

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

In the Matter of  
Rural Call Completion

)  
)  
)  
)  
)

WC Docket No. 13-39

**COMMENTS OF  
THE USTELECOM ASSOCIATION**

The USTelecom Association (USTelecom)<sup>1</sup> is pleased to submit these comments on the Commission's Second Further Notice of Proposed Rulemaking regarding the Rural Call Completion (*RCC 2nd FNPRM*).<sup>2</sup> In the *RCC 2nd FNPRM* the Commission proposes to hold covered providers responsible for monitoring rural call completion performance and taking action to address poor performance<sup>3</sup> with steps it believes will be more effective and less burdensome than the existing recording, retention and reporting rules<sup>4</sup> while continuing to make them accountable for such performance.<sup>5</sup> While the FCC believes rural call completion is a continuing problem, it also notes that the rate of rural call completion complaints is declining suggesting that the problem is likely abating with the ongoing transition to bill-and-keep and will

---

<sup>1</sup> USTelecom is the nation's leading trade association representing service providers and suppliers for the broadband innovation industry. Its diverse member base ranges from large publicly traded communications corporations to small companies and cooperatives – all providing advanced communications and broadband services to hundreds of millions of customers around the world.

<sup>2</sup> *In the Matter of Rural Call Completion*, Second Further Notice of Proposed Rulemaking and Order, WC Docket No. 13-39, FCC 17-92 (July 13, 2017) (*RCC 2nd FNPRM*).

<sup>3</sup> *RCC 2nd FNPRM* at 1 and 6, paras 1 & 11.

<sup>4</sup> *RCC 2nd FNPRM* at 1, para 1.

<sup>5</sup> *Id.* at 7, para 14.

likely continue to reduce.<sup>6</sup> USTelecom agrees with this view and supports the proposed rules changes - with some important additions - which USTelecom believes will lessen the burden on covered carriers, but continue efforts to ensure that rural call completions issues are addressed effectively.

In its 2013 Rural Call Completion Order,<sup>7</sup> the Commission required certain “covered providers” to record, retain, and report data about rural call completion, for the purpose of helping the Commission monitor call-completion performance and enforce its rules as necessary.<sup>8</sup> In addition, the Order required covered providers to record information about calls attempted to a rural operating company number (OCN) and to submit quarterly reports detailing the number of call attempts, the number of answered calls, and the number of call attempts not answered, reported separately in the categories of “busy,” “ring no answer,” and “unassigned number.”<sup>9</sup> The purpose of these rules was to collect the data so that the Commission could calculate a call-answer rate and a network-effectiveness ratio.<sup>10</sup> The Bureau was ordered to analyze the first eight quarterly reports and issue a report on the effectiveness of the data recording, retention, and reporting rules.<sup>11</sup> As a result, the Commission found that the reported data does not demonstrate improvement;<sup>12</sup> however, it did note that it is possible that *actual* performance may have improved during the reporting period and, in any event, “rural call

---

<sup>6</sup> *Id.* at 6, para 10.

<sup>7</sup> *In the Matter of Rural Call Completion*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16 (2013) (*2013 RCC Order*).

<sup>8</sup> *2013 RCC Order* at para 19.

<sup>9</sup> *See In the Matter of Rural Call Completion*, Report, 32 FCC Rcd 4980 (2017) (*2017 RCC Report*) at para 5.

<sup>10</sup> *Id.* at para 6.

<sup>11</sup> *See 2013 RCC Order* at para 105.

<sup>12</sup> *See RCC 2<sup>nd</sup> FNPRM* at 4, para 7, *citing 2017 RCC Report*.

completion complaints to the Commission decreased from 2015 to 2016 (by 57 percent for complaints filed by consumers and by 45 percent for complaints filed by rural carriers).”<sup>13</sup>

In its RCC 2<sup>nd</sup> FNPRM, the Commission proposes that for each intermediate provider with which it contracts as of the effective date of the rule, a covered provider must take the following steps: “(1) monitor the intermediate provider’s performance in the completion of call attempts to rural incumbent LECs from subscriber lines for which the covered provider makes the initial long-distance call path choice; and (2) based on the results of such monitoring, hold the intermediate provider accountable for such performance, including by removing an intermediate provider from a particular route after sustained inadequate performance.”<sup>14</sup> The Commission believes that this type of monitoring will meet the objectives of improving rural call completion and ensuring that covered carriers are held accountable, while at the same time lessening the burden of the original record retention and reporting rules.<sup>15</sup>

Some of USTelecom’s rural local exchange carrier (RLEC) member companies report that while a few years ago they used to have more call completion problems, they no longer have as many, but indicate that problems do remain in various rural areas for a variety of reasons. In fact, some RLECs have reported that they had some serious issues in delivering calls as recently as two years ago, however, through their own monitoring and reaching out to the ILECs in their state they were able to resolve those issues. These RLECs report that they experienced success in working with the ILECs because the large companies owned the issue and took appropriate steps to resolve the problem, as opposed to some non-ILEC carriers, which were not as responsive and took longer to take corrective action to fix the problems. Since that time many

---

<sup>13</sup> See 2017 RCC Report at para 38.

<sup>14</sup> RCC 2<sup>nd</sup> FNPRM at 7, para 15.

<sup>15</sup> See *Id.*

RLECs have been explicitly writing their expectation into their contracts with those they use to provide these services and monitor performance regularly.

When RLECS do continue to see issues, it often stems from routing issues related to the Session Initiation Protocol (SIP) database that routes calls between IP addresses. When calls were all routed using SS7 TDM technology there was a way to tell when a call was dropped and why, however, with the move to IP-based technologies there are occasional issues with the translation between databases which effect routing. This can cause attempted calls on a particular route to get “lost in translation” leading to calls getting dropped. While these problems have mostly been successfully resolved on an ad hoc basis, RLECs primary concern is that any new FCC obligations will create further burdens on small carriers that frankly they are already taking care of in many respects on their own.

In addition, USTelecom mid-sized and large companies agree that investigations into OCNs with low call answer rates have rarely resulted in identified network or technical issues on their networks and do not identify fraudulent or illegal conduct by a downstream intermediate provider.<sup>16</sup> These carriers have found that the most effective means of identifying and resolving call completion issues has been through their own monitoring which includes investigating specific complaints and ensuring that intermediate providers are held accountable. Ultimately, it seems as though companies of all sizes agree that they are seeing some actual improvement in the call completion problems and want to find a way to continue to monitor and solve ad hoc problems as they come up and that it is unnecessary to continue the burdensome reporting requirements that ultimately have not served their intended purpose.

---

<sup>16</sup> See *e.g.*, Comments of Verizon, WC Docket No. 13-39 at 3 (filed Aug. 3, 2017).

Among the questions the Commission asks is whether, in addition to its monitoring proposal, there are potential alternatives to the current system and whether the Commission should clarify that it would not impose liability on covered providers that make a good faith effort to comply with any new monitoring requirements and that hold intermediate providers accountable for problems identified through such monitoring.<sup>17</sup> The commission should encourage collaborative industry efforts, including industry forums like ATIS, which has developed industry best standards for call completion and termination. Among other things, those guidelines recognize that test lines can be valuable in resolving call completion issues. Testing can help RLECs ensure that calls to rural areas are not dropped and to ensure that any remaining call completion problems get addressed promptly. All of these efforts assist in ensuring that all completion problems are dealt with effectively and it is unnecessary for the Commission to require any sort of compliance so that carriers of all sizes have the flexibility they need to manage their networks. USTelecom supports the Commission's proposal not to impose liability on carriers that make a good faith effort to comply with the Commission's rules to complete calls, and the Commission's rules should allow carriers the flexibility to incorporate voluntary testing into those efforts if they choose.

The FCC also asks whether it should specify performance metrics or other factors that covered providers must meet and/or performance metrics they must use to monitor and assess the call completion performance of their intermediate providers or should the Commission leave this to the discretion of covered providers?<sup>18</sup> USTelecom believes that the performance metrics can

---

<sup>17</sup> *RCC 2<sup>nd</sup> FNPRM* at 7, para 15.

<sup>18</sup> *RCC 2<sup>nd</sup> FNPRM* at 7, para 16.

be left to the discretion of carriers. Indeed, many carriers report that they are already undertaking this on their own. But the Commission should not specify or mandate them.

In any event, regardless of the monitoring scheme the Commission adopts, there is an important benefit in lessening the burden on covered carriers while ensuring calls are not dropped. In the context of the current rules, the recording, retention and reporting requirements are particularly burdensome. Costs of recording, retaining and filing reports are a paperwork burden for the covered carrier particularly when it has been shown that they no longer serve their intended purpose. Commissioner O’Rielly blogged earlier this year of his concern that an assessment of recordkeeping and data collection mandates needs to be done based on cost data provided by OMB, but not without consideration for whether the rules have continued to exist past their relevance.<sup>19</sup> In this instance, the Commission has admitted that the data collected in this instance did not show a change in rural call completion numbers, however, *actual* improvement did occur in that, “rural call completion complaints to the Commission decreased from 2015 to 2016 (by 57 percent for complaints filed by consumers and by 45 percent for complaints filed by rural carriers).”<sup>20</sup> The anecdotes of USTelecom members certainly confirm this improvement. USTelecom has often commented that having reporting requirements simply for the sake of reporting are burdensome and unnecessary.<sup>21</sup> Quarterly reporting of data that has been found to not provide the information that is necessary for the Bureau to make an accurate

---

<sup>19</sup> Commissioner O’Rielly’s March 3, 2017 blog post, <https://www.fcc.gov/news-events/blog/2017/03/03/taking-stock-fcc-paperwork-burdens>. Commissioner O’Rielly states “While I strongly believe in data driven decision making and the need to ensure accountability, I have to question how much of the existing information collection is truly justified. I’ve observed that every new FCC policy seems to require a brand new data collection. And, once in place, the rules can live on long past their usefulness. Moreover, without sufficient coordination within the agency, the burdens can pile up without any clear understanding of the total burden on any given segment of the industry.”

<sup>20</sup> See 2017 RCC Report at para 38.

<sup>21</sup> See e.g., USTelecom Comments *In the Matter of Modernization of Payphone Compensation Rules, et al.*, WC Docket No. 17-141, CC Docket No. 96-128, WC Docket No. 16-132 (filed Aug. 2, 2017).

analysis of the issue at hand is a clear indicator that the costs of requiring carriers to prepare and file the reports outweighs the benefit that they provide.

For the reasons discussed herein, the Commission should revise its rural call completion rules to lessen the burden on companies by removing the onerous recordkeeping, retention and reporting requirements of those rules and adopt a less prescriptive monitoring proposal and/or have regular testing performed to ensure that the rural calls are completed without the increased administrative burdens for covered completing carriers. USTelecom supports the Commission's initiative in this proceeding and seeks to ensure that while the rural call completion issue has improved it does not once again become a problem for RLECs or the customers they serve, while at the same time does not become the source of unnecessary regulations.

Respectfully submitted,

USTELECOM ASSOCIATION

By: 

B. Lynn Follansbee  
Jonathan Banks

Its Attorneys  
601 New Jersey Avenue, NW, Suite 600  
Washington, D.C. 20001  
202-326-7300

August 28, 2017