

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In The Matter of)	
)	
)	
Rural Call Completion)	WC Docket No. 13-39
)	

COMMENTS OF CTIA

CTIA¹ hereby submits these comments in response to the Third Further Notice of Proposed Rulemaking (“*FNPRM*”) issued by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding.²

I. INTRODUCTION.

CTIA and its members support the Commission’s goal of ensuring that all Americans have access to reliable communications services and are committed to ensuring calls are completed to urban and rural areas. CTIA believes the Commission’s recently adopted monitoring rule and Congress’s efforts in the Improving Rural Call Quality and Reliability Act of 2017 (“RCC Act”),³ will address the remaining rural call completion issues. The FCC’s monitoring rule is a targeted and effective means to ensure that covered providers are taking the

¹ CTIA® (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association’s members include wireless carriers, device manufacturers, and suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry, and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

² *In re Rural Call Completion*, Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC 18-45, WC Docket No. 13-39 (rel. Apr. 17, 2018) (*FNPRM*).

³ Pub. L. No. 115-129, 132 Stat. 329 (2018) (*RCC Act*).

reasonably necessary steps to complete calls to rural areas. In addition, the RCC Act provides the Commission with authority to directly regulate intermediate providers and to set standards for those providers—who are often closest to many of the rural call completion issues that arise.

Given these new tools, the Commission’s existing Rural Call Completion (“RCC”) recording and retention rules are unnecessary and should be eliminated. The recording and retention rules impose undue burdens and, as the Wireline Competition Bureau (Bureau) has found, the rules do not meaningfully assist the Commission in pursuing enforcement actions.⁴ Accordingly, CTIA urges the Commission to eliminate the recording and retention requirements immediately.

II. THE COMMISSION’S MONITORING RULE AND THE RCC ACT ARE TARGETED TO ENSURE CALLS ARE COMPLETED TO RURAL AREAS.

The FCC’s recently adopted monitoring rule requires covered providers to monitor the performance of each intermediate provider with which they contract and, based on the results of that monitoring, to take steps reasonably calculated to correct any identified performance problem.⁵

CTIA believes that the new monitoring rule supplies a more targeted means for the Commission to address call completion issues than the Commission’s existing recording, retention, and recently repealed reporting rules do. Indeed, the Commission has already concluded as much, finding that the new monitoring rule “will be more effective in promoting covered provider compliance and facilitating enforcement” because it “imposes a direct,

⁴ See *In re Rural Call Completion*, Report, 32 FCC Rcd 4980, 4995-96 ¶ 38 (WCB 2017) (2017 RCC Data Report).

⁵ *FNPRM* ¶ 15. CTIA particularly appreciates the Commission’s decision to allow covered providers flexibility in how they monitor intermediate providers, which permits covered providers to use methods that best align with each covered provider’s network practices. *Id.* ¶¶ 18-19.

substantive obligation and because the reporting rules have proven to be not as effective as originally hoped.”⁶ The Commission also concluded that “establishing a new rule with more detailed guidelines will enhance [the Commission’s] ability to take enforcement action and provide additional certainty to covered providers regarding the actions they must take.”⁷

The new monitoring rule requires covered providers to prospectively monitor intermediate providers’ performance. To do so, covered providers must document their process to evaluate and prevent problems through regular observation and periodic evaluation.⁸ The Commission explained that compliance with the new monitoring rule “must involve” the comparison of rural to non-rural areas, based on any measures reasonably calculated to evaluate call completion efficacy.⁹

The RCC Act also provides additional tools to ensure rural calls are completed by giving the Commission authority to monitor rural call completion and to ensure that intermediate providers are connecting calls to rural areas.¹⁰ The transparency provided through registration of intermediate providers will ensure that the Commission has necessary visibility into the call paths used to route traffic to rural areas. And the quality standards that the Commission adopts for intermediate providers,¹¹ who are often closest to many of the rural call completion issues that arise, will also prove critical to ensuring that all parties involved in completing calls to rural Americans are held accountable for their practices.

⁶ *Id.* ¶ 63.

⁷ *Id.* ¶ 16.

⁸ *Id.* ¶ 17.

⁹ *Id.* ¶ 18.

¹⁰ *RCC Act* § 2, 132 Stat. at 329-31; 47 U.S.C. § 262.

¹¹ *RCC Act* § 2, 132 Stat. at 329; 47 U.S.C. § 262(a)(2).

In short, the new monitoring rule and the Commission's oversight of intermediate providers pursuant to the RCC Act are targeted to ensure calls are completed to rural areas.

III. THE COMMISSION SHOULD ELIMINATE THE BURDENSOME AND UNNECESSARY RECORDING AND RETENTION RULES IMMEDIATELY.

In adopting the new monitoring rule, the Commission recognized that the recently repealed reporting rule and the existing recording and retention rules, failed to address rural call completion concerns. Thus, the *FNPRM* seeks comment on eliminating the recordkeeping and retention requirements in conjunction with the Commission's implementation of the RCC Act.¹² As CTIA and its members have done previously,¹³ CTIA urges the Commission to eliminate the recording and retention rules to reduce the substantial, unnecessary costs imposed on covered providers. The burden on providers is particularly acute given the Commission's other tools to ensure that rural calls are completed. The new monitoring rule and RCC Act render obsolete whatever remaining utility the recording and retention requirements might have had.

Although CTIA applauds the Commission's decision to eliminate the reporting requirement,¹⁴ covered providers must continue to comply with the recording and retention rules.¹⁵ Recording information about each call attempt made to a rural Operating Company Number (OCN), and retaining that information for a period of six months, imposes significant costs on covered providers. As CTIA and its member companies have noted before, routine network changes can require tens or even hundreds of hours of work in order to update their

¹² *FNPRM* ¶ 109.

¹³ CTIA Comments at 3-6, WC Docket No. 13-39 (Aug. 28, 2017) ("CTIA Comments"); AT&T Comments at 4, WC Docket Nos. 13-39, 10-90, 16-363 (Aug. 28, 2017) ("AT&T Comments"); Verizon Comments at 2-5, WC Docket No. 13-39 (Aug. 28, 2017) ("Verizon Comments"); Sprint Comments at 3-7, WC Docket No. 13-39 (Aug. 28, 2017) ("Sprint Comments").

¹⁴ *FNPRM* ¶¶ 57-64.

¹⁵ 47 C.F.R. §§ 64.2101, 64.2103(a).

systems and to ensure that the data necessary to comply with the recording and retention rules are captured. Implementing these changes involves multi-million dollar price tags.¹⁶

These costs are particularly unnecessary in light of the Bureau’s conclusion that the data do not meaningfully assist the Commission’s public policy goals or “aid enforcement action when necessary.”¹⁷ Indeed, eliminating the recording and retention requirements would be consistent with the findings and recommendations in the Bureau’s *2017 RCC Data Report*, which concluded that the existing rules have not been effective to help address rural call completion concerns and should be eliminated in their entirety.¹⁸

Specifically, as the *2017 RCC Data Report* found, the recording and retention rules have not led to any increase in the rural call completion rate and, in any event, the data suffer from a number of methodological problems that hinder its utility to the Commission.¹⁹ The Bureau found that data quality issues limited the Commission’s ability to draw conclusions about the source of rural call completion problems.²⁰ In fact, the *2017 RCC Data Report* concluded that what information *could* be discerned from the data suggests that “individual provider

¹⁶ CTIA Comments at 3-4; AT&T Comments at 3; Verizon Comments at 4; Sprint Comments at 6 (noting that “[t]he individual burden was previously estimated by various covered carriers to be in the millions of dollars – \$6.8 million per year for Sprint alone” and that “every time Sprint introduces a new service or revises call flows, it must devote IT and other development resources to ensure that covered traffic is properly identified, recorded, reported and retained” such that Sprint has had to “delay the transition of a significant percentage of its wireless traffic”); *Paperwork Reduction Act Comments of Sprint Corporation, In re Information Collection Submitted for Review and Approval to the Office of Management and Budget* at 2, OMB Control No. 3060-1186, WC Docket No. 13-39(Dec. 15, 2014) (citing Sprint and other providers’ compliance costs—each in the millions of dollars).

¹⁷ *2017 RCC Data Report*, 32 FCC Rcd at 4981 ¶ 38.

¹⁸ *Id.* at 4995-96 ¶¶ 38-39.

¹⁹ *Id.* at 4988, 4995-96 ¶¶ 19, 38.

²⁰ *Id.* at 4995-96 ¶ 38.

performance is a significant factor in assessing rural call completion problems,” rather than a “systemic problem.”²¹ In light of these conclusions, to require *all* covered providers to collect these data—data which have been unhelpful to the Commission and which suffer from quality issues—is particularly unwarranted.

Notably, the Commission declined to adopt any *new* recording and retention requirements because of the costs that any new requirements would impose and the unlikelihood that any new requirements would provide data that are meaningfully more helpful.²² The same rationale supports eliminating the existing RCC recording and retention rules as well. The Commission noted the “significant resources providers expended to develop and build data systems to comply” with the rules are now “sunk costs,” and therefore covered providers should not be forced to “incur a second round of burdens and costs to comply with modified or new” rules that “likely would be as ineffective as their predecessors.”²³ Unfortunately, these unnecessary costs continue even under the existing RCC recording and retention rules. So long as covered providers must ensure that any routine network changes allow them to capture and retain the data required under the recording and retention rules, providers are incurring costs to comply with rules the Bureau has determined are ineffective.

Moreover, to mandate that covered providers continue to collect and retain that information—on top of implementing processes to comply with the Commission’s new monitoring requirement—is unreasonable and unduly burdensome. In fact, the Commission pointed to the data’s problems as a justification for allowing covered providers flexibility in

²¹ *Id.* at 4986 ¶ 17.

²² *FNPRM* ¶ 62.

²³ *Id.* (quoting Verizon Comments at 4).

determining how best to compare rural and non-rural areas under the new monitoring rule.²⁴ In light of those challenges, the Commission elected to “encourage providers to explore and test a wide range of approaches and, where successful, share those solutions with industry peers and the Commission.”²⁵ To nevertheless continue to mandate that covered providers collect data on all calls in the rigid format required by the existing RCC recording rule would be inconsistent with this approach. Retaining these rules is likewise in tension with the Commission’s recognition that covered providers must have flexibility to determine standards and methods best suited for their individual networks.²⁶

For all of these reasons, the Commission should immediately eliminate the recording and retention rules.

IV. CONCLUSION.

CTIA supports the Commission’s policy goals, the adoption of the new monitoring rule, and the RCC Act. These new tools are targeted to ensure calls are completed to rural areas and render the burdensome recording and retention rules unnecessary. CTIA therefore respectfully urges the Commission to adopt the Bureau’s recommendation and eliminate the recording and retention rules immediately.

²⁴ *Id.* ¶ 18 (“Covered providers may make this comparison based on any measures reasonably calculated to evaluate call completion efficacy.”); *id.* (noting that there are “some challenges [to] metrics-based evaluations” (citing *2017 RCC Data Report*, 32 FCC Rcd at 4989-95 ¶¶ 20-37)).

²⁵ *Id.*

²⁶ *Id.*

Respectfully submitted,

/s/ Krista L. Witanowski

Krista L. Witanowski
Assistant Vice President, Regulatory Affairs

Thomas C. Power
Senior Vice President and General Counsel

Scott K. Bergmann
Senior Vice President, Regulatory Affairs

Matthew Gerst
Assistant Vice President, Regulatory Affairs

CTIA
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036
(202) 785-0081

June 4, 2018