

104TH CONGRESS  
2D SESSION

# S. CON. RES. 58

Expressing the intent of the Congress with respect to the collection of fees or other payments from the allocation of toll-free telephone numbers.

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IN THE SENATE OF THE UNITED STATES

MAY 15, 1996

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation

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## CONCURRENT RESOLUTION

Expressing the intent of the Congress with respect to the collection of fees or other payments from the allocation of toll-free telephone numbers.

1        *Resolved by the Senate (the House of Representatives*  
2        *concurring),*

3        **SECTION 1. SHORT TITLE.**

4        This Resolution may be cited as the “Telephone  
5        Number Ownership Resolution of 1996”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds that—

8                (1) under existing law, the Federal Communica-  
9        tions Commission is the administrator, not the  
10       owner, of telephone numbers, and has no authority

1 to auction, or impose user fees for, any number  
2 within the North American Numbering Plan, nor  
3 does any other Federal agency;

4 (2) auctions of toll-free numbers will increase  
5 consumer fraud and confusion by allowing competi-  
6 tors to profit from the established reputation associ-  
7 ated with existing toll-free numbers;

8 (3) there are a total of 21 countries in the  
9 North American Numbering Plan, including the  
10 United States of America, Canada, and most Carib-  
11 bean countries, and decisions affecting universally  
12 available toll-free numbers should not be made with-  
13 out a consensus among the participating nations;

14 (4) the value of a toll-free telephone number is  
15 derived solely from the efforts of the holder to create  
16 value in it; and

17 (5) the right of first refusal for companies with  
18 toll-free numbers that have become a unique brand  
19 identity will ensure that customers reach their in-  
20 tended service provider.

21 **SEC. 3. SENSE OF THE CONGRESS.**

22 It is the sense of the Congress that—

23 (1) the Federal Communications Commission  
24 lacks legal authority to conduct auctions or other  
25 revenue raising activities in connection with the allo-

1 cation of any number within the North American  
2 Numbering Plan;

3 (2) if the Congress is to authorize such activi-  
4 ties, procedures will be required—

5 (A) to protect any value attaching to new  
6 toll-free numbers by reason of a private busi-  
7 ness investment in the advertisement or public  
8 awareness of the corresponding 800 number, by  
9 granting a right of first refusal or other protec-  
10 tion to the subscriber to that corresponding 800  
11 number;

12 (B) to prevent unjust enrichment and ineff-  
13 ficient use of toll-free numbers by measures de-  
14 signed to prevent speculation, hoarding, and  
15 other “gaming” of the allocation system; and

16 (C) to protect consumers from fraud and  
17 confusion by preventing the misrepresentation  
18 of established toll-free numbers; and

19 (3) the Federal Communications Commission  
20 should submit to the Congress a plan for the alloca-  
21 tion of toll-free 888 numbers that contains proce-  
22 dures described in paragraph (2), together with its  
23 recommendations for legislative authorization of  
24 such allocation.

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