FailSafe Communications Inc.
"Because Lives Are On The Line"™

VIA ECFS

July 20, 2018

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

Re: WC Docket No. 18-155

Dear Ms. Dortch:

FailSafe Communications Inc. (FailSafe) is a Ft. Worth Texas based end user of telecommunications services that are employed for police, fire departments, 911 centers, banks, credit unions, and hospitals in times of disaster. FailSafe depends heavily on Independent Telephone Companies (ITCOs) and Competitive Local Exchange Carriers (CLECs) in the provision of these services for a variety of reasons. ITCOs often reside outside major metropolitan areas and telecom choke points that can be natural targets for terrorism. ITCOs are small and more responsive than major carriers in times of emergency. ITCOs offer collocation and things like roof rights for satellite communications for times when terrestrial infrastructure is gone. Perhaps most important, ITCOs are hungry for business because they face extreme competitive pressure as the telecommunications industry re-monopolizes around a handful of large players. Here are the cold facts for ITCOs and CLECs today:

- Over 2/3 of the installed base of landlines has been lost in the last few years.
- ITCO and CLEC CABS and Long Distance Revenues have declined over 80%.
- Subsidies for ITCOs – tied to landlines – have dropped precipitously.
- However, ITCOs and CLECs now have spare capacity to help users in emergencies.

FailSafe is concerned that the rules as proposed by the FCC may inadvertently jeopardize the health and safety of FailSafe customers experiencing telecommunications emergencies. In addition, since the FailSafe system has been 100% based on 8XX numbers for over 10 years, FailSafe believes some of the actions proposed in this NPRM could affect the price FailSafe pays its ITCO and CLEC providers by depriving them of originating 8XX revenue. The impact could be acute, perhaps to the point where users in need would become priced out of a workable telecom backup system.

New ITCOs and CLECs are joining the FailSafe cloud all the time because FailSafe provides them an orderly means to transition from a traditional telecommunications environment to a cloud based service that re-purposes infrastructure they already have. Some of this transition is being funded by CABS and long distance revenues, at least until the industry eventually settles on universal bill and keep.

Set in this context, FailSafe respectfully points out that automatic triggers that cite more "than a 100 percent growth in interstate originating and/or terminating switched access minutes" may have unintended consequences. ITCO and CLECs that are transitioning could be inaccurately labeled as an "access stimulators" simply by joining the FailSafe cloud and beginning to carry emergency calls. [1]

This ambiguity could also prompt recalcitrant, and often much larger, IXCs to claim the ITCO or CLEC is guilty of access stimulation just to avoid paying their subcontractors. This would unquestionably affect the provision of emergency services such as 911 overflow calls.

FailSafe respectfully requests the FCC reconsider the methodology by which a carrier is classified as an "access stimulator" in this context. Regulators must not forget that there are legitimate uses of networks that are financially supported, at least at present, through access charges.

In summary, the FCC should consider the public health and welfare by having telecommunications backup systems like these available. Emergency services purveyed from ITCOs and CLECs in rural areas are not only beneficial, but could be the answer to many other problems faced by small and rural phone companies. They protect the public welfare, they allow ITCOs and CLECs to transition to the cloud, they re-purpose existing infrastructure that might otherwise be wasted, and they do all of this without an increase in public subsidies, surcharges, or taxes. I invite anyone interested to dial the recorded information number below. It is proudly routed to our cloud via our network of ITCO and CLEC providers.

Respectfully Submitted,

/s/

Leo A. Wrobel, CEO
www.failsafecommunications.com
1 (866) 339-5444 Recorded Information
1 (214) 888-1300 Direct

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1 For example the following provision could be troublesome if interpreted wrong: "The LEC must have a 'revenue sharing agreement,' which may be 'express, implied, written or oral' that "over the course of the agreement, would directly or indirectly result in a net payment to the other party" Also, "the LEC must also meet one of two traffic tests. An access-stimulating LEC either has "an interstate terminating-to-originating traffic ratio of at least 3:1 in a calendar month," or "has had more than a 100 percent growth in interstate originating and/or terminating switched access minutes of use in a month compared to the same month in the preceding year." Even if a LEC no longer meets either of these traffic tests, once it is considered to have engaged in access stimulation, this regulatory classification persists so long as the LEC maintains any revenue sharing agreement."