



October 4, 2018

**Ex Parte**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Rural Call Completion: WC Docket No. 13-39

Dear Ms. Dortch:

On Tuesday, October 2, 2018, Michele Cober (Verizon), Nick Alexander (CenturyLink), Steve Long (Windstream), and the undersigned met with Daniel Kahn, Zachary Ross, Alex Espinoza, and Melissa Kinkel and Heather Hendrickson (who both participated by phone) of the Wireline Competition Bureau (Bureau) of the Federal Communications Commission (Commission). The purpose of the meeting was to discuss the establishment of service quality standards and other issues related to the above referenced proceeding and the implementation of the Improving Rural Call Quality and Reliability Act of 2017 ("RCC Act").<sup>1</sup>

During our meeting, we discussed various issues consistent with USTelecom's filings in this proceeding.<sup>2</sup> In particular, we said the Commission should adopt service quality standards for Intermediate Providers that mirror the flexible, standards-based approach it adopted for Covered Providers in the 2nd RCC Order.<sup>3</sup> We pointed out that Covered Providers and Intermediate Providers have the same obligations to ensure that calls that originate or are passed to their networks are delivered to called party, either directly or indirectly. Therefore, if a reasonable performance monitoring system is sufficient regulation for Covered Providers, it should be sufficient regulation for Intermediate Providers as well.

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<sup>1</sup> Improving Rural Call Quality and Reliability Act of 2017, Pub. L. No. 115-129 (2018) (the "RCC Act").

<sup>2</sup> See, Comments of USTelecom – the Broadband Association, WC Docket No. 13-39, pp. 2 – 5 (submitted June 4, 2018) (*USTelecom Comments*); Reply Comments of USTelecom – the Broadband Association, WC Docket No. 13-39 (submitted June 19, 2018) (*USTelecom Reply Comments*).

<sup>3</sup> See, *In the Matter of Rural Call Completion, Second Report and Order and Third Further Notice of Proposed Rulemaking*, WC Docket 13-39, FCC 18-45, ¶ 24 (Apr. 17, 2018) (2<sup>nd</sup> RCC Order).

We noted that this approach was explicitly contemplated by the Senate Commerce Committee in its report accompanying the RCC Act. It stated that the service quality standards adopted by the Commission could include “the more general adoption of duties to complete calls analogous to those that already apply to covered providers under prior Commission rules and orders.”<sup>4</sup> Given that Congress clearly viewed the Commission’s established rules for Covered Providers as sufficient to apply to Intermediate Providers, we encouraged it to adopt this approach, since it will enable both the Commission and industry to more effectively and rapidly adapt to changing dynamics in the rural call completion environment.

We also emphasized that USTelecom’s members – and others in voice industry – are both Covered Providers and Intermediate Providers, with their designation changing from call to call. We pointed out that it would be unduly burdensome to adopt different rules for Intermediate Providers since it would be, as a practical matter, highly burdensome for these providers to adopt different monitoring standards on a call-to-call basis. Given that Covered Providers and Intermediate Providers largely use the same network facilities, routing tables, and performance monitoring systems, we noted that aligning the monitoring framework would be far more efficient, and therefore much more effective.

We also said the Commission should refrain from mandating specific industry best practices for Intermediate Providers. We noted that a rigid, a ‘one-size-fits-all’ approach would prevent companies from choosing the practices best suited to their networks and customers, and that imposing identical practices on all companies could create inefficiencies for different companies and may fail to produce the desired impact on call completion. Given the significant diversity of effective company best practices – combined with fact that many carriers have suitable best practices in place – we said there was no need for the Commission to specify or mandate them.

Finally, we encouraged the Commission to expeditiously sunset the recording and retention rules established in its original 2013 RCC Order given the cost and expense associated with recording and retaining such data, and limited value in the data itself. We pointed out that the Commission acknowledged in its 2<sup>nd</sup> RCC Order that the “data quality issues have limited [the Wireline Bureau’s] ability to use the collected data,” and that the Commission was prevented from “using the data to draw firm conclusions about the source of rural call completion problems.”<sup>5</sup> We noted that it would make little sense for the Commission to continue to require providers to record and retain data that neither the Commission nor the carriers use, or find useful for analysis of, rural call completion issues. The Commission previously noted (when eliminating the reporting requirement) that the “value of the recording

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<sup>4</sup> Report of the Committee on Commerce, Science, and Transportation On S. 96, Improving Rural Call Quality and Reliability Act of 2017, Report 115-6, March 21, 2017, p. 6 (available at: <https://www.congress.gov/115/crpt/srpt6/CRPT-115srpt6.pdf>) (visited October 3, 2018).

<sup>5</sup> 2<sup>nd</sup> RCC Order, ¶ 59.

and retention rules will diminish.”<sup>6</sup> With the full implementation of the RCC Act imminently approaching, the time has come to eliminate these remaining ineffectual requirements.

Pursuant to Commission rules, please include this ex parte letter in the above identified proceeding.

Sincerely,



Kevin G. Rupy  
Vice President, Law & Policy

cc: Daniel Kahn  
Zachary Ross  
Alex Espinoza  
Melissa Kinkel  
Heather Hendrickson

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<sup>6</sup> 2nd RCC Order, ¶ 64.