that initiates any call using a wireless, wireline, or interconnected VoIP service. *Id.* at 12027, para. 5 n.16. “Caller agents” are third-party contractors that callers can contract with to query the database on their behalf. *See id.* at 12034-35, para. 27.

³ We anticipate that the interim usage charges will serve as the basis for ongoing usage charges until the Commission adopts more permanent usage charges.

⁴ The RND has been available for use during a beta test period from July 1, 2021 to September 30, 2021. *Consumer and Governmental Affairs Bureau Announces Beta Test for Users of the Reassigned Numbers Database*, CG Docket No. 17-59, Public Notice, DA 21-699 (CGB June 15, 2021). “We expect that the Database will be fully operational for paid users in November 2021, after all service providers have begun to report information about disconnected telephone numbers.” *Id.* at 1, n.3; *see Consumer and Governmental Affairs Bureau Announces Compliance Date for Remaining Reassigned Numbers Database Rule Regarding Reporting of Disconnect Data*, CG Docket No. 17-59, Public Notice, 36 FCC Rcd 1441, 1441-42 (CGB 2021). Providers with fewer than 100,000 domestic retail subscribers are not required to report numbers that have been reassigned to the administrator until October 2021. *Id.*

Tiers	1-Month Subscription Queries	1 -Month Subscription Usage Charge	3-Month Subscription Queries	3-Month Subscription Usage Charge	6-Month Subscription Queries	6-Month Subscription Usage Charge
Tier 1: Extra Small	1,000	\$ 10	3,000	\$ 30	6,000	\$ 60
Tier 2: Small	10,000	\$ 75	30,000	\$ 225	60,000	\$ 450
Tier 3: Medium	500,000	\$ 2,500	1,500,000	\$ 7,500	3,000,000	\$ 15,000
Tier 4: Large	2,000,000	\$ 5,000	6,000,000	\$ 15,000	12,000,000	\$ 30,000
Tier 5: Extra Large	10,000,000	\$ 20,000	30,000,000	\$ 60,000	60,000,000	\$ 120,000
Tier 6: Jumbo	30,000,000	\$ 35,100	90,000,000	\$ 105,300	180,000,000	\$ 210,600

RND Interim Usage Charges

The interim tiers and usage charges are the same regardless of whether the subscriber is a caller or a caller agent. Caller agents may register for a tier based on the aggregate number of queries needed for all of their clients, potentially allowing caller agents to register for a higher tier (and thus pay a lower charge per query) than their individual clients would use on their own.

Other Usage Charge Features. Under the interim usage charge model, if a subscriber exhausts its queries before the end of the subscription term, it has three options:

- Buy a new subscription. After using all the queries in the original subscription, the caller may purchase a new subscription. The new subscription would begin a new term (one-month, three-month, or six-month, depending on the option the subscriber selects).
- Upgrade to a higher tier. The subscriber has the option to pay the difference between the original tier and a new, higher tier, to increase the number of queries available, while keeping the original subscription term the same.
- Top off the subscription. The subscriber has the option to pay ten percent of the usage charge of the subscription to receive ten percent more queries, while keeping the original subscription term the same.

Basis for the Interim Usage Charges. The interim usage charges are based on the Administrator's recommendation consistent with the *Reassigned Numbers Order*, guidance provided by the contract's Performance Work Statement, and a recommendation from the North American Numbering Council (NANC), described below, all of which reflect consideration of the relatively few comments specifically addressing such usage charges.⁵ In addition, the Administrator obtained some information from the volume of queries entered by users of the Database during the RND beta test.⁶

Before adopting the *Reassigned Numbers Order*, the Commission asked for comment on how the Database should be funded and how any usage charges should be set.⁷ The majority of commenters favored keeping usage charges to use any Database solution low so as to not deter usage.⁸ Some commenters suggested that the Commission follow the Federal Trade Commission's subscription-based

⁵ Letter from Beth Sprague, Director of the Reassigned Numbers Database, SomosGov, Inc. to Marlene Dortch, Secretary, Federal Communications Commission at 1-2 (Oct. 1, 2021) (on file in CG Docket No. 17-59).

⁶ *Id.*

⁷ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Second Further Notice of Proposed Rulemaking, 33 FCC Rcd 3203, 3213-14, para. 38 (2018) (*Second Further Notice*).

⁸ *See, e.g.*, ACA International Comments at 5 (filed June 5, 2018); Vibes Media Comments at 8 (filed June 7, 2018); Student Loan Servicing Association Comments at 9 (filed June 7, 2018).

approach.⁹ None of the comments, however, provided or suggested a workable detailed methodology for setting usage charge levels.

In the *Reassigned Numbers Order* the Commission determined that Database costs would be recovered from users of the Database, but did not specify usage charges or a rate structure.¹⁰ Instead, the Commission directed the NANC “to consider how to structure fees and the amount of such fees” and to submit recommendations to the Commission.¹¹ In February 2020, the NANC made those recommendations to the Commission.¹² These recommendations included a tiered pricing structure based on usage levels.¹³ However, the NANC stated that it lacked the data to credibly recommend usage charges for each tier.¹⁴ As directed by the Commission, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau sought comment on the cost and fee structure recommendations on February 26, 2020.¹⁵ The Commission drew from the NANC’s recommendations and relevant public comments in drafting the Performance Work Statement.¹⁶ 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.¹⁷

Several commenters on the NANC’s Recommendation suggested that the Commission should minimize the usage charges to callers for use of the Database while charging enough to cover the costs of administering the RND.¹⁸ The Commission took this recommendation into account in drafting the Performance Work Statement, requiring the Database Administrator to “attempt to collect exactly enough money through [Database] subscription fees” to allow it to cover the costs of the program.¹⁹ To further clarify that any excess usage charges collected must be used to cover costs of the program or to allow for

⁹ See, e.g., Comcast Comments at 13-14 (filed June 7, 2018).

¹⁰ See *Reassigned Numbers Order*, 33 FCC Rcd at 12040-42, paras. 46-52.

¹¹ *Id.* at 12046, paras. 61-62.

¹² 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 (Feb. 13, 2020), <https://docs.fcc.gov/public/attachments/DOC-362500A1.pdf> (Council Recommendation Letter); North American Numbering Council (NANC) Recommendation on Funding of the Creation Costs and Fee Structure for Users of the Reassigned Numbers Database (Feb. 13, 2020) (NANC Recommendation).

¹³ NANC Recommendation at pp. 8-9.

¹⁴ NANC Recommendation at pp. 7-8.

¹⁵ *Reassigned Numbers Order*, 33 FCC Rcd at 12046, para. 62 (directing the bureaus to seek comment on the NANC’s guidance and incorporate NANC’s recommendations into contracting decisions); 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.”).

¹⁶ 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).

¹⁷ *Id.* at 4-6, § 1.4.

¹⁸ See, e.g., American Bankers Association Comments at 2-3 (rec. Mar. 11, 2020) (“We reiterate our request that the Commission minimize the fees charged to callers for use of the Database. . . . Ultimately, the Commission should select a price that balances the cost of maintaining the Database with encouraging access.”).

¹⁹ Performance Work Statement at 8, § 1.8.

a reduction in future usage charges, in April 2020 the Consumer and Governmental Affairs Bureau established an excess fee distribution policy in the event that the Administrator collects more subscription fees than are needed in a given year.²⁰ The Commission also took comments into account in allowing the Administrator to offer short-term subscription options to encourage small businesses to use the Database.²¹

Neither the NANC nor commenters provided us with recommended benchmarks for either subscription tiers or user rates based on anticipated usage. Therefore, in the interest of making the Database operational as a tool to protect consumers of unwanted robocalls, we are moving forward using interim rates based on the preliminary volume data collected during the beta test. This interim approach will enable us to avoid delays in addressing unwanted calls to reassigned numbers, while obtaining additional data to refine our pricing in light of our experience with usage by various kinds of user groups.

We reviewed the Administrator's recommended subscription tiers and usage charges and find them to be reasonable, based on the data available at this time. We therefore approve these usage charges on an interim basis. We acknowledge, however, that the data we have regarding Database usage remains incomplete. Accordingly, as discussed below, the Administrator will continue to collect usage data and user feedback and will adjust these interim usage charges as needed based on monthly analysis until the data supports adopting a more permanent rate structure. This approach will enable us to reflect the concerns of the majority of commenters to ensure that charges do not deter usage.²²

Adjustments to the Interim Usage Charges. The Commission required the Administrator to provide monthly analyses of the impacts of the interim usage charge structure.²³ The Administrator may adjust the usage charges, including the number of tiers, the number of queries in the tiers, and the charge for each tier, on a monthly basis with approval of the Commission. We welcome feedback via telephone or email to the Administrator. Contact information for the Administrator is located on the support page of the RND website, found at <https://www.reassigned.us/support>.

The Administrator will post notice of changes to the interim usage charges on the RND website (<https://www.reassigned.us>) two weeks before they go into effect. Registered subscribers will receive

²⁰ *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 usage charges 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. Other commenters requested that the Commission allow them to use the Database without being required to pay a subscription usage charge. *See, e.g.*, National Association of Federally-Insured Credit Unions Comments at 1 (Mar. 11, 2020) (“NAFCU further urges the FCC to exempt credit unions from the payment of fees for use of the database entirely”). However, this suggestion conflicts with the *Reassigned Numbers Order*, which specifies that the costs of the RND are to be borne by the users of the Database. *See Reassigned Numbers Order*, 22 FCC Rcd at 12040, para. 46.

²¹ *See, e.g.*, National Association of Federally-Insured Credit Unions Comments at 2 (Mar. 11, 2020) (“Requiring a single, up-front expenditure may bar smaller and less sophisticated credit unions from access to the database”). The Performance Work Statement included the option for the Administrator to “offer shorter subscriptions, such as monthly subscriptions, three-month subscriptions, or six-month subscriptions, to encourage use of the RND by smaller subscribers that may have difficulty paying for an annual subscription.” Performance Work Statement at 5, § 1.4.

²² *See, e.g.*, Association of Credit and Collection Professionals Comments at 5 (Mar. 10, 2020).

²³ Performance Work Statement at 5-6, § 1.4 (“the [Administrator], on a monthly basis, shall analyze the volume of queries it receives by subscription tier and the amount it collects in fees, and recommend any adjustments to the subscription tiers or rates to the Commission”).

notice of changes to the interim usage charges before their subscription ends as part of the RND renewal notification process.

We anticipate that the Commission may commence a proceeding to establish a more permanent rate structure that would go into effect no sooner than January 1, 2023. We acknowledge that this is a unique scenario. Given the lack of data available despite our attempts to obtain it from commenters and the inability to accurately predict the correct usage charges over an extended period without making the Database available to users, combined with our commitment to setting a usage charge that will encourage Database usage, we have determined that the best course forward is for us to set these interim usage charges and adjust them as we collect data throughout the first year of the Database's operation. Users of the Database have the ability to give continuous feedback to the Administrator as we work through setting the usage charge structure for the RND.

Ex Parte Rules. We encourage users of the Database to provide feedback on usage charges directly to the Administrator as described above. These communications are not subject to *ex parte* restrictions. However, if interested parties desire to make presentations to bureau staff on matters concerning the Database and usage charges, this proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.²⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentations within two business days after the presentations (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 this proceeding should familiarize themselves with the Commission's *ex parte* rules. The Administrator is exempt from these *ex parte* requirements. This exemption is necessary to allow the Administrator to engage in the frequent and close communications with Commission staff needed to exercise their administrative functions efficiently.²⁵

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

Additional Information. For further information regarding the Public Notice, please contact Karen Schroeder, Associate Chief Consumer Policy Division, Consumer and Governmental Affairs Bureau at (202) 418-0654 or via email at Karen.Schroeder@fcc.gov.

Effective Date. We find good cause exists for making the interim usage charges in this Public Notice effective upon publication of this Public Notice in the Federal Register, except as to those who have actual notice of the interim usage charges and choose to purchase a subscription for the Database

²⁴ 47 CFR §§ 1.1200 *et seq.*

²⁵ 47 CFR § 1.1200(a) (noting that Commission staff have discretion to modify the applicable *ex parte* rules in a proceeding where the public interest so requires).

prior to publication.²⁶ “In determining whether good cause exists, an agency should ‘balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.’”²⁷

We expect the Database will be available for use on November 1, 2021.²⁸ Providing a 30-day period after Federal Register publication before the interim usage charges in this Public Notice become effective may not allow sufficient time for these usage charges to go into effect by that date. We also find that there is good cause to make these usage charges effective upon Federal Register publication in order to provide sufficient time for the Administrator to make the Database available for registration and to collect subscription payments in the weeks leading up to November 1, 2021. Additionally, these interim usage charges will be effective immediately for Database users who have actual notice of the charges and have purchased a subscription to the Database prior to Federal Register publication.²⁹ For these reasons, and because participation in the RND is voluntary, we find there is good cause, pursuant to section 553(d)(3) of the Administrative Procedure Act to make the interim usage charges in this Public Notice effective upon publication in the Federal Register, except as to those parties with actual notice.

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²⁶ 5 U.S.C. § 553(d)(3) (providing that under the Administrative Procedure Act, rules may be made effective less than 30 days after publication in the Federal Register if the agency makes a showing of “good cause”).

²⁷ *Omnipoint Corp. v. FCC*, 78 F.3d 620, 630 (D.C. Cir. 1996) (citation omitted).

²⁸ See *Consumer and Governmental Affairs Bureau Announces Beta Test for Users of the Reassigned Numbers Database*, CG Docket 17-59, Public Notice, DA 21-699 (rel. June 15, 2021).

²⁹ See *Kessler v. FCC*, 326 F.2d 673 (D.C. Cir. 1963) (parties with actual notice were bound by a procedural rule that was not published in the Federal Register); see also *United States v. Ventura-Melendez*, 321 F.3d 230, 233 (1st Cir. 2003) (noting that the Administrative Procedure Act “contemplates that actual notice may at times supersede constructive notice through publication”).

Appendix A: RND Usage Charges

Tiers	Cost/Query	% of Discount from Base	1-Month Subscription Queries	1-Month Subscription Usage Charge	3-Month Subscription Queries	3-Month Subscription Usage Charge	6-Month Subscription Queries	6-Month Subscription Usage Charge
Tier 1: Extra Small	\$0.01	NA	1,000	\$ 10	3,000	\$ 30	6,000	\$ 60
Tier 2: Small	\$0.0075	25%	10,000	\$ 75	30,000	\$ 225	60,000	\$ 450
Tier 3: Medium	\$0.005	50%	500,000	\$ 2,500	1,500,000	\$ 7,500	3,000,000	\$ 15,000
Tier 4: Large	\$0.0025	75%	2,000,000	\$ 5,000	6,000,000	\$ 15,000	12,000,000	\$ 30,000
Tier 5: Extra Large	\$0.00200	80%	10,000,000	\$ 20,000	30,000,000	\$ 60,000	60,000,000	\$ 120,000
Tier 6: Jumbo	\$0.00117	88%	30,000,000	\$ 35,100	90,000,000	\$ 105,300	180,000,000	\$ 210,600