



FCC Establishes Reassigned Phone Numbers Database

The Federal Communications Commission adopts rules for its new database aimed at reducing the number of unwanted calls to reassigned phone numbers.

Each year, approximately 35 million telephone numbers in the United States are disconnected and then reassigned to a new subscriber. This turnover creates a vexing problem for entities (such as medical care providers, merchants, and others) who had received permission to call the original subscriber but who now find themselves talking to the wrong party and, perhaps, a lawyer threatening a class action under the Telephone Consumer Protection Act ("TCPA").

The Federal Communications Commission ("FCC") recently has adopted rules to establish a new, nationwide database in an effort to reduce the number of unwanted phone calls to reassigned telephone numbers. The new regulation reflects the FCC's acknowledgement that calls to reassigned numbers can result in legitimate business callers becoming subject to litigation.

Among other things, the FCC's new rule establishes what the FCC calls "a single, comprehensive database with information provided by phone companies that callers will be able to use to avoid calling reassigned numbers." The database "will enable any caller to verify whether a telephone number has been reassigned before calling that number." The rule requires a 45-day minimum aging period before permanently disconnected phone numbers can be reassigned and requires monthly reports from various providers regarding permanently disconnected numbers. The database will be available only to callers who agree in writing that the caller (and any agents) will use the database solely to determine whether a number has been permanently disconnected as of a date provided by the caller.

To encourage callers to use the database, the FCC "is providing callers a safe harbor from liability for any calls to reassigned numbers caused by database error," according to the FCC's press release. In practice, this means callers seeking to invoke the safe harbor must show that they checked the database at least once every 30 days in order to ensure they have the most current information about the numbers they seek to call.

The FCC's press release does not explicitly address the potential impact that the new database will have on "reassigned number" cases under the TCPA. Nevertheless, it is certain that issues related to the new database will find their way into TCPA litigation landscape.



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