

**STATEMENT OF
COMMISSIONER AJIT PAI**

Re: *Toll Free Service Access Codes*, CC Docket No. 95-155; *Petition to Change the Composition of SMS/800, Inc.*, WC Docket No. 12-260.

Today the Commission takes another step to modernize our regulatory framework for telephone services—in this case the management of 800 numbers (in industry jargon: “toll free service access codes”). Twenty years ago, the Commission decided the toll free numbering system would be run by the regional Bell Operating Companies and tariffed as a common carrier service to ensure impartiality.¹ With the passage of the Telecommunications Act of 1996 and the revolution in technology and competition we’ve seen in the communications marketplace, it’s past time to reexamine those decisions. So I am pleased to support this item, which takes the first step down that path.

Looking ahead, there is still more to be done. For instance, we do not revisit here the pre-1996 decision that toll free numbering services must be tariffed.² Given that tariffs are going the way of the dodo and the Commission has other authority to ensure impartial numbering administration,³ the underpinnings of that decision have eroded. We also reserve the question of whether transferring control of toll free numbering services even triggers section 214 of the Communications Act of 1934.⁴ In my reading, it does not. Section 214 does not prescribe for us a role over each and every transfer of control affecting the telephone system. It only applies to transfers of “lines,”⁵ and no one has identified a single “line” that would be transferred here. Nevertheless, I agree with my colleagues that we need not resolve either of these issues today because nobody raised the tariffing question and the parties specifically invoked section 214 in their application. In the appropriate context, however, we should be willing to wrestle with these thorny issues and restructure our rules to better reflect our statutory authority and marketplace realities.

¹ See *Provision of Access for 800 Service*, CC Docket No. 86-10, Order, 8 FCC Rcd 1423, 1426–27, 1429, paras. 25–31 & App. A (1993).

² See *Order* at note 94.

³ See 47 U.S.C. § 251(e)(1) (added by the Telecommunications Act of 1996, Pub. L. No. 104-104, § 101(a), 110 Stat. 56, 61).

⁴ See *Order* at note 103.

⁵ See 47 U.S.C. § 214(a) (“No carrier . . . shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the . . . operation . . . of such additional or extended line”); see also *id.* (“As used in this section the term ‘line’ means any channel of communication established by the use of appropriate equipment, other than a channel of communication established by the interconnection of two or more existing channels”).