

Testimony of the Maine Public Utilities Commission

In Support of

LD 2234, An Act to Require Telephone Solicitors to Use the Reassigned Numbers Database

TESTIMONY OF KEVIN GREEN, SENIOR DIRECTOR, EXTERNAL RELATIONS, SOMOS, INC.

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Good afternoon:

Senator Lawrence, Representative Ziegler, and Honorable Members of the Joint Standing Committee on Energy, Utilities, and Technology committee. My name is Kevin Green and I'm the Senior Director for External Relations of Somos, Inc. Testifying in support of LD 2234, "An Act to Require Telephone Solicitors to Use the Reassigned Numbers Database".

Somos operates the RND pursuant to a contract with the Federal Communications Commission, or FCC.

The FCC created the RND in order to stop one specific type of robocall – calls placed to numbers that are no longer with the subscribers that gave the telemarketer consent to call that number. Every carrier reports monthly to the RND every number that has been disconnected during the past month, and that information is then queried by legal telemarketers. By querying the RND, businesses can avoid calling or texting a number that has been reassigned to a new subscriber who has not given consent to be called. The consent given to an entity ends when the phone number is permanently disconnected.

To illustrate how this works, let me give you an example. I live in Maryland right now. I've given a Walgreens or CVS for example, permission to call and text me on my cellphone with a 301 area code about vaccines and prescriptions. But now, after being here today, I'm moving to Maine, and I'm so committed to the idea that the first thing I do here is give up my 301 phone number and get a new phone with a 207 area code, so people know I'm here in Maine to stay. But like probably 99% of all people, I have neglected to let CVS know that I've got a new number.

After the mandatory 45 day aging period, Verizon has recycled my old Maryland cell number and it is now with a new subscriber. When CVS goes to call me about my prescription, they won't get me when they call that 301 number. They'll get the new subscriber. And that call to the new person on my old phone number is, by definition, an illegal robocall. It is a nuisance to the subscriber who has my old number and it is bad for CVS, both because they are making an illegal robocall and they are wasting their time and resources on a call that should never happen. If CVS uses the RND they will be able to determine that the number is no longer associated with the customer that they have consent to contact, and therefore they can remove

that telephone number from the database, prevent that call or text from ever happening and gain the safe harbor bonus from TCPA (Telephone Consumer Protection Act) liability.

Use of the Reassigned Numbers Database was not mandated by the FCC, but was strongly encouraged by giving legal telemarketers a “safe harbor” for calling/texting a number that has been reassigned but somehow wasn’t transmitted to the Reassigned Numbers Database. This is a good incentive for any entity that calls or texts as part of their business practices.

- Another agency, the Consumer Financial Protection Bureau, included the use of the RND as part of the November 2021 amendment to the Fair Debt Collection Practices Act (FDCPA), related to how debt collectors make text contacts. The RND is noted as a “complete and accurate database” to confirm that a telephone number has not been reassigned.
- In January 2023 the FCC issued a declaratory ruling clarifying how the Dept of Health and Human Services, and its partners can comply with the TCPA and verify the prior express consent they have received by checking the RND to identify numbers that have been disconnected and possibly reassigned. The declaratory ruling encourages robocallers and robotexters to make use of the RND to take advantage of the safe harbor and potentially avoid TCPA liability.
- At the end of 2023, the Office of the Comptroller of Currency (OCC) issued an alert to the Chief Executive Officers of All National Banks, Federal Savings Associations, and Federal Branches and Agencies advising of new examination rules in connection with the TCPA, including safe harbors for callers that check the FCC’s Reassigned Numbers Database.

The RND was first operational in 2022 and the data to date tells a compelling story. Here are a few statistics:

- There are over 421 million Telephone Numbers in the RND-the database continues to grow at roughly 20 million numbers monthly.
- There have been over 2.3 billion queries of the RND since the General Availability back on November 1, 2021.
- Over 160 million calls/texts to the wrong person *potentially* avoided, thanks to the Reassigned Numbers Database.

That is why, today, you are contemplating requiring telemarketers in Maine to check the RND before making their permitted robocalls. Not only is this a great benefit for the people of Maine, so they don’t get robocalls meant for someone else, but it is good for enterprises that do legal, consented calling to make sure they are reaching their intended party and avoiding violations and potential liability.