

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554**

In the Matter of

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| Combatting Illegal Robocalls Through FCC Numbering Policies |) | WC Docket No. 26-49 |
| |) | |
| Implementation of TRACED Act Section 6(a) — Knowledge of Customers by Entities with Access to Numbering Resources |) | WC Docket No. 20-67 |
| |) | |
| Numbering Policies for Modern Communications |) | WC Docket No. 13-97 |
| |) | |
| Telephone Number Requirements for IP Enabled Service Providers |) | WC Docket No. 07-243 |
| |) | |

REPLY COMMENTS OF R.E.A.C.H.

Responsible Enterprises Against Consumer Harassment, Mutual Benefit Corporation (R.E.A.C.H.), on behalf of its direct-to-consumer marketing, lead generation, and performance marketing members, thanks the Commission for the opportunity to further comment on the important issue of TCPA Reform¹. After careful review of comments submitted, and for the reasons set forth below, R.E.A.C.H. urges the Commission to:

1. Avoid minimizing number availability to a single tier of resell as that would unfairly disrupt and harm the marketplace;
2. Continue requiring resellers' disclosure and increasing their reporting requirements without extending liability to wholesalers for the conduct of downstream end users;

¹Commission's Notice of Proposed Rulemaking (*NPRM*) in WC Docket Nos. 26-49, 20-67, 13-97, 07-243; FCC 26-17 (rel. March 27, 2026) ("Notice").

3. Assure bad actors stay off the network through versatile KYC rules rather than synthetically reducing the readiness of numbers;
4. Continuing to safeguard numbering resources and stopping large-scale number carouseling whilst also considering the legitimate, sometimes necessary use of multiple numbers by companies in today's telecom infrastructure; and
5. Act on R.E.A.C.H.'s petition to issue a rational, legally required clarification which restricts the blocking and labeling power of carriers while working to end number rotation of good actors.

I. R.E.A.C.H. Supports The Goal Of Preventing Bad Actors From Obtaining Numbers To Call And The Commission Should Not Collapse Number Availability To A Single Level Of Resell As That Would Unreasonably Damage The Marketplace.

R.E.A.C.H. applauds the Commissions creative thinking in addressing the robocall epidemic plaguing our nation. By denying bad actors access to number resources the Commission can help assure consumers are not harassed and defrauded by spammers and scammers.

The proposal to collapse number availability to a single level of resell would likely advance that objective. Notice, at 25,318 ¶ 33. Unfortunately, the proposal would also massively limit the availability of numbering resources to legitimate American businesses and would crush companies that provide communication platforms as a service (CPaaS) who would lose the ability to sell number resources to their users.

In essence, the single level of resell rule would create a powerful cartel of direct access number suppliers who could work with their chosen handful of resellers to limit access to numbers and set pricing as they see fit. Again, this very well might limit access to numbering resources to the bad guys—presumably (but not necessarily) the chosen resell partners will have potent vetting and KYC requirements. But the Commission can easily see how this environment could swiftly become anti-competitive and disrupt (if not badly damage) the marketplace for numbering

resources. Again, this is particularly problematic for CPaaS companies who rely on the easy availability of numbering resources to supply access to the network to their customers. Notice, at 25,318 ¶ 33.

The foreseeable consequences—lower number availability and higher costs for businesses making phone calls— are likely eclipsed by down-the-line and less/unforeseeable consequences like further erosion of the perceived desirability of the PTSN to American businesses as compared to OTT and other direct-to-consumer communication services. The Commission should not administer a tonic that may kill the patient in order to save it—collapsing number availability to a single level of resell is simply a bridge too far.

II. Requiring Disclosure Of Resellers And Expanding Reporting Requirements Makes Sense—Holding Wholesalers Liable For Calls Made By Network Users Does Not.

The Commission proposes other alternatives to address bad guys obtaining number resources. *See* Notice. Among these is requiring wholesalers to disclose resellers. Notice, at 25,314 ¶5. Also among these is expanding disclosure requirements to resellers. *Id.*, at 25,313.—25,315. R.E.A.C.H. supports these proposals as viable solutions.

Requiring disclosure of resellers by wholesalers assures the transparency and visibility the Commission is seeking to ease robocall enforcement efforts. It also sends a critical message to all players in the ecosystem—you cannot hide and if you knowingly enable misconduct we will see it (and come after you.) Similarly, expanding disclosure rules—currently only imposed on direct access providers—to resellers only makes good sense. *Id.*, at 25,313.—25,315. While these rules may incrementally increase costs on providers, it appears that burden will be minor and the benefits in terms of enhanced tracking and enforcement visibility will be considerable.

On the other hand, a rule that makes providers of numbering services liable for the use of the numbers by end users is highly anti-competitive. It discourages new entrants into the market

and will cause many companies to exit—after all, who wants to be a communications provider if you risk being liable for every mistake some third-party downstream might make using a number resource you supplied? Less providers means less competition. That means higher costs for businesses—and ultimately consumers. And, over time, this will lead businesses to shift away from the use of the PTSN to the degradation of the telecom network as a whole.

Moreover, a rule of instant, springing, liability for numbering resource providers is wholly inconsistent with our nation’s “common carrier” traditions and the law of vicarious liability. The Commission knows better than any that the American telecom network—once the envy of the world—was built on the rule that “common carriers” were *never* liable for the conduct of those using its network. Notice, at 25,318 ¶37. That rule has eroded, shifted, and now largely reversed in the battle against robocalls—with no concomitant improvement of the robocall problem. Indeed, carriers have responded with rampant blocking and mislabeling which has led to the very problems the Commission seeks to redress with its concerns over number rotation². Yet the robocall problem persists.

Again, American telecom law has never held a provider of communications services directly liable for the conduct of its users. The well-developed law of vicarious liability also does not impose strict liability for actions of third-parties—even when taken at the express direction of a purported principle³. Casting aside these well-understood principles to create an entirely new doctrine of instant-liability must be treated as true “last resort” territory. Wherever we are in the battle against robocalls—we aren’t there yet.

² See Notice, at ¶¶24, 38-45.

³ See *Brown v. Nano Hearing Tech Opco, LLC*, No. 3:24-CV-00221-BTM-JLB, 2024 WL 3367536, at *7 (S.D. Cal. July 9, 2024) (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992)) (For causation, “the injury has to be ‘fairly ... trace[able] to the challenged action of the defendant, and not ... th[e] result [of] the independent action of some third party not before the court.’”).

III. Robust KYC Procedures Are A Far More Effective Means Of Assuring Bad Guys Stay Off The Network Than Artificially Shrinking The Availability Of Numbers.

The Commission should protect and preserve access to the PTSN for good actors and consumers alike. It should not encourage anti-competitive behavior when it comes to access to numbering resources.

Instead, it should assure regulated entities act responsibly in the provision of these resources to assure access to legitimate companies only. R.E.A.C.H. therefore supports—and will comment upon—the Commission’s companion NPRM addressing carrier KYC rules⁴.

IV. R.E.A.C.H. Supports The Commission’s Goal To Preserve Numbering Resources And Stop The Need For High-Volume Number Carouseling, But There Are Numerous Perfectly-Valid (If Not Essential) Reasons Companies Use Multiple Numbers In Today’s Telecom Environment.

R.E.A.C.H. agrees with the aspiration that American businesses use no more numbers than necessary for business functions. The Commission should keep in mind, however, that businesses often use multiple numbers for completely legitimate and important reasons as discussed below. And, even more pertinently, must have a large supply of numbers available to it for when—not if—the carriers improperly block and label their calls.

Businesses use multiple numbers because:

- Businesses use more numbers because they serve more than one market, more than one location, more than one brand, or more than one service line.

⁴ *Advanced Methods to Target and Eliminate Unlawful Robocalls; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Further Notice of Proposed Rulemaking, FCC 26-27, CG Docket Nos. 17-59 & 02-278 (rel. May 1, 2026).

- A local number can help a consumer recognize the call. That matters for expected calls like appointment reminders, service scheduling, customer support, billing questions, prescription coordination, fraud alerts, and outage updates.
- Number pools support call tracking and attribution. A business may need to know whether a customer came from a website visit, search ad, local listing, direct mail piece, billboard, franchise location, or service campaign.
- That attribution is not just marketing. It helps the business understand the customer’s path, route the call correctly, measure whether a campaign is working, and connect the customer to the right department, office, agent, dealer, or technician.
- Larger contact centers may use number pools for load balancing, overflow, regional presence, campaign segmentation, call routing, or business continuity.

All of these are perfectly legitimate, common, uses of multiple numbers by legitimate businesses.

Yet, by far the largest contributor to number carouseling by legitimate callers is the need to stockpile numbers to avoid improper—i.e. overly aggressive and often illegal—carrier call blocking and mislabeling of legal and consented calls from legitimate American businesses.

It is infuriating the carriers believe they can censor speech and interfere with the potential economic advantage of millions of American businesses every single day. But they do. And without swift and meaningful recourse, Americans businesses have turned to the only tool they have—rotating through numbers as they get mislabeled as “Spam Risk,” “Spam Likely,” or “Scam Likely” by a wireless carrier or analytics provider, even when the calls are lawful and expected. Notice, at 25,319 ¶40.

Indeed, an entire industry of caller ID reputation tools have developed to monitor number performance, labeling and blocking since the carriers still have not developed a meaningful feedback loop to even advise callers when their calls are being blocked and labeled. And redress is essentially impossible—the carriers act as Nazi gestapo demanding to see papers (consent records meeting their manufactured requirements that often do not comport with underlying legal requirements).

Ultimately, the carriers’ desire to force American businesses into the use of branded Caller ID solutions from which they profit from, creating what amounts to a clear “protection money” scheme that operates as the precise sort of “toll” on interconnected carriers Communications Code Section 201 expressly prohibits. 47 U.S.C. § 201(b) (prohibiting “unjust or unreasonable” charges and practices in connection with communications service).

That the carriers’ actions are illegal is beyond question. But in the absence of Commission action on this free speech travesty⁵, American businesses have taken to simply rotating their numbers to stay alive. In those cases, the business is not trying to hide. It is trying to maintain a working communications path to reach customers who asked for, expected, or need the call.

V. Number Rotation By Legitimate Businesses Is Merely A Symptom—The Disease Is Illegal Call Blocking And Mislabeling By The Carriers, And The Commission Must Put An End To It.

As outlined, carrier call blocking and mislabeling are out of control. *Billions* of calls are labeled by the carriers each day in this nation—with no accountability. Hiya, *Global Phone Spam and Fraud Report: Nearly a Third of All Unknown Calls in First Half of 2024 Were Unwanted* (Aug. 22, 2024), <https://www.hiya.com/newsroom/press-releases/global-phone-spam-and-fraud->

⁵ *Petition to Revise Safe Harbor Rules Relating to Call and Text Blocking*, CG Docket Nos. 02-278, 17-59 & 21-402 (filed Jan. 29, 2025) (petition of Responsible Enterprises Against Consumer Harassment (R.E.A.C.H.)).

report-nearly-a-third-of-all-unknown-calls-in-first-half-of-2024-were-unwanted. The same companies blocking and labeling calls offer paid solutions to prevent blocking and labeling of calls⁶. It's the most transparent and largest protection money scheme in history. And the Commission is allowing it to operate right under its nose.

The Commission must take action to prevent these abusive and unlawful practices if it ever hopes to end number carouseling.

a) The Carriers Have Been Given A Vague Mandate By The Commission To Block And Label Calls.

As the Commission knows well, for 84 years carriers in this nation were banned from blocking or labeling any calls⁷. Beginning in 2018, however, there was a “passing of the baton”—as then Chairman Pai called it—from the Commission to the carriers. *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd. 4876, 4927 (statement of Chairman Ajit Pai 2019). The Commission created a new default call blocking regime that allowed carriers to block communications on the network for the first time. The Commission’s ruling also alluded to—without expressly permitting—the developing practice of carriers labeling calls traversing their networks as “spam” or “scam.” *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd. 4876, 4885 ¶ 26 (2019).

The Commission’s rulings were intentionally vague. The carriers were to use “reasonable analytics” but no specifications or limitations on those analytics were imposed. *Advanced*

⁶ See Hiya.com.

⁷ Congress established the Federal Communications Commission through the Communications Act of 1934. See Communications Act of 1934, Pub. L. No. 73-416, § 1, 48 Stat. 1064, 1064 (codified as amended at 47 U.S.C. § 151).

Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd. 4876, 4885 ¶ 34 (2019). By design, therefore, the carriers were granted *enormous* power to determine which businesses had ready access to consumers and which did not—as well as the content of the messages that would be acceptable.

Instantly, the carriers became the most powerful purveyors of government-sanctioned censorship this nation has ever seen. And as we shall see, their use of this power has been anything but fair and even handed.

b) The Carriers Have Enacted A Licensing Scheme That Violates The First Amendment With Haphazard Labeling And Blocking Of Messages

The First Amendment prevents the Commission from banning speech, subject to narrow exceptions. U.S. Const. Amend. I. (1774); *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015). The carriers—acting as delegees of the Commission—can possess no more power than the Commission to block or label calls. And as spectrum licensees subject to the Commission’s regulations and acting at its express direction, there can be no question the carriers’ conduct constitutes state action.

The power to block or label calls should be rarely used and only under extreme circumstances. Yet the carriers deploy it first and ask questions later. Indeed, it has been widely reported that when a new phone number is first used by a business it is *always* labeled spam or scam⁸. The carriers’ *literal* first-response to a phone call is to assume it must be labeled. This is simply maddening for legitimate American businesses who wish to contact American consumers

⁸ ACC Telecom explains that “using brand new phone numbers without a history of service can trigger spam warnings.” ACC Telecom, *Business Calling Best Practices to Avoid Spam Labels*, Telecom Commentator, <https://www.acctelecom.com/business/business-calling-best-practices-to-avoid-spam-labels> (last visited June 8, 2026).

using the PTSN without interference from carriers—who should be viewed as no more than infrastructure.

The illegality of this conduct can easily be seen when considering the “licensing scheme” cases decided by the U.S. Supreme Court. In these cases, the Court observed that the government cannot delegate authority to prevent speech without clear directions and regulations. There must be clear controls in terms of what sorts of speech can and cannot be blocked—and why. Yet none of these controls are present here—the Commission intentionally elected *not* to impose such rules or control. *See* Notice.

The result is that *nobody* knows what calls might make it through the network and which will not. It’s a blind-man’s-bluff combined with Schrodinger’s cat. A call either will, or won’t, traverse and nobody seems to know how or why.

Frustratingly, R.E.A.C.H. members have seen calls be accepted on day 1, rejected on day 2, and then accepted again on day 3—identical calls—for seemingly no reason at all. Carriers shut down campaigns for one business but allow the same campaign to run for another. And—perhaps most nefariously—will agreed to avoid labeling companies as “scam” or “spam” on the condition they pay protection money to the carrier through the use of a branded Caller ID solution.

c) The Commission Should Act On R.E.A.C.H.’s Petition To Limit Carrier Blocking And Labeling To End Number Rotation By Good Actors

The Commission needs to restore sanity to the calling environment before it is too late. R.E.A.C.H. proposed a solution back in January 29, 2025, and called upon the Commission to issue a common-sense (and legally required) clarification limiting the power of the carriers to block and label calls. Specifically, R.E.A.C.H. requested:

“The Commission should immediately revoke any permission given to the carriers to label lawful traffic. The Commission should also clarify that any authority previously afforded the

carriers does *not* protect them from suit for defamation, fraud, or racketeering for their past misconduct and deny any subsequent request for clemency or retroactive waiver from the carriers given the wanton nature of the conduct.” *Petition to Revise Safe Harbor Rules Relating to Call and Text Blocking*, CG Docket Nos. 02-278, 17-59 & 21-402, at 9 (filed Jan. 29, 2025) (petition of Responsible Enterprises Against Consumer Harassment (R.E.A.C.H.)).

R.E.A.C.H. reiterates its request for this release and submits a ruling on the R.E.A.C.H. petition is a critical antecedent to any effort to limit number rotation by American businesses.

VI. Conclusion.

For the reasons described above, R.E.A.C.H. respectfully urges the Commission to:

1. Avoid reducing number availability to a single tier of resell which would result in unjust harm to the market.
2. Not hold wholesalers liable for the acts of end users while continuing to extend the reporting requirements of resellers and requiring their disclosure.
3. Ensure unethical behaviors are kept off the network through strong KYC rules without reducing the accessibility of numbers.
4. Continue to protect numbering resources and reducing vast number carouseling whilst also considering companies’ legitimate and often crucial use of multiple numbers.
5. Issue a sensible (and legally mandatory) interpretation that minimizes the blocking and labeling power of carriers while halting number rotation of good actors.

Respectfully submitted,

R.E.A.C.H

By:

[Signature Block]

Dated: June 8, 2026