



March 6, 2019

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *In the Matter of Rural Call Completion, Fourth Report and Order, WC Docket No. 13-39.*

Dear Ms. Dortch:

CTIA supports the Federal Communications Commission's (Commission) goal of ensuring that all Americans have access to reliable communications services. CTIA and its members are committed to ensuring calls are completed to urban and rural areas alike. Therefore, CTIA applauds the Commission's commitment to rural call completion (RCC) and its swift implementation of the Improving Rural Call Quality and Reliability Act of 2017 (RCC Act). The circulated draft *Fourth Report and Order* proposes to take important additional steps to implement the RCC Act to ensure that calls are completed.¹ Given these substantial steps, the draft *Fourth Report and Order* would also sunset the remaining RCC data recording and retention requirements one year after the intermediate provider quality standards required by the RCC Act become effective.²

CTIA supports the elimination of the remaining RCC recording and retention rules. Sunsetting those rules is consistent with the Commission's recognition that the rules have imposed burdens without contributing to solving RCC issues.³ Imposing such burdens without

¹ See *In re Rural Call Completion, Fourth Report and Order, WC Docket No. 13-39, FCC-CIRC 1903-07* (released Feb. 22, 2019), <https://docs.fcc.gov/public/attachments/DOC-356303A1.pdf> (*Fourth Report and Order*).

² *Id.* at 16-19 ¶¶ 40-48.

³ See, e.g., Comments of CTIA at 4-7, WC Docket No. 13-39 (June 4, 2018) (CTIA Third FNPRM Comments); Comments of CTIA at 3-6, WC Docket No. 13-39 (Aug. 28, 2017). Indeed, the Wireline Competition Bureau has found, and the Commission has



countervailing benefits is not in the public interest. Accordingly, the draft correctly finds that “the few, if any, benefits the call data offers do not outweigh the burden presented by having covered providers collect and retain data that is not useful in monitoring or remedying call completion issues.”⁴

Further, as the draft recognizes, because the data “is not useful to covered providers in alleviating rural call completion issues,” the existing recording and retention requirements place “covered providers in the position of maintaining one pre-packaged set of data for rural call completion rule compliance only.”⁵ The mandate is particularly costly for covered providers.⁶ These costs will continue so long as the recording and retention rules require covered providers to ensure that routine network changes allow them to capture the necessary data.⁷

Continuing to impose the burden of these rules on *all* covered providers also is inconsistent with the findings and recommendations in the Wireless Competition Bureau’s *2017 RCC Data Report*.⁸ To the extent any information could be gleaned from the data, the *2017 Data Report* found that the data suggested that “individual provider performance is a significant factor,” and that RCC issues were *not* a “systemic problem.”⁹

Finally, CTIA agrees that it is appropriate to sunset the rules and eliminate the burdens on covered providers given the other tools that are now at the Commission’s disposal to ensure

recognized, that these remaining rules have not proven effective and have not meaningfully assisted the Commission in pursuing enforcement actions. See *In re Rural Call Completion*, Report, 32 FCC Rcd 4980 (WCB 2017) (*2017 RCC Data Report*); *In re Rural Call Completion*, Second Report and Order and Third Further Notice of Proposed Rulemaking, 33 FCC Rcd 4199, 4225-27, 4238-39 ¶¶ 61-64, 109-110 (2018) (*Second Report and Order and Third FNPRM*).

⁴ *Fourth Report and Order*, at 16 ¶ 40.

⁵ *Id.* at 18 ¶ 43.

⁶ See CTIA Third FNPRM Comments at 4-5 & n.16 (explaining that routine network changes can require tens or even hundreds of hours of work in order to update systems and to ensure that the necessary data will be captured—resulting in multi-million dollar price tags).

⁷ The Commission also appropriately declined to adopt any *new* recording and retention requirements to avoid imposing a second round of burden and cost on covered providers.

⁸ *2017 RCC Data Report*, 32 FCC Rcd at 4995-96 ¶¶ 38-39.

⁹ CTIA Third FNPRM Comments at 5-6 (quoting *2017 RCC Data Report*, 32 FCC Rcd at 4986 ¶ 17).



that calls are completed. The new RCC monitoring rule¹⁰ and the intermediate provider quality standards required by the RCC Act, and which the *Fourth Report and Order* proposes to adopt, should appropriately address remaining RCC issues. Thus, CTIA supports the draft *Fourth Report and Order's* conclusion that arguments advanced for retaining the rules are unconvincing.¹¹

For the foregoing reasons, CTIA urges the Commission to adopt the draft *Fourth Report and Order's* proposal to sunset the remaining RCC recording and retention rules.

Sincerely,

/s/ Matthew Gerst

Matthew Gerst
Vice President, Regulatory Affairs

¹⁰ See *Second Report and Order and Third FNPRM*, 33 FCC Rcd at 4226 ¶ 63 (“The monitoring rule we adopt will be more effective in promoting covered provider compliance and facilitating enforcement where needed than the reporting rules because the monitoring rule imposes a direct, substantive obligation and because the reporting rules have proven to be not as effective as originally hoped.”).

¹¹ CTIA agrees that because the monitoring requirement allows considerable flexibility, continuing the one-size-fits-all data recording and retention requirements would only “stifle this flexibility, and would in practice, prescribe monitoring practices.” *Fourth Report and Order*, at 18 ¶ 44. Likewise, there is no evidence in the record suggesting that “covered providers with a good track record of completing calls would suddenly assume bad call completion practices, and risk violating the Commission’s call completion rules, as a result of the removal of the recording and retention requirements.” *Id.* at 18 ¶ 45.