



The Internet & Television Association
25 Massachusetts Avenue, NW | Suite 100
Washington, DC 20001
(202) 222-2300

Steve Morris
Vice President &
Associate General Counsel
o (202) 222-2454 e smorris@ncta.com

April 5, 2018

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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

On April 5, 2018, Steve Morris and Jennifer McKee of NCTA – The Internet & Television Association (NCTA), and Thomas Cohen of Kelley Drye & Warren, on behalf of the American Cable Association (ACA), met with Jay Schwarz, Wireline Advisor to Chairman Pai, to discuss the draft Second Report and Order and Third Further Notice of Proposed Rulemaking under consideration in the above-referenced proceeding.¹ On April 3, 2018, Mr. Morris and Mr. Cohen met with Amy Bender, Legal Advisor to Commissioner O’Rielly, to discuss the same item.

ACA and NCTA appreciate the Commission’s continuing interest in resolving rural call completion problems without imposing undue burdens on providers. We expressed support for the proposed decision to eliminate reporting obligations of covered providers in connection with rural call completion, as well as the proposed decision not to impose specific call completion metrics on covered providers. These actions eliminate regulatory “underbrush” without undermining the Commission’s goal of reducing call completion problems.

As for new requirements imposed on originating providers pursuant to the Draft Order, we explained that they should reflect the fact that the Commission’s enforcement actions have focused almost entirely on the failure of intermediate providers, not originating providers, to complete calls and that intermediate providers also are the focus of the recently enacted Improving Rural Call Quality and Reliability Act. Accordingly, ACA and NCTA expressed concern that portions of the Draft Order suggest that originating providers are solely responsible any time a call fails to complete. We encouraged the Commission to revise a number of paragraphs in the Draft Order, as well as Section 64.2111 of the rules proposed in the Draft Order, to clarify that the rules focus on persistent problems with rural call completion by originating or intermediate providers, and not

¹ *Rural Call Completion*, WC Docket No. 13-39, Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC-CIRC1804-04 (rel. Mar. 27, 2018) (Draft Order).

isolated call failures, which have always been inherent in the exchange of voice traffic and can be the result of issues anywhere in the call path, including the terminating end of the call.

ACA and NCTA also encouraged the Commission to provide clearer guidance regarding the monitoring obligation that will be imposed on originating providers. We explained that all monitoring of intermediate providers necessarily occurs through the contract with an intermediate provider and that “direct monitoring” is only feasible with the first intermediate provider in the call path and not with subsequent intermediate providers. We also encouraged the Commission to explicitly state that an originating provider that engages in reasonable monitoring efforts will not be held responsible under the proposed rules for conduct of intermediate providers that is not identified, or could not be identified, through such monitoring efforts.

Finally, ACA and NCTA explained that compliance with the proposed rules will require every originating provider to review all of its contracts with intermediate providers and to renegotiate many of those agreements. Given the complex and time-consuming nature of this task, we encouraged the Commission to provide a 12-month transition period before any new rules take effect.

Respectfully submitted,

/s/ **Steven F. Morris**

Steven F. Morris

cc: J. Schwarz
A. Bender