



October 4, 2017

**NPAC Service Representative, 8C802H**

**100 Somerset Corporate Blvd.**

**Bridgewater, NJ 08807**

**WDNC@iconectiv.numberportability.com**

**RE: Ported numbers database users are not just “telemarketers”**

I am writing on behalf of the Insights Association to express industry-wide concern about the terminology you have chosen to use to refer to users and prospective users of the ported numbers database. Not all entities accessing the database are “telemarketers” or engaged in “telephone marketing” and as the next Local Number Portability Administrator (LNPA), iconectiv is responsible for using the correct terminology when referring to users and prospective users of the ported numbers database.<sup>1</sup> The current website for the NPAC transition does not do this.

The Insights Association,<sup>2</sup> the leading and largest nonprofit association for the marketing research and analytics industry, represents many entities who need access to the database. They need access because they are users of devices designated by the Federal Communications Commission’s 2015 Telephone Consumer Protection Act (TCPA) regulations as automatic telephone dialing systems, and must have prior express consent before using such systems to call a cell phone user. If a landline number gets ported to a cellular service, our members need to know in order to comply with TCPA.

Researchers seek to determine the public’s opinion and behavior regarding products, services, brands, candidates, issues and other topics. Such information is used to develop new products, improve services, and inform policy. Research by definition does not execute either a sales or marketing function with call recipients, and is as such completely different from telemarketing.

Referring to all entities that have legitimate business needs to access the Intermodal Ported Telephone Number Identification Service (also known as the “Wireless Do Not Call (WDNC) service”) as “telemarketers” or “users who engage in the business of telephone marketing”<sup>3</sup> encourages consumer and regulatory confusion regarding the types of entities who require access to WDNC. In fact, a significant portion of iconectiv’s future users will be conducting survey, opinion and marketing research, whose calls are legally and ethically distinct from telemarketing.

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<sup>1</sup> <https://www.numberportability.com/>

<sup>2</sup> The Insights Association’s membership includes both research and analytics companies and organizations, as well as the researchers and research departments inside of non-research companies and organizations. The Insights Association helps empower intelligent business decisions as a voice, resource, and network for the companies and individuals engaged in this important work.

<sup>3</sup> <https://www.numberportability.com/transition/>

We recognize that the text on the transition website may have been primarily adapted from Neustar's website,<sup>4</sup> which also focused on telemarketing. However, now that iconectiv has been entrusted with administration, we would encourage you to meet a higher standard of accuracy. The Insights Association urges you to use more precise and nuanced terminology that would encompass all users of the ported numbers database, such as "dialers" or "autodialer users."

We look forward to speaking with you in furtherance of this goal.

Sincerely,



Howard Fienberg  
Director of Government Affairs  
Insights Association

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<sup>4</sup> <https://www.npac.com/the-npac/access/wireless-do-not-call-compliance>