

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**COMMENTS OF INTELIGENT**

Inteligent, Inc. (“Inteligent”), by counsel, files these comments in response to the *Second Report and Order* and *Third Further Notice of Proposed Rulemaking* that the Commission adopted in the above captioned proceeding.<sup>1</sup>

As an intermediate service provider that directly serves over 600 rural local exchange carriers, Inteligent supports the Commission’s ongoing efforts to improve rural call completion. Towards that end, we encourage the Commission to require intermediate providers to implement industry best practices and weekly performance self-monitoring, which will improve completion rates for rural Americans. At the same time, the Commission can go further in improving call completion by limiting the number of intermediate providers permitted in a call path to no more than a total of three. In addition, Inteligent agrees that requiring each provider in the call path to use only a registered provider when it hands off its traffic will improve accountability.

Inteligent also encourages the Commission to take notice of new call blocking schemes perpetrated by parties that co-own high-volume calling platforms (e.g., “free” conferencing services) and networks that have direct connections into those traffic-stimulating platforms. These schemes involve the intentional rejection of calls by the LEC and/or the high-volume

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<sup>1</sup> *Rural Call Completion*, WC Docket No. 13-39, Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC 18-45 (rel. Apr. 17, 2018) (*Second R&O* and *Third FNPRM*).

calling platform *unless* the calls are routed over the high-volume calling provider's own network, rather than over the "regulated path" specified by the LEC in the Local Exchange Routing Guide (the "LERG"). This cynical scheme seeks to profit from covered and intermediate providers' ongoing efforts to complete all rural calls successfully. While it is clear that covered and intermediate providers are not responsible for completion of the rejected traffic in this scenario,<sup>2</sup> the Commission should take action to prevent these schemes altogether as they undermine the integrity of the regulated telephone network, among other problems.

#### **I. INTELIGENT SUPPORTS THE SERVICE QUALITY STANDARDS PROPOSED BY THE COMMISSION.**

Through ATIS, the industry has developed best practices which, when followed, improve call completion rates. By proposing that intermediate providers follow such standards, the Commission is taking important steps to implement Congress' mandate to "ensure the integrity of the transmission of covered voice communications to all customers in the United States."<sup>3</sup> Inteligent accordingly supports the Commission's proposal that intermediate providers should take reasonable steps to prevent "call looping," "crank back," and processing of calls in a manner that otherwise might allow a party to "terminate and re-originate" them.<sup>4</sup>

As the Commission notes, these three proposed requirements are in line with the best practices as developed by ATIS. Inteligent follows these requirements today and agrees that

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<sup>2</sup> As the Commission explained in the *Second Report and Order*, a covered provider or carrier may deem its call completion duties satisfied, as articulated in the *2012 Declaratory Ruling*, if it: "(a) promptly resolves any anomalies or problems and takes action to ensure they do not recur; or (b) determines that responsibility lies with a party other than the provider itself or any of its downstream providers and uses commercially reasonable efforts to alert that party to the anomaly or problem." *Second R&O* at para. 25. In the case of calls intentionally rejected by the receiving party or its LEC, the responsibility clearly "lies with" that party or the LEC.

<sup>3</sup> *Third FNPRM* at para. 85 (quoting 47 U.S.C. 262(c)(2)).

<sup>4</sup> *See Third FNPRM* at para. 87.

they facilitate call completion. Indeed, Inteliquent is a member of the ATIS committee focused on rural call completion issues,<sup>5</sup> and as such it supports these best practices as common-sense measures to improve rural call completion rates.

To further improve call completion rates, Inteliquent encourages the Commission to limit the number of intermediate providers in the call path to no more than three intermediate providers. While companies like Inteliquent adhere to industry best practices, it can be difficult to know with certainty what happens down the call path when handing the traffic on to the next intermediate provider.<sup>6</sup> That said, in virtually all situations, Inteliquent can limit its call path to zero or one additional intermediate provider after it receives the traffic. As an accommodation to other carriers, a limit of two additional intermediate providers after the first intermediate provider (a total of three) is also reasonable, should be attainable in every situation, and would promote improved call completion and call quality by facilitating a more direct call path. Although Inteliquent believes no more than two total intermediate carriers is optimal, by setting the limit at no more than three intermediate providers in the call path, the Commission would encourage efficient network architecture to the benefit of rural Americans throughout the country.

The Commission also is right to emphasize the role that self-monitoring has to play in improved call completion.<sup>7</sup> Inteliquent, for example, reviews call completion reports in the regular course of business, and encouraging more providers to engage in self-monitoring will improve call completion across the industry. Self-monitoring, in cooperation with the other

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<sup>5</sup> Inteliquent is a member of the ATIS Next Generation Interconnection Interoperability Forum (“NGIIF”), of which call completion is a major topic on which the committee focuses.

<sup>6</sup> See *Third FNPRM* at para. 87.

<sup>7</sup> See *Third FNPRM* at paras. 90-91.

providers that depend on the services offered by the intermediate provider, helps to address rural call completion problems as they arise.

As for the form and frequency of monitoring, all intermediate providers should be required to monitor their rural call completion performance on a weekly basis on a LATA/OCN basis. This level of granularity provides a sufficiently detailed understanding of call performance to enable prompt remediation of any problems. If reports are generated at a less granular level than on a LATA/OCN basis, the exercise will not necessarily produce meaningful insights into performance. Weekly monitoring should not be overly-burdensome for intermediate providers, and the substantial benefits such monitoring will provide greatly outweigh any incremental burdens. In fact, once such a system is implemented, the insights into network performance could provide useful information about improvements that should be made to the provider's network infrastructure and rural call paths to optimize performance.

That said, as experience has demonstrated with covered providers, reporting this type of information to the Commission can be burdensome, and problems with data consistency often preclude the Commission from drawing "firm conclusions about the source of rural call completion problems."<sup>8</sup> Reporting call completion information to the Commission thus is not necessary for intermediate providers. The costs of preparing reports in a specified format and submitting them for inspection by the FCC outweigh any benefits that would come from submitting such information. Similarly, there is no appreciable benefit to requiring intermediate providers to self-certify that they complete mandatory self-monitoring. The Commission has ample ability to take action against covered providers and intermediate providers that do not abide by the best practices codified into regulations by the Commission.

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<sup>8</sup> See *Second R&O* at paras. 58-64.

## **II. REGISTRATION REQUIREMENTS FOR INTERMEDIATE PROVIDERS WILL IMPROVE RURAL CALL COMPLETION RATES.**

Pursuant to the Improving Rural Call Quality and Reliability Act, the Commission has proposed to require intermediate providers to register with the Commission. Inteliquent agrees that this registration requirement will “shine a light on intermediate providers and hold them accountable for their performance.”<sup>9</sup> Such requirements can also help intermediate providers become aware of potentially low-performing providers they may subsequently choose to avoid when routing traffic. A registration requirement therefore discourages bad network practices in the first instance, and it affords other carriers in the call path a better understanding of whether an intermediate provider is reliable.

The basic categories of information the Commission proposes to include in the registration are appropriate, and it will be especially helpful to have a point-of-contact for rural call completion issues at each intermediate provider, as the Commission suggests.<sup>10</sup> In requiring a point-of-contact for each intermediate provider, the Commission implicitly is acknowledging that while there may be nefarious actors in the ecosystem, sometimes calls fail for unexpected reasons. Knowing who to contact to discuss such problems will “help facilitate communication and cooperation among service providers to efficiently resolve rural call completion issues as expeditiously as possible.”<sup>11</sup>

In conjunction with the registration requirement, the Commission proposes to require that “covered providers must be responsible for knowing the identity of all intermediate providers in

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<sup>9</sup> *Third FNPRM* at para. 68.

<sup>10</sup> *See Third FNPRM* at para. 71.

<sup>11</sup> *Third FNPRM* at para. 72.

a call path.”<sup>12</sup> This requirement acknowledges the benefits of using only registered providers, but the proposal as designed is overly-burdensome to achieve its valuable purposes. Covered providers should not be required to know *all* carriers in the call path. Instead, a covered provider should be required to know that the next intermediate provider in the call path is a registered provider. That provider, in turn, should then be required to know that the next intermediate provider in line is also a registered provider.

It is not feasible to expect the covered provider to know the identities of *all* intermediate providers in the call path. As the Commission has noted, “[l]ong-distance providers that select the initial long distance call path do not necessarily contract directly with every intermediate provider in the call path,”<sup>13</sup> so the covered provider is not in a good position to know every provider who will touch the call. Knowing every provider in the call path is even more challenging if other providers are experiencing network outages, which can require dynamic re-routing of calls. But, if every intermediate provider may use only another registered provider, there is a mechanism for accountability. Making this small change to the Commission’s proposal will reduce burdens, especially for smaller rural carriers, without interfering with the important accountability the proposal instills. Using only registered intermediate providers, combined with a new limit on the number of intermediate providers in the call path, should greatly improve rural call completion outcomes.

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<sup>12</sup> *Third FNPRM* at para 81.

<sup>13</sup> *Second R&O and Third FNPRM* at para. 3.

### **III. NEW CALL BLOCKING SCHEMES EXACERBATE RURAL CALL COMPLETION PROBLEMS.**

A full discussion of rural call completion necessarily entails consideration of the relationship between rural call completion, access stimulated traffic, and call blocking.<sup>14</sup> In the *Second R&O*, the Commission clarified that a covered provider meets its duty to address call completion problems where it either promptly resolves problems or “determines that responsibility lies with a party other than the provider itself or any of its downstream providers and uses commercially reasonable efforts to alert that party to the anomaly or problem.”<sup>15</sup> This clarification correctly identifies and clearly lays out the role that individual providers play in improving call completion for rural Americans.

Even in cases where a provider has met its duties to engage in just and reasonable call completion practices, however, vigilant covered and intermediate providers—including Inteliquent—frequently go above and beyond their legal obligations. Unfortunately, during approximately the past six months, Inteliquent has witnessed behavior by some parties apparently seeking to take advantage of these best efforts.

In particular, it has come to Inteliquent’s attention that some high-volume calling platforms and/or their LEC partners are intentionally rejecting traffic that is sent over the regulated path to them. In these cases, the calling platform obtains telephone numbers from one or more rural LECs subtended behind a centralized equal access (“CEA”) provider in Iowa or South Dakota. These platforms offer “free” services, such as conference calling or radio streaming, to generate calls to these numbers. Per routine practice and the specifications in the

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<sup>14</sup> Inteliquent also questions whether access stimulated traffic should be subject to the rural call completion rules at all.

<sup>15</sup> *Second R&O* at para. 25.

LERG, Inteliquent successfully hands off the call to the CEA. Unlike most calls handed off to the CEA, however, this traffic frequently is rejected somewhere along the path from the CEA to the LEC and its customer (*i.e.*, along the regulated path)—generating a call error message. In Inteliquent’s experience, if the call is re-routed to an IXC or other provider that has a direct route into the calling platform’s affiliated intermediate provider, the call completes. Inteliquent’s understanding is that in these cases, the call bypasses the CEA and potentially even the LEC, and the calling platform’s affiliated network provider receives a fee for accepting the call over its network. When alerted of the problem, some LECs have even acknowledged that it is their customer, the high-volume calling platform, that is rejecting the call when it is sent over the regulated path.

This new form of call blocking turns the typical call completion problem on its head, with the terminating LEC and its customer *refusing* to accept calls sent over the regulated path. Such schemes perpetuated by access stimulators and other parties present harmful barriers to improved call completion rates in rural areas, encourage the proliferation of high-volume calling platforms, and otherwise undermine the integrity of the regulated telephone network (e.g., legitimate rural calls may not complete due to network congestion caused by the access-stimulated traffic).<sup>16</sup> To put a stop to these schemes, the Commission should vigorously pursue action against entities that intentionally block calls, pursuant to its broad authority over the telephone network under Sections 201 and 202 of the Communications Act, among other sources of authority.

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<sup>16</sup> As noted by ATIS in the ATIS-0300106, Intercarrier Call Completion/Call Termination Handbook at page 29, the sudden increase in access stimulated traffic terminating to a LEC “could cause network congestion if trunk groups are not properly sized for this volume of traffic.”



## **CONCLUSION**

Inteliquent is a strong supporter of the Commission's and the industry's efforts to improve rural call completion. In connection with those efforts, Inteliquent suggests that: (1) requiring intermediate providers to adhere to industry best practices, coupled with self-monitoring, will reduce problems in the call path and will enable providers to more quickly remedy problems when they do arise; (2) limiting the number of intermediate providers in the path to a maximum of three and requiring those providers to be registered with the Commission likewise will increase accountability, while reducing the opportunity for call completion problems to occur; and (3) the Commission should take steps to prevent new call blocking schemes perpetrated by high-volume calling platforms and/or their LEC partners.

Respectfully submitted,

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