

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Toll Free Assignment Modernization*; WC Docket No. 17-192; *Toll Free Access Codes*, CC Docket No. 95-155

Today, we kick off an examination of the distribution of numbers under our toll free numbering system. Toll free numbers range from the whimsical—like the now defunct 1-800-ABCDEFGH—to the life-saving—like 1-800-SUICIDE. But no matter the letters or digits, we have a responsibility to ensure that the distribution of toll free numbers is equitable under the law.

To date, equitable distribution by the Commission has meant a command and control system, through a first-come, first-served approach. As part of this approach, the agency has prohibited a secondary market in toll free numbers. But a simple Internet search will reveal that there is a vibrant marketplace where anyone can “buy” a toll free number from entities that openly flout our rules.

It is fair to ask if there is a better way. This Notice of Proposed Rulemaking does just that—and there is a lot to commend here, but also reasons for caution. There are challenges that this rulemaking needs to resolve before any new approach to toll free number distribution can take place.

For starters, preserving key numbers for public purposes is complex when an auction is overlaid on the Commission’s traditional distribution system. I appreciate that my colleagues worked with me to ensure that we look at setting aside numbers for health, safety, and other essential public purposes. A rational distribution system can recognize that some numbers may be too important to simply be auctioned off to the highest bidder.

In addition, Congress knows how to direct the Commission to use auctions to disseminate scarce public resources. See, for instance, the Omnibus Budget Reconciliation Act of 1993, granting the Commission authority to hold auctions for spectrum licenses. Or see the Middle Class Tax Relief and Job Creation Act of 2012, which provided the Commission with incentive auction authority. The absence of clear direction here is not fatal, but it’s problematic. Where does revenue associated with these auctions go? Under what legal authority? Here’s my proposal: any revenue raised from a nationwide auction for toll free numbers should go to a fund supporting our nationwide emergency number—911. I think this is a good idea—and I hope a record develops to support it.

Thank you to the Wireline Competition Bureau for your work on toll free numbers under the system we have today—and the one we may have in the future.