

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

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

COMMENTS OF COMCAST CORPORATION

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TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY	1
II.	THE COMMISSION SHOULD ELIMINATE THE CURRENT RECORDING, RETENTION, AND REPORTING RULES, AND INSTEAD FOCUS ITS RESOURCES ON DEVELOPING MORE EFFECTIVE AND EFFICIENT RURAL CALL COMPLETION REQUIREMENTS	3
III.	THE COMMISSION SHOULD REQUIRE PROVIDERS TO MONITOR AND ACTIVELY MANAGE THE RURAL CALL COMPLETION PERFORMANCE OF INTERMEDIATE PROVIDERS TO WHICH THEY DIRECTLY HAND OFF TRAFFIC	6
A.	Covered Providers Should Have Flexibility in Monitoring and Managing Their Intermediate Providers	7
B.	The Commission Should Afford Safe Harbors from Liability to Those Covered Providers That Adequately Monitor and Manage Intermediate Providers	8
IV.	THE COMMISSION SHOULD REQUIRE ALL TERMINATING RURAL CARRIERS TO ACTIVATE A TEST LINE IN EACH END OFFICE	11
V.	CONCLUSION.....	13

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Comcast Corporation (“Comcast”) hereby submits these comments in response to the Second Further Notice of Proposed Rulemaking released by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding.¹

I. INTRODUCTION AND SUMMARY

Comcast consistently has supported efforts to ensure that voice service providers successfully deliver long-distance calls to rural exchanges.² As the report prepared by the Wireline Competition Bureau (“Bureau”) makes clear, however, the Commission’s current recording, retention, and reporting rules have not enabled the Commission to truly measure the industry’s progress toward that objective.³ Rather, because these rules have not furnished data that would permit the Commission to effectively compare the rural call completion rates of different providers or accurately calculate average call completion

¹ *Rural Call Completion*, WC Docket No. 13-39, Second Further Notice of Proposed Rulemaking, FCC 17-92 (rel. July 14, 2017) (“Second FNPRM”).

² *See generally* Comments of Comcast Corporation (May 13, 2013) (“2013 Comcast Comments”). Unless otherwise noted, all comments cited herein were filed in WC Docket No. 13-39.

³ *See generally Rural Call Completion*, Report, 32 FCC Rcd 4980 (WCB 2017) (“Bureau Report”).

rates on an industrywide basis, the current requirements have not given the Commission credible guidance as to measures it could implement to improve rural call completion rates. Moreover, based on the Bureau's analysis, it appears unlikely that the Commission could modify the reporting framework in a way that would lead to the collection of data that reliably and accurately reflect rural call completion performance industrywide.

The Commission, therefore, should replace the existing rules with its simpler proposal to require covered providers to “monitor the intermediate provider’s performance in the completion” of rural call attempts and “based on the results of such monitoring, hold the intermediate provider accountable for such performance.”⁴ Further, the Commission should afford covered providers flexibility to develop reasonable internal procedures to satisfy this mandate.

The fundamental issue underlying this proceeding is a concern that the completion performance of voice service providers for toll calls to rural areas has been significantly worse than for calls to non-rural locations. So long as a service provider’s monitoring system enables it to measure accurately on a continuing basis its respective toll completion rates to rural and non-rural areas, the Commission should not be concerned about the precise methods a provider uses. The Commission should also establish clear safe harbors from liability for a covered provider that implements its own robust internal monitoring and enforcement regime over intermediate providers or complies with specified industry best practices.

Finally, the Commission should require all rural incumbent local exchange carriers (“LECs”) to activate automated test lines in each of their end offices and publish

⁴ Second FNPRM, App. A, proposed rule 64.2103.

these test numbers in the Local Exchange Routing Guide. Doing so would enable originating and intermediate service providers to monitor their ability to complete calls to rural locations on an ongoing, real-time basis and would facilitate timely follow-up in the event any service problems are identified.

II. THE COMMISSION SHOULD ELIMINATE THE CURRENT RECORDING, RETENTION, AND REPORTING RULES, AND INSTEAD FOCUS ITS RESOURCES ON DEVELOPING MORE EFFECTIVE AND EFFICIENT RURAL CALL COMPLETION REQUIREMENTS

The FCC should eliminate its current rural call completion recording, retention, and reporting rules. As the Bureau cautioned in its recent analysis, the reports produced by these rules have been plagued by a “number of data quality issues [that] impact the reliability of the data collection and preclude [the Bureau] from drawing firm conclusions from the data.”⁵ These deficiencies demonstrate that the Commission “cannot consistently rely on the data to accurately identify areas with potential rural call completion problems,”⁶ much less use the data to assess call completion rates across the industry or compare the call completion rates of different providers.

The Commission seeks comment on a number of potential modifications to the current rules.⁷ The record, however, shows that the proposed modifications are unlikely to produce data that are valuable to the Commission. For example, the Commission seeks comment on “whether and how to revise the call resolution categories specified in [its] rules (*i.e.*, answered, busy, ring no answer, and unassigned number) to reduce or eliminate the problem of uncategorized calls” and “whether and how to account for

⁵ Bureau Report ¶ 2.

⁶ *Id.* ¶ 38.

⁷ *See* Second FNPRM ¶ 26.

inaccuracies in signaling, which affect call categorization and the resulting call answer rates.”⁸ As the Alliance for Telecommunications Industry Solutions (“ATIS”) has noted, however, call categorization issues cannot be wholly eliminated, because “reporting on [these] categories will vary due to differences in carrier network technology elements.”⁹ The Bureau likewise concluded that the “differences in how covered providers categorize call attempts based on ISUP cause codes or SIP response messages are exacerbated by the fact that the same cause code may be sent in response to multiple call attempt scenarios and may be interpreted differently by covered providers.”¹⁰

The Commission also asks “whether and how to require covered providers to exclude autodialer traffic, intermediate provider traffic, and/or wholesale traffic from their Form 480 reports.”¹¹ Comments previously filed in this proceeding make clear that not all service providers would be able to comply with such a requirement. For example, while Comcast has supported the exclusion of autodialer traffic from rural call completion reports whenever feasible,¹² certain service providers apparently are unable to identify and segregate autodialer traffic reliably.¹³ In fact, the Commission itself has

⁸ *Id.*

⁹ ATIS, *Intercarrier Call Completion/Call Termination Handbook*, § 1.3.2 (Oct. 2015), <https://www.atis.org/docstore/product.aspx?id=26780> (“ATIS Handbook”).

¹⁰ Bureau Report ¶ 26.

¹¹ Second FNPRM ¶ 26.

¹² Comments of Comcast Corporation at 5-7 (Jan. 16, 2014) (“2014 Comcast Comments”) (explaining, *inter alia*, that the unique characteristics of autodialer traffic (e.g., a high call abandonment rate) may produce an artificially low call completion percentage).

¹³ *See, e.g.*, Comments of ATIS at 6 (May 13, 2013) (“While the exclusion of autodialer traffic may be beneficial and would be supported by the ATIS NGIIF, the NGIIF notes that it is not feasible to distinguish auto-dialer traffic from other

conceded that the “record in this proceeding is unclear on the degree to which providers can reliably identify and segregate [autodialer] traffic.”¹⁴ Thus, it simply would be impossible for such traffic to be wholly excluded from the reports in a manner that is consistent among providers and based on purely objective criteria.

Even assuming *arguendo* that the Commission could eliminate the issues identified in the Bureau Report, the Bureau correctly indicated that “it nonetheless is not clear that the benefits of any such modifications would outweigh the costs.”¹⁵ Further, the additional substantial burdens on covered providers “would, at best, permit the Commission to identify areas with potential rural call completion problems weeks or months after such problems occur.”¹⁶ Finally, as Verizon aptly noted, it is “unclear that an alternative data collection would be an improvement or more reliable.”¹⁷ For these reasons, the Commission should eliminate the current call reporting rules and instead

telecommunications traffic.”); Comments of the Independent Telephone & Telecommunications Alliance at 2 (Jan. 16, 2014) (“A survey of ITTA members reveals that they are unable to identify non-dedicated autodialer traffic in real time.”); Comments of the National Exchange Carrier Association, Inc., NTCA – The Rural Broadband Association, Eastern Rural Telecom Association, and WTA – Advocates for Rural Broadband at 4-5 (Jan. 16, 2014) (“it appears many providers do not currently have the ability to identify and separately report autodialer traffic”); Comments of Sprint Corporation at 3 (Jan. 16, 2014) (“we cannot readily or comprehensively identify autodialer traffic”); Reply Comments of Alaska Communications Systems at 2 (Feb. 18, 2014) (“ACS Long Distance has no means of determining which calls, if any, are initiated by an auto-dialer.”).

¹⁴ *Rural Call Completion*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, ¶ 54 (2013).

¹⁵ Bureau Report ¶ 3.

¹⁶ *Id.*

¹⁷ Comments of Verizon at 3 (Aug. 3, 2017). For example, CenturyLink argued that the Bureau Report’s reliance on call answer rates was a “fundamental flaw” due to its “focus on metrics that appear to have no reliable correlation to customer experience or provider performance.” Comments of CenturyLink at 3 (Aug. 3, 2017) (“2017 CenturyLink Comments”).

focus its resources on developing more effective rural call completion requirements as described below.

III. THE COMMISSION SHOULD REQUIRE PROVIDERS TO MONITOR AND ACTIVELY MANAGE THE RURAL CALL COMPLETION PERFORMANCE OF INTERMEDIATE PROVIDERS TO WHICH THEY DIRECTLY HAND OFF TRAFFIC

The Commission should replace its existing call reporting requirements with its proposed rule that would require covered providers to monitor the rural call completion of the intermediate providers to which covered providers directly hand off traffic.¹⁸ The Commission further should require covered providers to “hold the intermediate provider accountable for such performance, including by removing an intermediate provider from a particular route after sustained inadequate performance.”¹⁹ In implementing these requirements, the Commission should both: (1) afford providers flexibility in developing internal systems for monitoring and managing their intermediate providers; and (2) implement safe harbors from liability for covered providers that undertake effective measures for ensuring that their intermediate providers are performing adequately.

¹⁸ Second FNPRM ¶ 15; App. A, proposed rule 64.2103. To determine what constitutes a “rural” area for purposes of this requirement, the Commission should adopt its proposal to “ask NECA to continue publishing a list of rural and nonrural OCNs.” *Id.* ¶ 21.

¹⁹ *Id.* ¶ 15; App. A. The proposed rule applies to “each intermediate provider with which [the covered provider] contracts.” *Id.* It is possible, however, that a covered provider may have contracts with more than one intermediate provider involved in a call path. For example, assume that a covered provider has separate contracts with Intermediate Provider A and Intermediate Provider B. When the covered provider hands off traffic to Intermediate Provider A, Intermediate Provider A sometimes hands off that traffic to Intermediate Provider B for delivery to the terminating provider. In this scenario, the covered provider has no way to *directly* monitor Intermediate Provider B’s performance and should not be responsible for doing so, as this traffic would not fall within the covered provider’s contract with Intermediate Provider B. Rather, the covered provider’s monitoring of Intermediate Provider A indirectly will ensure that Intermediate Provider B is performing adequately.

A. Covered Providers Should Have Flexibility in Monitoring and Managing Their Intermediate Providers

The Commission appropriately recognizes that there are “multiple different ways to implement [the] proposal to require covered providers to monitor the rural call completion performance of their intermediate providers and to hold them accountable for such performance.”²⁰ The Commission, therefore, should afford providers flexibility in fashioning internal metrics to assess the performance of intermediate providers and determine what constitutes “inadequate performance.”²¹

Regardless of the particular system a covered provider implements to “monitor the rural call completion” of its intermediate providers, the system must produce a reliable comparison of the call completion rates to rural and non-rural locations. Marketplace forces will ensure that the completion rates to high-volume, non-rural locations are high. Otherwise, customers will simply switch to a new provider. The record supports this common-sense conclusion. For example, Sprint indicated that it “is committed (indeed, is forced by competitive pressures) to providing the highest level of service possible to all of its customers.”²² Similarly, CenturyLink noted that it is “highly motivated” to provide its customers with reliable, high-quality service “as a result of competition.”²³

²⁰ *Id.* ¶ 15.

²¹ *Id.* ¶ 16 (noting that the FCC’s goal is to “ensure that covered providers are adequately monitoring the performance of their intermediate providers . . . while also giving covered providers flexibility in how they do so”).

²² Reply Comments of Sprint Nextel Corporation at 1 (June 11, 2013).

²³ Comments of CenturyLink at 4 (May 13, 2013). *See also, e.g.*, Reply Comments of Charter Communications, Inc. at 4 (June 11, 2013) (“the IXC’s LEC customers . . . have a strong competitive incentive to ensure service quality”); Reply Comments of the

Given these ever-present marketplace forces, the key objective of any monitoring and management procedures should be making certain that the completion rates to rural locations, in the aggregate, are comparable to the rates for non-rural locations. As long as a service provider uses the same metric to assess completion performance for both rural and non-rural calls and this metric is reasonably designed to produce a meaningful estimate of call completions (*e.g.*, the Network Effectiveness Ratio or “NER”),²⁴ the Commission should not be concerned about the precise mechanics of each provider’s methodology.

B. The Commission Should Afford Safe Harbors from Liability to Those Covered Providers That Adequately Monitor and Manage Intermediate Providers

To provide regulatory certainty to covered providers, the Commission should adopt its proposal to clarify that the agency will not impose liability on covered providers that make a “good-faith effort” to comply with any new requirements.²⁵ The Commission also should provide meaningful guidance regarding the measures a provider can take to satisfy this “good-faith effort” standard.

For example, the Commission should create a safe harbor for covered providers that “establish reasonable processes to timely investigate rural call completion complaints

Voice on the Net Coalition at 2 (June 11, 2013) (“the marketplace ultimately requires a high quality of service at reasonable rates”).

²⁴ The NER appropriately attempts to “exclude the effects of customer behavior and terminal behavior.” ATIS Handbook § 4.2.2. Accordingly, the NER reflects the number of call failures that can be ascribed to network problems and thereby represents a more useful call completion metric than the Answer Seizure Ratio, which “admittedly includes unanswered calls that are in fact successfully completing on the terminating end.” *Id.* § 4.2.1.

²⁵ Second FNPRM ¶ 15; Letter from Steve Morris, NCTA, to Marlene H. Dortch, FCC Secretary, WC Docket No. 13-39 (July 7, 2017).

or other evidence of potential rural call completion problems” related to their intermediate providers.²⁶ For this purpose, the Commission should consider a “reasonable process” to be one in which a covered provider: (1) requires intermediate providers to undergo technical tests that confirm network reliability before receiving traffic; (2) establishes performance metrics for assessing intermediate provider performance; (3) monitors whether each intermediate provider meets these metrics at least once per month; (4) directly addresses any failure to meet these metrics with the intermediate provider; and (5) removes an intermediate provider from a route if the intermediate provider either fails to provide the covered provider with a description of the remedial actions undertaken to improve its performance or the intermediate provider’s performance does not improve after a reasonable period of time.²⁷

In addition to the above safe harbor, the Commission also may wish to shield from liability covered providers that “contractually bind their intermediate providers to follow certain industry best practices, which are documented in the ATIS Call Completion Handbook.”²⁸ The Commission, however, must be mindful of the fact that the ATIS Handbook: (1) is a “living document” that changes over time and incorporates

²⁶ Second FNPRM ¶ 19.

²⁷ The Commission should not require providers to “restrict by contract any intermediate provider to which a call is directed from permitting more than one additional intermediate provider in the call path before the call reaches the terminating provider or terminating tandem.” *Id.* ¶ 31. Certain providers simply will not enter into contracts that contain this limitation based on concerns that they may need to use an additional intermediate provider during periods of network congestion or outages.

²⁸ *Id.* ¶ 16.

by reference numerous other standards that may be modified going forward;²⁹ and (2) “is not intended to be applied rigidly across all possible platforms” and sometimes includes terminology (*e.g.*, references to SS7 technology) that simply does not apply to all covered providers.³⁰

Accordingly, it would be inappropriate for the Commission to require compliance with the *entire* ATIS Handbook as the only safe harbor. Rather, any safe harbor based on the ATIS Handbook should be offered in conjunction with other safe harbor options such as the one proposed above and must be limited to compliance with specific provisions designated by the Commission that relate to the management of intermediate providers. In particular, it would be appropriate to require compliance only with the provisions in the ATIS Handbook that encourage covered providers to: (1) use contractual arrangements to specify testing procedures and “acceptable service levels” that the intermediate provider must fulfill; (2) effectively manage call “looping”; (3) require intermediate providers to “crank-back” or release a call to the originating carrier if it is unable to find a route; and (4) prohibit intermediate providers from “process[ing] calls so as to terminate and re-originate them.”³¹ Clarifying the requirements for satisfying the “good-faith effort” standard and, thus, the safe harbors will create a compelling incentive for covered providers to implement those measures in order to avoid liability.

²⁹ ATIS Handbook § 2 (listing over forty other documents that are referenced in the Handbook and thus “constitute provisions of this Standard”); *id.* § 9 (“This handbook is viewed as a living document that will be updated over time to reflect further learnings and any changes to pertinent standards and regulations that may arise.”).

³⁰ Reply Comments of CenturyLink at 8 (June 11, 2013) (“2013 CenturyLink Reply Comments”).

³¹ ATIS Handbook §§ 6.1, 6.3, 6.4, and 6.6.

IV. THE COMMISSION SHOULD REQUIRE ALL TERMINATING RURAL CARRIERS TO ACTIVATE AN AUTOMATED TEST LINE IN EACH END OFFICE

As Comcast has previously advocated, the Commission should combine remedial measures designed to address rural call completion problems after they have occurred with proactive measures that will help carriers to identify and address call completion problems in a more timely fashion.³² One particularly effective measure would be for the Commission to require each rural incumbent LEC to: (1) activate an automated line in each end office that originating and intermediate carriers can use to establish a test call process;³³ and (2) publish the test line number in an easily accessible database such as the Local Exchange Routing Guide. These test lines would permit originating and intermediate service providers to test the reliability of their voice service to rural lines regularly and expeditiously.³⁴

Importantly, test lines enable the network to be assessed in real time on an end-to-end basis and thereby allow originating carriers to identify issues at the terminating end of the call, which may be the cause of a call completion problem.³⁵ As the ATIS

³² 2013 Comcast Comments at 13-14; Reply Comments of Comcast Corporation at 8-9 (June 11, 2013); 2014 Comcast Comments at 4-5.

³³ An automated test line is one that is available for originating and intermediate carriers to use at their discretion without coordinating with the rural LEC or otherwise being subject to any form of monitoring or oversight by the rural LEC. A rural LEC could establish such a test line by, for example, terminating calls to the number associated with the line to a voice mailbox.

³⁴ Reply Comments of the National Cable & Telecommunications Association at 6 (June 11, 2013).

³⁵ *See, e.g.*, 2017 CenturyLink Comments at 2 (“In CenturyLink’s experience, many of the problems associated with call completion actually arise because of issues with the terminating local exchange carrier.”); ATIS Handbook § 5.3.5 (“A ‘call failure’ may occur anywhere in the call path, beginning with the originating Calling Party dialing a

Handbook notes, absent the ability to use test lines, “the originating provider can only test its portion of the network and must rely upon the third-party IXC to test its portion of the network that may be involved in the call flow.”³⁶

Further, the record developed thus far in this proceeding demonstrates the utility of such test lines. For example, CenturyLink noted that test lines “allow providers the continuous opportunity to test and address any issues found without impacting customers of any party.”³⁷ ATIS also indicated that “[s]uch lines can expedite trouble resolution, avoid CPNI-related issues and exclude problems that may be specific to the called party’s access and CPE arrangements.”³⁸ Put simply, there is ample evidence that the Commission should implement this straightforward, non-burdensome requirement, which will significantly enhance the ability of originating and intermediate service providers to identify and undertake prompt corrective action to address rural call completion problems.

TN, all the way to the call completion point.”); Comments of HyperCube Telecom, LLC at 13, n.28 (Jan. 16, 2014); Comments of Sprint Corporation at 2 (Jan. 16, 2014); Reply Comments of Verizon and Verizon Wireless at 7 (Feb. 18, 2014) (“visibility into call attempts and resulting call treatment from the terminating side as well as the originating side is an important tool for solving rural call completion problems”).

³⁶ ATIS Handbook § 7.2.1.

³⁷ 2013 CenturyLink Reply Comments at 3.

³⁸ Reply Comments of ATIS at 9-10 (Feb. 18, 2014).

V. CONCLUSION

For the foregoing reasons, the Commission should replace the current rural call completion recording, retention, and reporting rules – which produce reports that are unhelpful to the Commission – with flexible rules that require covered providers to ensure that their intermediate providers are performing adequately. Such new rules will more effectively and efficiently address the key goal of this proceeding by ensuring that the call completion rates of voice service providers for toll calls to rural areas are comparable to the providers' call completion rates to non-rural areas. Moreover, in order to proactively reduce rural call completion difficulties, the Commission should require rural incumbent LECs to activate an automated test line in each of their end offices.

Respectfully submitted,

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