



July 6, 2017

Ex Parte Notice

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

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

Dear Ms. Dortch:

Today, the undersigned and Michael Romano, Senior Vice President of Industry Affairs and Business Development from NTCA – The Rural Broadband Association (“NTCA”) met separately with Kristine Fargotstein, Acting Wireline Advisor to Chairman Pai, Amy Bender, advisor to Commissioner O’Rielly, and Claude Aiken with Commissioner Clyburn’s office. NTCA staff also met with Dan Kahn, Nirali Patel, David Brody, Alex Espinoza, and Adam Copeland of the Commission’s Wireline Competition Bureau and Margaret Dailey and Aamer Zain (via telephone) of the Commission’s Enforcement Bureau. The purpose of the meetings was to discuss the Commission’s Report¹ and proposed Second Further Notice of Proposed Rulemaking (“FNPRM”)² on rural call completion.

As a general matter, NTCA supports the Commission’s goal to streamline and “right size” regulations, but we expressed concern that certain proposals in the FNPRM could have a negative impact in addressing the continuing problem of calls failing to complete to rural businesses and consumers.

As context for NTCA’s concerns, the association recently surveyed its members and 29% of respondents reported experiencing rural call completion problems within the last month, with more than 10% reporting that problems recur on a weekly basis. Given the potentially devastating consequences of call failure, NTCA urged the Commission to remain diligent in its pursuit of long term solutions while prosecuting originating providers who fail to complete calls.

While the Rural Call Completion Report released concurrently with the FNPRM concludes that the aggregate call answer rate in rural areas was only slightly lower than in non- rural areas during the reporting period, complaints from consumers and rural carriers declined significantly (57% and 45%, respectively) during the data reporting period as compared to pre-reporting periods. However, while such complaints may have decreased in recent years, it would erroneous to declare “mission accomplished” and conclude that meaningful compliance measures and incentives to ensure call completion are no longer needed. To the contrary, it appears that the record-keeping and reporting

¹ Rural Call Completion, Report, WC Docket No. 13-39 (Rel. June 22, 2017).

² http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0622/DOC-345477A1.pdf

requirements have actually served as an effective incentive for rural call completion, with “sunshine serving as the best disinfectant” when covered providers must recognize that their performance (or lack thereof) will be visible to the Commission. Removing that “sunshine” now could very well lead to backsliding, especially without an effective substitute in terms of any continued incentives to complete calls.

To that end, in the first instance, NTCA believes the Commission could retain reporting and record-keeping requirements, but should modify them to address any perceived shortcomings in the data they yield. This would retain the incentives that exist via and because of the “sunshine” of the current reporting requirements, while improving the information the reports contain and reducing the burden of submitting them. The Commission should therefore seek comment on specific ways that such reports and associated record-keeping could be improved to strike such a balance.

In the alternative and at a minimum, if the Commission proposes elimination of the reporting requirements, NTCA specifically recommends that the Commission tentatively conclude that covered originating providers are still required to collect and maintain call detail records and certify to same. The failure to maintain these records was cited by the FCC in its 2013 Order as a hindrance to complaint investigations.³

Moreover, if the reports will be eliminated, NTCA suggests that the Commission seek comment on a tentative conclusion that specific carrier “best practices” be made mandatory. There is industry-wide consensus that rural call completion problems can be mitigated if originating providers practice good network management and limit the number of “hops” among intermediate carriers. Indeed, in addition to the “best behavior” incentives created for those carriers subject to the reporting duty, a significant portion of the decline in rural call completion problems since 2013 can likely be traced to the largest providers limiting the number of intermediate providers in a call path, whether due to use of the Safe Harbor in lieu of the reporting duty or in compliance with a FCC Consent Decree.

Through its Next Generation Interconnection Interoperability Forum (“NGIIF”), the Alliance for Telecommunications Industry Solutions (“ATIS”), in recognition of the problem of rural call completion and the risk it poses to the integrity of the public switched telephone network, released a standard and handbook on intercarrier call completion and call termination (“RCC Handbook”).⁴ It offers “best practices for ensuring call completion, especially in the management of intermediate or underlying carriers.”⁵ ATIS is a cooperative forum of carriers, customers and manufacturers where companies work together to address current industry challenges. Most, if not all, of the covered providers are part of ATIS.

While the RCC Handbook distinguishes between practices that are mandatory and recommendations that “should” be followed, the Commission should seek comment on a tentative conclusion that covered providers must comply with Sections 5 and 6 of the RCC Handbook, “Management of

³ Rural Call Completion, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154 (2013)

⁴ ATIS Standard on Intercarrier Call Completion. Call Termination Handbook, ATIS-0200106 (Oct. 2015) (“RCC Handbook”).

⁵ RCC Handbook, p.1.

Underlying Carriers” and “Trouble Reporting and Contact Directories.”⁶ It should specifically seek comment on making the following best practices mandatory as a substitute for the current reporting requirements:

- 5.1 Limiting the Number of Intermediate Providers (with a specific, additional proposal to limit the number of intermediate providers to two, consistent with the current Safe Harbor)
- 5.2 Management of Direct and Indirect Looping
- 5.3 Crank-back on Failure to Find a Route
- 5.4 Maintaining Sufficient Direct Termination Capacity
- 5.5 Do Not Terminate and Re-originate Calls
- 5.6 Direct Measures of Quality
- 5.7 Do Not Manipulate Signaling
- 5.8 Inheritance of Restrictions
- 5.9 Intercarrier Process Requirements
- 5.10 Require Acceptance Testing
- 6.1 Trouble Reporting
- 6.2 Use of Test Lines for Call Completion Trouble Resolution
- 6.3 Call Setup Time Trouble Reporting and Sectionalization.

The providers who are interested in this proceeding are among those who helped to create the RCC Handbook and many of the practices described are no doubt part of their standard operating procedures to ensure good network management. The associated compliance burden, if any, will be minimal. But in the absence of such a measure, if the reports are eliminated and no meaningful alternative mandates are put into place to compel responsible call completion practices, this would in effect return the industry – and rural consumers – to the problematic *status quo ex ante* of the 2012 Declaratory Ruling,⁷ where mere clarification that covered providers must generally manage their intermediate providers and are liable for the failures of such intermediate actors did little to address the epidemic of rural call failures at that time.

⁶ RCC Handbook, pp. 29-36.

⁷ Developing an Unified Intercarrier Compensation Regime, *et. al.* CC Docket No. 01-92, *et.al.*, Declaratory Ruling (Rel. Feb. 6, 2012).

Marlene H. Dortch
July 6, 2017
Page 4 of 4

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Jill Canfield

Jill Canfield

V.P. Legal & Industry

Assistant General Counsel

cc: Kristine Fargotstein
Amy Bender
Claude Aiken
Daniel Kahn
Nirali Patel
Alex Espinoza
Adam Copeland
Margaret Dailey
Aamer Zain (via telephone)