

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

*In the Matter of* )  
NumberBarn, LLC ) WC Docket No. 19-99  
Application For Authorization to Obtain )  
Numbering Resources Pursuant to )  
Section 52.15(g) of the Commission's Rules )

To: Secretary, Federal Communications Commission  
Chief, Wireline Competition Bureau

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rules 1.45 and 1.46 of the Federal Communications Commission's ("FCC" or "the Commission") Rules of Practice and Procedure, 47 C.F.R. §§ 1.45 and 1.46, NumberBarn, LLC ("NumberBarn" or "the Company"), by its attorneys and pursuant to Section 1.45(b) of the Commission's Rules, 47 CFR § 1.45(b), hereby submits its motion to extend the time in which to file Reply Comments in the above-captioned proceeding from November 22, 2024 until December 6, 2024.

In support hereof, the following is respectfully shown:

While NumberBarn continues to be anxious for the Commission to grant its Application for Authorization to Obtain Numbering Resources ("Application") that has been pending for five years, it is now presented with addressing lengthy comments from multiple state public utility commissions (collectively, "the PUCs") within a two-week timeframe. These comments contain numerous unsupported allegations and accusations against NumberBarn that pose serious threats to the Company's reputation, operations, and business. While the bulk of these accusations are unsubstantiated, grounded in fear rather than fact, and reflect a fundamental misunderstanding of or prejudice against NumberBarn and its business model, each must be responded to thoroughly

and thoughtfully in order to (1) provide the Commission with an accurate record upon which to reach its decision; (2) ensure that NumberBarn’s Application is treated in the same manner as other similarly situated providers whose applications have been granted by the FCC; and (3) adequately protect NumberBarn against reputational harm created by the lobbing of unfounded accusations by the PUCs.

The PUCs’ comments also include a number of broad policy arguments, including questioning whether numbers should be considered property or a public resource and concerns over number exhaustion. While NumberBarn does not dispute that these are important policy discussion points, it maintains these concerns are properly addressed through the FCC’s rulemaking process, as these issues go well beyond the scope of the Application at issue in the instant proceeding and have broad and substantial impacts on the communications and VoIP industry as a whole. It would be inappropriate and a violation of the Administrative Procedure Act for FCC to make such broad policy pronouncements on those issues in this proceeding. Given this concern, NumberBarn also requires sufficient opportunity to fully brief its position on the PUCs’ attempts to have the FCC usher in broad policy changes and pronouncements through this matter that would disproportionately impact and single out a single provider – NumberBarn – while simultaneously and without appropriate opportunity to participate or comment imposing upon similarly situated providers policies adopted in an unrelated party’s application proceeding.

Given NARUC’s and the PUCs’ fundamental misunderstanding of NumberBarn’s operations, the Company spent the last two weeks focused on engaging in proactive outreach efforts with NARUC and its members in order to educate NARUC and its members about NumberBarn’s business model and to assuage the PUCs’ “worst-case scenario” fears as to NumberBarn’s role in the marketplace. The Company’s efforts included outreach to NARUC’s

general counsel and written correspondence to NARUC's executive committee in an effort to initiate an open dialogue between the parties. *See Exhibit A* hereto. To date, NumberBarn has not received any written response from NARUC.

However, NumberBarn took the additional step of attending NARUC's annual meeting from November 10<sup>th</sup>-13<sup>th</sup>. NumberBarn personnel even agreed to participate in a panel discussion during the meeting and made additional outreach efforts to attendees at the meeting. While some state PUC staffers were open and willing to engage in productive discussions with NumberBarn, others, including staffers from several PUCs that filed comments in this proceeding, flatly refused to engage in any discussions with NumberBarn personnel. This is especially disappointing, as it is indicative that some of the PUCs' comments are grounded on willful ignorance rather than reality.

Lastly, the FCC granted NARUC's request for an extension of thirty days for its members to prepare and submit their comments. Without an extension, NumberBarn is at a distinct disadvantage, having only two weeks to respond to over fifty-seven pages of inflammatory rhetoric from multiple parties.<sup>1</sup> Moreover, NumberBarn has requested a more limited extension of fourteen days in which to respond and is simply seeking the same consideration which the FCC provided to NARUC and its members.

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<sup>1</sup> The PUCs for Arizona and Michigan did not email or otherwise serve NumberBarn with their comments, and thus NumberBarn was not immediately aware of their filings until searching ECFS the next day. That said, a copy of this Motion is being served via email on all commenters in this proceeding, regardless of whether their comments were served on NumberBarn.

For all the foregoing reasons, NumberBarn respectfully requests that the Commission extend its deadline to file Reply Comments to December 6, 2024.

Respectfully submitted,

NUMBERBARN, LLC

By



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November 15, 2024

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## **EXHIBIT A**

**November 7, 2024**

Julie Fedorchak  
President  
National Association of Regulatory Commissioners  
1101 Vermont Avenue NW, Suite 401  
Washington, DC 20005

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Ms. Fedorchak:

I am writing on behalf of my client, NumberBarn, LLC. We learned that the National Association of Regulatory Commissioners ("NARUC") recently circulated a draft resolution ("Resolution") regarding telephone number resource optimization that appears to reference my client. The Resolution, as well as NARUC's filing associated with NumberBarn's application for numbering authorization before the Federal Communications Commission ("FCC") in WC Docket No. 19-19 indicates that NARUC and, by extension, its members, have some rather fundamental misconceptions regarding NumberBarn's business operations and its position in the marketplace.

Accordingly, we wanted to take this opportunity to provide some input on the resolution, to correct some factual errors and misconceptions found therein and provide the opportunity for productive discourse on this issue. As an initial matter, the Resolution states that ATIS guidelines prohibit end users from selling telephone numbers. This is dangerously misleading, and is simply false:

- ATIS-0300119, Thousands-Block (NPA-NXX-X) & Central Office Code (NPA-NXX) Administration Guidelines, § 2.1 provides guidance to Service Providers, not End Users.
- The "Numbering Resources" being discussed in ATIS-0300119 are CO Codes and Thousands Blocks that are assigned to Service Providers, not individual telephone numbers.

The Resolution also suggests, without evidence, that "brokering" and "warehousing" of telephone numbers has led to exhaust of certain area codes. While it is true that a small number of numeric patterns are highly sought after, it is not true that "brokering" or "warehousing" is a primary (or even relevant) contributer to exhaust.

Even more troubling is the suggestion in the Resolution that NumberBarn and/or its suppliers, customers, or affiliates are warehousing, hoarding, or otherwise "own" 70,000,000+ telephone numbers. This assertion is particularly concerning to NumberBarn because it addressed the same in its October 1, 2024 Opposition submitted in WC Docket No. 19-99. Based on the statements in its Resolution, NARUC either disregarded the facts in preparing the draft or based the same on a continued misunderstanding of NumberBarn's operations. In either case, NumberBarn is compelled to correct the record with NARUC and the FCC.

NumberBarn offers a search engine ("marketplace") that allows end users to choose their telephone number from over 70,000,000 options. However, numbers are obtained and allocated only at the time

of a bona fide end-user order. For example, there are over 10,000,000 toll-free numbers that are currently in SPARE status with Somos, available to any Resp Org for search and reservation. The suggestion that NumberBarn is "warehousing" these numbers simply by offering them for selection through its search engine represents a failure to understand NumberBarn's position in the market. NumberBarn does not broker the sale of toll-free numbers, nor does it operate auctions of telephone numbers, other than certain specific numbers carved out by the FCC in its 2019 833 auction.

The Resolution touches several times on "telephone numbers as property" and suggests that there are some existing prohibitions on their purchase, sale, or license. However, the Telecommunications Act of 1996 grants end users the perpetual right to control their numbers and to transfer those numbers between carriers. Though it does not explicitly codify the telephone number as an asset that can be bought and sold, it at a minimum prescribes a perpetual, transferrable, license.

While the FCC imposes limits on "warehousing" and "hoarding" of toll-free numbers under 47 CFR § 52.105, it does not do so for geographic numbers. The FCC acknowledges "numbers as property" via countless regulations in and around consumer rights and advocacy. The FCC conducted its own auction of certain numbers in the 833 area code in 2019 (*see* <https://auction.somos.com/>). What is an auction of, if not of property?

While industry guidelines do appear to prohibit sales of CO codes and Thousands Blocks, they do not generally suggest that end users, whether that be consumers, businesses, or wholesale customers of service providers, should be prohibited from selling or licensing their own telephone numbers. Telephone numbers are a natural part of consumer and business identity, and are bought, sold, and licensed, thousands of times each day, many in publicly recorded asset purchase agreements. As a practical matter, the prohibition against the transfer of a phone number as part of an asset purchase agreement would be untenable, and extremely costly to an estimated one million small businesses that are bought and sold annually.

NumberBarn shares the concerns of many NARUC members regarding numbering exhaust. However, it does not believe that "warehousing" by end users, to the extent that it even occurs, or "brokering" are barriers to numbering efficiency. In fact, NumberBarn's search engine ("marketplace") brings telephone numbers to market that would otherwise be dormant and unavailable to end users.

NumberBarn respectfully suggests that NARUC attention and resources would be better spent on simple and tangible efforts that could bring 2-3 billion additional telephone numbers into circulation, without the need for the expense and societal cost of converting NANP to a 12-digit numbering system. Such efforts could include:

- Exploring lifting numbering restrictions on NXXs. Permitting "0" and "1" as leading digits would make over 1 billion new numbering combinations available;
- Considering the reclassification of easily recognizable area codes (ERCs) and N9X area codes for geographic assignment, which would increase the available geographic numbering space by over 1 billion telephone numbers;
- Auditing and eliminating the use of the Retained status ("RT") on Thousand blocks. This industry-sanctioned practice is currently being used by service providers to hoard over 300 million telephone numbers; and

- Exploring opportunities to improve efficiency through rate center consolidation. NANP is fragmented into over 20,000 geographic rate centers, even in an age where geography (especially within an NPA) is not relevant to consumers. Today's numbering assignment rules generally require a service provider that is entering a market to obtain dozens of Thousand blocks within that market, in order to "service" each of the rate centers. NumberBarn estimates that rate center consolidation within NPAs or within LATAs could conservatively "free up" 600 million numbers, currently pooled at service providers, to become available for assignment.

NumberBarn's CEO and CTO are planning to attend NARUC's conference in Anaheim and have reached out to NARUC's general counsel to help facilitate a productive discussion of these issues. The Company is eager to better understand how NARUC members view the relationship between NumberBarn's search engine ("marketplace") and their existing concerns regarding numbering exhaust.

As a leader in the market, NumberBarn would be happy to discuss ways that it can help advance causes that encourage numbering efficiency and to work together with NARUC members to become an ally rather than a perceived threat.

In the event the Executive Committee believes it would be useful, NumberBarn would be happy to arrange a demo for the Executive Committee and/or any of NARUC's members that might help all parties understand the Company's model and assuage some of their concerns.

Sincerely,

Allison D. Rule

Outside Counsel for NumberBarn