



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 22-378
Released: April 7, 2022

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU PROVIDES ADDITIONAL GUIDANCE FOR USERS OF THE REASSIGNED NUMBERS DATABASE

CG Docket No. 17-59

With this Public Notice, the Consumer and Governmental Affairs Bureau supplements previous guidance on the Reassigned Numbers Database to clarify that callers may be eligible for a safe harbor from liability under the Telephone Consumer Protection Act when an authorized agent queries the database on their behalf.

In the 2018 *Reassigned Numbers Order*, the Commission addressed the problem of unwanted calls to consumers with numbers reassigned from a previous consumer; it did so by establishing a single, comprehensive Reassigned Numbers Database.¹ Callers can now check the database to ensure they reach consumers that expect their calls and avoid calling consumers with reassigned numbers who may not wish to receive the call.²

The *Reassigned Numbers Order* stated that both callers and their agents can query the database.³ However, neither the order nor the rules make clear that the caller may be eligible for the safe harbor if its agent makes the query.⁴ We clarify that a caller that otherwise meets the criteria for the safe harbor does not need to perform the query of the database itself, but may instead rely on a query made on its behalf by a duly authorized agent.⁵ This clarification is consistent with the *Reassigned Numbers Order*'s statement that either a caller or its agent may use the database. Callers should be aware that they, not their agents, are responsible for providing proof that the most recent version of the database was queried and it returned an erroneous response.⁶ Further, the caller should be prepared to prove that it authorized the agent to query the database on its behalf prior to making the calls at issue.

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 *Id.* at 12025, para. 3; *see also* Press Release, FCC, FCC Announces Launch of Reassigned Numbers Database on November 1, 2021 to Reduce Unwanted Calls (Oct. 25, 2021), <https://www.fcc.gov/document/fcc-host-webinar-upon-launch-reassigned-numbers-database-nov-1>.

³ *Id.* at 12034, para. 26; *see also id.* at 12035, para. 27 (“In order to promote the effectiveness of the database, it must be possible for these third-party contractors to use it as the agent of their client callers.”).

⁴ *See* 47 CFR § 64.1200(m); *Reassigned Numbers Order*, 33 FCC Rcd at 12043-45, paras. 53-58 (“We adopt such a safe harbor for callers that rely on the database to learn if a number has been reassigned.”).

⁵ *Reassigned Numbers Order*, 33 FCC Rcd at 12043, para. 55 (to avail themselves of the safe harbor, callers bear the burden of proving that they checked the most recent update of the database and the database erroneously reported “no”). Even if using an agent to query the database on its behalf, this burden remains on the caller.

⁶ *See* 47 CFR § 64.1200(m); *Reassigned Numbers Order*, 33 FCC Rcd at 12043, para. 55. *See also GroupMe, Inc./Skype Communications S.A.R.L Petition for Expedited Declaratory Ruling*, Rules and Regulations

(continued...)

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).

Additional Information. For further information, contact Rebecca Maccaroni of the Consumer and Governmental Affairs Bureau at (202) 418-7603 or Rebecca.Maccaroni@fcc.gov.

- FCC -

Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278, Declaratory Ruling, 29 FCC Rcd 3442, 3447, para. 14 (2014) (Even though a consumer may provide consent to be called via an intermediary, “the caller remains liable for TCPA violations when it relies upon the assertion of an intermediary that the consumer has given such prior express consent.”).