

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

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

**OPPOSITION OF CTIA
TO PETITION FOR RECONSIDERATION OF
NTCA – THE RURAL BROADBAND ASSOCIATION**

CTIA¹ hereby submits this filing in opposition to the Petition² submitted by NTCA – The Rural Broadband Association (“NTCA”) for reconsideration of the *Second Report and Order* issued by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding.³

I. INTRODUCTION.

CTIA and its member companies are committed to ensuring that calls are completed to urban and rural areas alike. CTIA believes that the Commission’s new monitoring rule and the recently enacted Improving Rural Call Quality and Reliability Act of 2017 (“RCC Act”)⁴ will

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, DC.

² Petition for Reconsideration of NTCA – The Rural Broadband Association, WC Docket No. 13-39 (June 11, 2018) (“Petition”).

³ *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) (“*Second Report and Order*”).

⁴ Pub. L. No. 115-129, 132 Stat. 329 (2018).

address remaining rural call completion (“RCC”) issues and are targeted and effective means of ensuring that covered and intermediate providers take reasonably necessary steps to complete calls to rural areas.

In the *Second Report and Order*, the Commission appropriately declined to adopt NTCA’s proposal to require covered providers to publicly file their written processes for implementing the monitoring rule.⁵ NTCA’s Petition for Reconsideration now asks the Commission to revisit that determination.⁶ CTIA opposes NTCA’s request. NTCA provides no persuasive reason for the Commission to revisit its approach; nor is there any evidence that the increased regulatory burdens would be necessary to achieve the Commission’s policy goals. The Commission should therefore deny NTCA’s petition.

II. A FILING REQUIREMENT IS NOT NECESSARY TO FURTHER THE COMMISSION’S REGULATORY OBJECTIVES.

NTCA argues that requiring covered providers to publicly file their documented RCC monitoring procedures is necessary to ensure the Commission has visibility into monitoring activity and RCC issues. NTCA also contends that a filing requirement will provide incentives for covered providers to comply with the monitoring rule. Without a filing requirement, NTCA claims, covered providers are subject to “effectively a comparable monitoring duty” to the one that existed prior to 2013.⁷

As a threshold matter, however, the Commission has already specifically explained why the filing of covered providers’ monitoring documentation is not necessary to further the goal of increasing rural call completion rates or to provide the Commission with visibility into RCC

⁵ *Second Report and Order* ¶ 46.

⁶ *See* Petition at 6-9.

⁷ *Id.* at 7.

issues. The *Second Report and Order* requires covered providers to develop and document their processes and staff responsible for prospective monitoring.⁸ As the Commission expressly pointed out, those written procedures will “facilitate Commission oversight”⁹ because the Commission will be “able to obtain information on covered providers’ monitoring practices in an investigation.”¹⁰ Thus, there is absolutely no need “to impose a public disclosure requirement” in order for the Commission “to effectively carry out [its] responsibilities.”¹¹

The Commission also correctly rejected NTCA’s claim that a filing requirement will enable *other carriers* to “know[] what individual carriers’ procedures are and hav[e] benchmarks against which subsequent performance can be measured.”¹² Given the flexibility covered providers are allowed in how they pursue their monitoring responsibilities, the Commission aptly pointed out that there is “little value” in ensuring that covered providers know how other providers are monitoring.¹³ “[E]ach covered provider is able to adopt its own approach.”¹⁴

NTCA’s comparison to the regulatory landscape before the 2013 RCC rules were promulgated is particularly inapt. Unlike the general no-blocking prohibition that existed before

⁸ *Second Report and Order* ¶ 17.

⁹ *Id.*

¹⁰ *Id.* ¶ 46.

¹¹ *Id.*

¹² *Id.* (quoting NTCA Apr. 5, 2018 *Ex Parte* at 3).

¹³ *Id.*

¹⁴ *Id.* As the Commission also explained, documentation of providers’ processes is likely to reveal important technical, personnel, and commercial details about a provider’s network and business operations. Because that information is competitively sensitive, it would have to be filed as confidential. The necessary redactions would render public filings of little use to other carriers, “undercut[ing] any purported benefits” of NTCA’s proposal. *Id.* ¶ 46 n.158. And despite NTCA’s claim that the redacted filings would remain helpful to the Commission, *see* Petition at 9, as already explained, the Commission itself has disclaimed any need for the periodic filing of this information.

2013 (and continues to exist today),¹⁵ the new monitoring rule imposes specific standards on covered providers. The Commission has provided guidance on how covered providers might both prospectively and retrospectively monitor intermediate providers in order to comply.¹⁶ This new targeted rule and the recently enacted RCC Act are designed to ensure calls are completed. NTCA does not present any evidence that covered providers will be unable or unwilling to comply with the Commission's rules and regulations. Nor do they explain how a filing requirement will change providers' incentives.

In short, NTCA provides no evidence that a filing requirement is necessary to help ensure that calls are completed to rural areas.

III. IMPOSING A FILING REQUIREMENT ON THE ENTIRE INDUSTRY UNDULY INCREASES BURDEN.

NTCA's proposal would also impose a new regulatory burden on the entire industry, without justification. The monitoring rule already imposes new burdens on covered providers, such as regularly observing and evaluating intermediate providers, investigating problems of which providers become aware, and taking steps reasonably calculated to correct problems.¹⁷ The Commission should not compound those burdens—particularly in the absence of any evidence that a filing requirement would assist the Commission in achieving its policy goals.

Throughout the *Second Report and Order* the Commission explained that its goal was to ensure the RCC rules were “reorient[ed]” to “better reflect strategies that have worked to reduce

¹⁵ *In re Developing a Unified Intercarrier Compensation Regime*, Declaratory Ruling, 27 FCC Rcd 1351 (WCB 2012).

¹⁶ *Second Report and Order* ¶¶ 17-21, 23-25 (explaining, for example, that covered providers should regularly observe and evaluate intermediate provider performance, compare performance in rural and non-rural areas, could consider adopting ATIS best practices, could consider limiting the number of intermediate providers in a call chain, and must investigate problems that arise).

¹⁷ See, e.g., *id.* ¶¶ 17, 23, 26.

rural call completion problems” while simultaneously “reducing the overall burden . . . on providers.”¹⁸ Accordingly, the Commission declined to amend the reporting rule or to supplement and replace the recording and retention rules, given that those efforts would “be prohibitively costly while yielding an uncertain benefit.”¹⁹ The Commission also rejected proposals to add an audit or certification requirement in conjunction with the monitoring rule. As the Commission explained, such “a costly requirement” was not justified “absent a clear and sufficiently tangible (as opposed to rhetorical) benefit.”²⁰

The Commission’s targeted approach is sensible and supported by the record in this proceeding. There is no reason to upset this balance and increase regulatory burdens with another filing requirement. NTCA’s proposal would require covered providers to periodically file their procedures; presumably providers would have to supplement those filings or update the Commission *each time* the procedures—or the contact information for employees in charge of monitoring—change. But the Commission rightly rejected imposing this burdensome reporting requirement on the entire industry.²¹ Moreover, that policy choice aligns with the Wireline Competition Bureau’s finding that the data collected under the RCC recording and retention rules suggested “individual provider performance is a significant factor in assessing rural call completion problems,” rather than a “systemic problem.”²² NTCA offers no persuasive

¹⁸ *Id.* ¶ 11.

¹⁹ *Id.* ¶ 62.

²⁰ *Id.* ¶ 45.

²¹ *Id.* ¶ 46 (“There is no countervailing benefit sufficient to warrant imposing this burden” because “[w]e are able to obtain information on covered providers’ monitoring practices in an investigation.”).

²² See *In re Rural Call Completion*, Report, 32 FCC Rcd 4980, 4986 ¶ 17 (WCB 2017).

justification for imposing an additional burden on covered providers writ large, or for the Commission to upset its reasoned determination.

IV. CONCLUSION.

The *Second Report and Order* strikes a sensible policy balance. On the whole, the Commission has selected strategies that are adequate to reduce RCC problems without imposing unduly and unnecessary burdens on covered providers. The Commission should not alter that balance, and CTIA respectfully urges the Commission to deny NTCA's Petition for Reconsideration.

Respectfully submitted,

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