

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
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

National Consumer Law Center
on behalf of its low-income clients

National Association of State Utility Consumer Advocates

Consumer Action

National Consumers League

and

Consumer Federation of America

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Reply Comments

Introduction and Summary

These Reply Comments, submitted by the National Consumer Law Center (NCLC) on behalf of its low-income clients, and joined by the National Association of State Utility Consumer Advocates, Consumer Action, National Consumers League, and Consumer Federation of America are in response to the Notice of Proposed Rulemaking and Further Notices of Proposed Rulemaking released by the Federal Communications Commission (Commission or FCC) on March 27, 2026,¹ and published in the Federal Register on May 8, 2026.² We applaud the Commission's efforts to update and strengthen its numbering requirements and policies. Telephone numbers are one of the only pieces of information available to call recipients to help them determine whether to answer when their phone rings. Ensuring that telephone numbers convey reliable information about the caller will help consumers protect themselves from fraud and restore their trust in telephone communications.

In Section I of these Comments, we support the Commission's proposal to extend certification requirements to all resellers of telephone numbers,³ including the requirement to file a robocall mitigation plan in the Robocall Mitigation Database (RMD). Certifications will help hold providers who enable illegal calls accountable by establishing knowledge of applicable consumer

¹ FCC, Notice of Proposed Rulemaking, In the Matter of 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 (adopted March 26, 2026, Released: March 27, 2026) (NPRM), <https://docs.fcc.gov/public/attachments/FCC-26-17A1.pdf>.

² Combatting Illegal Robocalls Through FCC Numbering Policies; Implementation of TRACED Act—Knowledge of Customers by Entities With Access to Numbering Resources, <https://www.federalregister.gov/documents/2026/05/08/2026-09134/combating-illegal-robocalls-through-fcc-numbering-policies-implementation-of-traced-act-knowledge>.

³ In this comment we use the term “reseller of telephone numbers” and “reseller” interchangeably.

protection laws and standards for robocall mitigation. Also, requiring resellers to register in the RMD helps to ensure that these companies provide information about legally responsible individuals that can be held accountable if they facilitate scams or other illegal calls. The threat of removal from the RMD is a powerful tool to help ensure legal compliance. We urge the Commission to expand the proposed definition of “reseller” to include entities that offer to port telephone numbers or that offer to complete outbound calls using interconnected VoIPs.

As discussed in Section II, we also support the Commission’s goal of preventing number resale practices from obstructing robocall enforcement. We suggest that, in addition to extending and revising Numbering Resource Utilization/Forecast (NRUF) reporting to better apply to telephone number resellers, the Commission also clarify that knowingly providing numbering resources for illegal calling is evidence that the provider or reseller of the telephone numbers is highly involved in making the illegal calls and can be held liable under the Telephone Consumer Protection Act (TCPA) and other consumer protection laws. Additionally, we make several other suggestions for strengthening the proposed rule, including specifying penalties such as removal from the RMD for failing to file or falsifying NRUF reports, and allowing state utilities commissions and state attorneys general to request revocation of direct access to numbering resources if they demonstrate that a provider has knowingly used numbering resources to facilitate illegal calls.

Lastly, in Section III, we urge the Commission to exercise its rulemaking authority to prohibit number cycling – the deceptive use of large quantities of telephone numbers on a short-term basis for outbound calling. There are no legitimate uses of number cycling, and this practice merely undercuts the Commission’s existing regulations regarding analytics-based call blocking and the STIR/SHAKEN caller ID authentication framework. We suggest that the Commission revise and strengthen its regulations requiring the transmission of meaningful caller ID telephone numbers and caller names to address number cycling.

I. We Support the Commission’s Proposal to Extend Numbering Resource Certification and Disclosure Requirements to Resellers but Urge the Commission to Broaden the Definition of “Reseller.”

A. *The Commission’s Proposal to Expand Certification Requirements Will Benefit Enforcement Efforts.*

We support the Commission’s proposal to “comprehensively [apply] robocall-related certifications to the full spectrum of service providers obtaining and using numbering resources.”⁴ Applying certification requirements to everyone who sells access to the United States’ telephone network, including resellers who facilitate access to the network by providing U.S. telephone numbers, will help the Commission take effective enforcement action to combat phone scams and other illegal calls. The Commission’s proposed certifications will provide proof of a reseller’s knowledge of laws and regulations that prohibit transmitting, encouraging, assisting or facilitating illegal robocalls, including illegally spoofed or fraudulent calls. The proposed certifications identify applicable regulations making it impossible for resellers to deny knowledge of their legal obligations.⁵ Readily ascertainable proof a reseller’s knowledge of the law can make enforcement actions against resellers who facilitate illegal call traffic more effective because the certifications will help to establish that violations are “willful,” which can trigger heightened penalties.⁶ Additionally, failing to meet the standards set forth in the proposed robocall certifications are a factor that courts can consider when determining whether a service provider can be held liable for facilitating illegal calls.

⁴ NPRM at ¶ 16.

⁵ 47 C.F.R. § 52.15(g)(3)(C) and (D) (identifying specific regulations enforceable under the TCPA and the Federal Trade Commission Act, including 47 C.F.R. § 64.1200 and 16 C.F.R. § 310.3(b)).

⁶ See 47 U.S.C. § 227(b)(3)(C), (c)(5)(C), (e)(5)(B), and (g) (authorizing heightened penalties for willful violations of the TCPA). Some courts have held that establishing a willful violation requires proof that the defendant had reason to know, or should have known, that his or her conduct would violate the law. See NCLC, Federal Deception and Abuse Law § 7.6.4 (5th ed. 2024).

Courts adjudicating public enforcement actions against VoIP providers have looked to such certifications to help ascertain the minimum acceptable standards for robocall mitigation efforts.⁷

Furthermore, we urge the Commission to adopt the proposed regulation 47 C.F.R. § 52.15(l)(2), which requires resellers to file “[a] certification that the applicant has fully complied with all applicable STIR/SHAKEN caller ID authentication and robocall mitigation program requirements and filed a certification in the Robocall Mitigation Database as required by §§ 64.6301 through 64.6305 of this chapter.”⁸ RMD filings help enforcement authorities identify a registrant’s principal, a legally responsible individual who can be held accountable if the reseller facilitates phone scams or other illegal calls. The Commission’s guidance on the RMD states: “every RMD filer must identify at least one principal, who must be an individual, on the RMD submission form to provide the Commission with sufficient detail regarding the filer’s ownership and management.”⁹ This is important information for oversight and enforcement and unless it is mandated, resellers who do not otherwise need to register in the RMD may abuse their access to numbering resources and evade accountability by hiding behind thinly incorporated shell companies with anonymous officers and directors.¹⁰

B. The Proposed Definition of “Reseller” is Too Narrow.

The Commission’s proposal to expand robocall related certifications would be more effective if the Commission adopted a broader definition of “reseller.” The NPRM proposes

⁷ See *Off. of Att’y Gen. v. Smartbiz Telecom LLC*, 2024 WL 4251895, at *4 (S.D. Fla. Sept. 19, 2024) (finding that the language of regulation regarding robocall certification “sets the standard for what would be considered adequate robocall mitigation efforts and should be applied to [an intermediate VoIP provider] to determine whether their efforts meet this requisite level.”)

⁸ NPRM at Appendix A, pg. 34.

⁹ Robocall Mitigation Database Frequently Asked Questions for Filers at pg. 4.
<https://www.fcc.gov/sites/default/files/rmd-faq.pdf>.

¹⁰ We further urge the Commission to adopt a bond requirement that will better prevent bad actors from filing in the RMD. See Comments of Consumer Groups filed May 26, 2026, available at: <https://www.fcc.gov/ecfs/document/10526366422615/1>

defining “reseller” to include: “all [Local Exchange Carriers (LECs)], [Commercial Mobile Radio Service (CMRS)] providers, and interconnected VoIP providers reselling or seeking to resell services that include the provisioning of geographic numbering resources other than pseudo-ANI”¹¹ This is too narrow because it would not cover companies that provide telephone numbers that are immediately ported to a voice service provider, and would not cover non-interconnected VoIP providers who operate calling platforms that make one-way only outbound calls.

There are numerous services which allow users to “purchase and port” telephone numbers in exchange for a fee.¹² Such services clearly involve the resale of telephone numbers but do not involve providing local exchange service, cellular service, or interconnected VoIP service, and therefore do not fall within the Commission’s proposed definition of “reseller.” This means that companies offering “purchase and port” services could make valid numbering resources available for use by illegal robocallers but would not be subject to the same regulatory oversight as the rest of the communications industry.

Similarly, non-interconnected VoIP services that offer one-way, outbound calling using U.S. telephone numbers are not within the scope of the Commission’s proposed definition.¹³ Non-interconnected VoIP services can facilitate high volumes of illegal outbound calls, and companies that offer one-way calling services should be required to make the same robocall mitigation certifications, including filing a robocall mitigation plan, as LECs, CMRS providers and interconnected VoIPs.

¹¹ NPRM at ¶ 16.

¹² See e.g., Numberbarn, “Purchase a number and port it away to your carrier” <https://www.numberbarn.com/purchase-and-port>; PhoneNumberGuy, “our telephone numbers can be ported to any US or Canadian wireless, VOIP or landline carrier” <https://phonenumberguy.com/carriers/>; VanityNumberMarket, “All numbers can be ported to any US carrier” <https://vanitynumbermarket.com/>.

¹³ See e.g., HelloAirDial, “**Customize your caller ID** - verify your own number or buy a US/Canada virtual number for local presence.” <https://www.helloairdial.com/>

We therefore respectfully suggest that the Commission expand its definition of “reseller” to include entities that offer to port telephone numbers and entities that offer to transmit outbound calls using U.S. telephone numbers, in addition to LECs, CMRS providers, and interconnected VoIPs.

II. The Commission Should Expand NRUF Reporting Obligations, Facilitate Sharing NRUF Data with Enforcement Authorities, and Specify Consequences for Abusing Numbering Resources.

A. *Expanded NRUF Reporting Will Streamline Investigations.*

We support Commission’s proposals to improve numbering assignment reporting requirements by expanding both the information reporting entities must provide and the entities required to complete the Commission’s NRUF reporting form, Form 502. Capturing more information about numbering assignments on Form 502 by creating additional reporting obligations regarding intermediate numbers¹⁴ will have a positive impact on illegal robocall enforcement because it will allow enforcement authorities to use NRUF reports to determine what numbers were put into service and by whom. If this information is available to law enforcement through NRUF reporting it will streamline enforcement efforts to combat illegal calls.

At present, attempting to determine the identity of the end user of a telephone number can be a lengthy, multi-step process. It often starts with issuing a subpoena or other investigative demand to the carrier that has had the subject phone number directly assigned to it by the North American Numbering Plan Administrator (NANPA). Frequently, that carrier has assigned the telephone number to a “wholesale customer,” *i.e.* a reseller, or the carrier has ported the subject

¹⁴ The Commission’s definition of intermediate numbers is adequate. As used in this comment the term intermediate number means “numbers that the provider of record has made available to resellers of their telephone numbers for the purpose of provisioning to such resellers’ end users (including enterprise customers), regardless of whether the numbers are made available on a just-in-time (as needed/ordered by the end users) basis or allocated to the reseller of telephone numbers as inventory for the latter’s exclusive use.”

phone number to another provider. In either case, additional subpoena(s) are necessary to follow the chain of entities that participated in assigning the phone number to the end user. If the phone number has been ported or resold multiple times, then it can take weeks or months of issuing and enforcing successive subpoenas to reach the end of the chain. This process would be shortened if law enforcement could look at NRUF reports, or a compilation of data collected from NRUF reports, to identify the reseller that most recently listed the status of the number on its NRUF report as “intermediate assigned,” or the most recent recipient of a ported number. This entity should have information about the end user of the phone number.

As described above, porting numbers can make it challenging to determine the current end user of a phone number, particularly when the phone number has been ported multiple times. In order to make NRUF reporting a valuable resource for law enforcement in combatting illegal robocalls, we urge the Commission to also require NRUF reporters to state which numbers in their inventory were ported and to whom. Specifically, we suggest that the Commission modify FCC Form 502 to require that direct access recipients and resellers identify each intermediate assigned number in its inventory, whether the number was assigned to an end user or another reseller, and the date of the assignment. NRUF reporters should also identify all numbers they ported from their inventory or received from another provider, the date of the porting, and the entity they ported the number to. If NRUF reports track this information then they would be a potent investigative tool that could shine a light on numbers used in illegal robocalling campaigns.

We agree with the comments of state public utilities commissions that access to NRUF reports and supporting information should be extended to additional enforcement authorities, including state attorneys general.¹⁵ Improving information collected about numbering assignments

¹⁵ *Comments of State Commissions* at pgs. 15-16, Public Service Commission of the District of Columbia, Arizona Corporation Commission, California Public Utilities Commission, Maine Public Utilities

and putting this information into the hands of law enforcement entities, such as state utilities commissions and state attorneys general, will help to ensure responsible stewardship of U.S. phone numbers. NRUF reports could become a useful tool for law enforcement to hold bad actors accountable for making illegal robocalls or for knowingly facilitating illegal calls by furnishing criminals with U.S. phone numbers. The deterrent effect of successful enforcement actions will benefit consumers, small businesses, and legitimate callers.

In summary, the number from which a call is coming can and should provide information about the calling party's identity, but when U.S. phone numbers are assigned en masse to anonymous scammers those phone numbers are as meaningless as illegally spoofed caller IDs. NRUF reporting requirements can help to address this problem by capturing information about who assigned a particular telephone number to an end user that is engaged in illegal robocalling, because identifying the assignor facilitates tracing of illegal calls. The Commission's proposal to expand NRUF reporting requirements to intermediate assigned and intermediate available numbers will improve this ability, particularly if the Commission also requires reporting of ported numbers.

B. The Commission Should Specify Consequences for Knowingly Furnishing Numbers for Illegal Robocalling.

Companies that knowingly furnish telephone numbers to scammers and illegal robocallers can be held liable for facilitating the illegal calls. Existing legal authorities, such as the FTC's telemarketing sales rule which prohibits assisting and facilitating deceptive and abusive telemarketing calls,¹⁶ are applicable to entities that supply illegal callers with telephone numbers, and the Commission's expanded robocall certifications, discussed in section I *supra*, also provide a mechanism for deterring direct recipients of numbering resources and resellers from furnishing U.S.

Commission, Washington Utilities and Transportation Commission, and Public Service Commission of West Virginia, filed June 8, 2026. Available at:

<https://www.fcc.gov/ecfs/document/1060817309537/1>.

¹⁶ 16 C.F.R. § 310.3(b)

numbers to criminals. If the Commission implements its proposal to require resellers to make robocall mitigation certifications, including certifying that they have filed in the robocall mitigation database, then we suggest that removal from the RMD is an appropriate penalty for failing to file or falsifying NRUF reports. We urge the Commission to state explicitly that it will remove providers from the RMD if they fail to file or falsify NRUF reports.

Additionally, the Commission should permit both state utilities commissions and state attorneys general to direct the NANPA to withhold access to numbering resources based on an evidentiary record demonstrating by a preponderance of the evidence that the direct access recipient is knowingly permitting its numbering resources to be used for fraud or other illegal calls. Providing the right to appeal determinations made by state utilities commissions or attorneys general to an appropriate bureau or to the Commission directly could provide an important due process guarantee. The Commission should not be the only “cop on the beat” when it comes to robocall enforcement, and state utilities commissions and state attorneys general are well positioned to investigate and take swift action against providers who flout U.S. laws and regulations.

C. A Provider or Reseller That Does Not Keep Records of Numbers it Directly Assigns to End Users Should Be Presumed to be the Maker of Illegal Calls.

Improved NRUF reporting that makes it easier for law enforcement to identify who assigned a telephone number to an illegal robocaller is of only limited value if resellers and other numbering resource providers do not keep meaningful records that identify the end users of numbers. To help address this issue, we urge the Commission to clarify that any originating voice service provider or reseller who assigns numbering resources directly to an end user without maintaining records of the end user’s identity can be presumed to have made or initiated any calls using the assigned numbers for purposes of the TCPA.

The Commission has long recognized that it is appropriate to “look to the totality of the facts and circumstances surrounding the placing of a particular call” to determine whether someone

who did not take the physical steps necessary to place the call was nevertheless “so involved in placing the call as to be deemed to have initiated it, considering the goals and purposes of the TCPA.”¹⁷ Assigning high volumes of numbers to an unknown user is functionally the same as “willfully enable[ing] fraudulent spoofing of telephone numbers or assist[ing] telemarketers in blocking Caller ID,” which the Commission has noted are relevant factors for determining TCPA liability.¹⁸ Providing anonymous access to phone numbers enables illegal calls, and direct access recipients and resellers who knowingly facilitate fraud should be held responsible for harms caused by those calls.

D. *Limiting Resale to a Single Level Could Harm Consumers.*

Improving NRUF reporting and clarifying that facilitating anonymous access to numbering resources can trigger TCPA liability, as suggested in Sections B and C, *supra*, will be more effective than the Commission’s proposal to limit resale to a single level. Prohibiting resale may harm consumers by limiting their ability to port telephone numbers between carriers.

Consumers have benefited from the ability to port numbers because it allows consumers to keep their phone number when switching service providers, which is convenient and stimulates competition. However, porting phone numbers is one of the ways that phone number resellers operate as discussed in Section I, *supra*. Limiting resale to a single level would prevent resellers from offering “purchase and port” types of number resale services but could interfere with consumers porting their own phone numbers to new carriers. Similarly, if a small business owner sells their business’s assets, restricting resale of phone numbers could prevent them from transferring their business phone number to a purchaser. A blanket restriction on reselling phone numbers could

¹⁷ *In the Matter of Rules & Reguls. Implementing the Tel. Consumer Prot. Act of 1991*, 30 F.C.C. Rcd. 7961 at ¶ 30 (2015).

¹⁸ *Id.*

cause unintended consequences that interfere with the benefits consumers have realized from number portability.

Another reason not to limit resale to a single level is that such a restriction could be easily evaded through opaque arrangements involving call forwarding and call bridging. Call forwarding services transmit a call to another phone number and call bridging services can add parties to an existing call. For example, call forwarding or bridging arrangements could be used so that a telephone number is assigned to one entity but traffic to or from the number is transferred to someone other than the registered user of the phone number. These services could make it even more difficult to understand when a telephone number is in service and who is using it. Creative arrangements using call forwarding and bridging services could be used to provide access to numbering resources without reporting assignment of the telephone number to the entity making or receiving calls through the number, effectively circumventing a restriction on resale. Improved reporting requirements and robust enforcement of existing prohibitions against facilitating illegal robocalls are a better approach because they are not as easily circumvented as restricting resale of numbering resources would be.

III. Number Cycling Should be Prohibited.

Number cycling is an inherently deceptive practice that harms consumers. From the perspective of the called party there is no material difference between a caller ID that reflects a validly assigned number that is used for only a small number of calls then discarded and a spoofed number. In either case, the caller ID presents a misleading picture of the caller, often that the caller is local to the recipient when in fact they may be in another state or another country. Call recipients cannot use search engines or directories to look up telephone numbers used in cycling schemes because the caller cannot publicize its association with a phone number that it only uses on a transient basis. The Commission has encountered number cycling schemes used to further scams

and other illegal calls.¹⁹ As the NPRM points out, calling services openly advertise that number cycling can aid illegal callers in avoiding accountability.²⁰

Number cycling means that call recipients must decide whether to answer a call and possibly encounter an attempted scam or other harmful communication without any meaningful information about the phone number. This exposes subscribers to fraud risk, and because number rotation makes it difficult or impossible to identify the caller, it also burdens or nullifies consumers' rights to make do-not-call requests or bring claims under the TCPA.

The use case for number cycling that the Commission identifies as potentially legitimate—using number rotation to avoid unwarranted blocking or labeling of lawful calls—does not redeem the practice. Callers who believe that their calls are being wrongfully blocked or labeled have numerous remedies that do not involve hiding their identity behind misleading caller IDs. If a lawful call is blocked based on reasonable analytics, the blocking provider is obliged to send a SIP code 603+ which includes a method for redressing erroneous call blocking.²¹ Similarly, callers who believe

¹⁹ See e.g., Public Notice, FCC Enforcement Bureau Notifies All U.S.-Based Providers of Apparently Illegal Robocall Traffic from PhoneBurner Inc. and MV Realty PBC, LLC, File No. EB-TCD-22-00033721 (“PhoneBurner’s software also enables its customers to make robocalls that include false or misleading caller ID—for example, by allowing its customers to match outbound calling number area codes to those of the recipients of their robocalls.”) Available at: <https://docs.fcc.gov/public/attachments/DA-23-65A1.pdf>. MV Realty was subsequently found liable for illegal calling practices by multiple state attorneys general. Office of the Attorney General, State of Florida, Department of Legal Affairs v. MV Realty, LLC et al., Order on Cross Motions for Summary Judgment, Case No. 22-CA-9958, Doc. 538 (FL Cir. Ct. Sept. 24, 2024); Attorney General Jeff Jackson Wins MV Realty Case, Saves North Carolina Homeowners \$18 Million; Company Permanently Banned from State, <https://ncdoj.gov/attorney-general-jeff-jackson-wins-mv-realty-case-saves-north-carolina-homeowners-18-million-company-permanently-banned-from-state/> (Order available at: <https://www.nccourts.gov/assets/documents/opinions/2026%20NCBC%202.pdf?VersionId=.acsQqeTf6bxU4IRGFXqtd2IRPuaM8JM>)

²⁰ NPRM at ¶ 53.

²¹ In the Matter of Advanced Methods to Target & Eliminate Unlawful Robocalls, No. CG17-59, 2025 WL 820883, at *7 (OHMSV Feb. 28, 2025) (“SIP code 603+ will make specific redress information available to callers”). Available at:

terminating carriers are mislabeling their calls can dispute this practice with the carrier. The Communications Act provides multiple means of formally challenging harmful call labeling practices. If a caller believes a carrier's call labeling practices are not "just and reasonable" within the scope of 47 U.S.C. § 201(b), then it can directly challenge the carrier in a lawsuit brought under 47 U.S.C. §§ 206 and 207.²² The law even authorizes recovery of attorney fees for successful suits.²³ The Communications Act also allows a caller to file a complaint regarding mislabeling with the Commission, and obligates the Commission to investigate and issue an order adjudicating the dispute within five months.²⁴

If undisputably lawful calls are blocked or mislabeled at such high rates that callers have no option but to resort to number cycling, then it is puzzling that none of these lawful callers has addressed the problem through the normal channels set forth in the law for handling such disputes. One would think that the ability to cultivate goodwill and consumer trust by using a consistent phone number for outbound calls would motivate lawful callers to bring legal action to address erroneous call blocking and labeling. The absence of such challenges strongly indicates that concerns about call blocking and labeling are in many instances a smoke screen for callers who use number cycling to hide their identities and avoid accountability for unlawful calls. We urge the Commission to unequivocally prohibit number cycling.

One approach the Commission could consider is clarifying or amending its regulation requiring telemarketers to transmit caller identification information, 47 C.F.R. § 64.1601(e). When

<https://www.federalregister.gov/documents/2025/03/24/2025-04811/advanced-methods-to-target-and-eliminate-unlawful-robocalls>.

²² See *Glob. Crossing Telecommunications, Inc. v. Metrophones Telecommunications, Inc.*, 550 U.S. 45, 53 (2007) (§§ 206 and 207 authorize federal district court actions for damages arising from carrier practices which are unjust or unreasonable).

²³ 47 U.S.C. § 206.

²⁴ 47 U.S.C. § 208.

promulgating this regulation the Commission stated: “The Commission recognizes that adequate identification information is vital so that consumers can determine the purpose of the call, possibly make a do-not-call request, and monitor compliance with the TCPA rules.”²⁵ Number cycling undercuts a consumer’s ability to do any of these vital objectives. Currently, the regulation requires transmission of caller identification information that “must include either [calling party number] or [automatic numbering information], and, when available by the telemarketer’s carrier, the name of the telemarketer.” This requirement could easily be clarified or amended to help address the problems caused by number cycling.

For instance, the Commission could clarify that transmitting a telephone number that is only associated with the caller for a short time does not satisfy the telemarketer’s obligation to provide caller identification information. This would effectively prohibit telemarketing from using number cycling featuring short term number assignments, and it would also help clarify that providers who make numbering resources available to telemarketers on a short term or trial basis are knowingly facilitating illegal calls and can be held accountable for that conduct.

Separately and in addition to directly prohibiting number cycling, we urge the Commission to consider strengthening its regulations requiring telemarketers to transmit identifying information to call recipients. We believe many callers use number cycling to hide their identity to escape accountability for illegal calls, and strengthening caller ID requirements can also address this unfair and deceptive practice. Specifically, the Commission should consider amending 47 C.F.R. § 64.1601(e) to remove the loophole that allows telemarketers to avoid transmitting their names if that service is not available from the telemarketer’s carrier. This would discourage number cycling, because if telemarketers were required to transmit their names in all instances, then number cycling

²⁵ Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991, 68 FR 44144-01 at ¶ 104.

would not offer such a convenient way to obfuscate their identity. Also, providers could be held liable if they were knowingly carrying telemarketing traffic that did not also attempt to transmit the caller's name.

This amendment would be even more effective if the Commission also clarified that the name the telemarketer transmits must be associated with the telemarketer's phone number and physical address in a publicly accessible directory or website. This would help to ensure that consumers can use a search engine to verify that caller identification information is associated with a real, identifiable company. Although these proposals would not directly prohibit number cycling, we believe that number cycling is unlikely to persist as a practice if it becomes a source of liability for telemarketers who use it to avoid transmitting meaningful caller ID and providers who knowingly facilitate their illegal calls.

Conclusion

We applaud the Commission for undertaking this effort to combat illegal robocalling through numbering policy and regulation, and we thank the Commission for the opportunity to comment on this important issue.

Respectfully submitted this July 2, 2026 by:

Patrick Crotty
Senior Attorney
National Consumer Law Center
1001 Connecticut Ave., NW
Washington, D.C. 20036
pcrotty@nclc.org

David Springe
Executive Director
National Association of State Utility Consumer Advocates (NASUCA)
8777-B Piney Orchard Pkwy, Suite 173
Odenton, Md 21113
(785) 550-7606 (mobile)
david.springe@nasuca.org
www.NASUCA.org