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**REDACTED FOR PUBLIC INSPECTION –
REQUEST FOR CONFIDENTIAL TREATMENT
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

September 9, 2016

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Petition for Limited Waiver, WC Docket No. 13-39

Dear Ms. Dortch:

Pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(b)(4), and the rules of the Federal Communications Commission (“FCC” or “Commission”), 47 C.F.R. §§ 0.457(d) & 0.459, Comcast Cable Communications, LLC (“Comcast”) hereby requests confidential treatment for certain information contained in the attached Petition for Limited Waiver (“Petition”). As explained below, the Petition contains company-specific, confidential data about Comcast’s rural call completion rates and is protected from disclosure by FOIA Exemption 4, the Commission’s rules, and the Commission’s Order implementing its rural call completion reporting requirements.¹

1. *Identification of the specific information for which confidential treatment is sought.* Comcast requests that the redacted portions of the Petition be treated as confidential pursuant to Exemption 4 of FOIA and sections 0.457(d) and 0.459 of the Commission’s rules, which protect confidential commercial information that is not routinely available for public inspection and that would customarily be guarded from competitors.² The Petition contains company-specific, confidential data about Comcast’s operations and procedures related to rural call completion that would not routinely be made available to the public.

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457 & 0.459; *Rural Call Completion, Report and Order and Further Notice of Proposed Rulemaking*, 28 FCC Rcd 16154, ¶ 109 (2013) (“*Rural Call Completion Order*”).

² 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457 & 0.459.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* This information is being submitted pursuant to the Commission's ongoing oversight of rural call completion issues. The confidential information includes Comcast's Answer-Seizure Ratio ("ASR") and Network Effectiveness Ratio ("NER") metrics. Comcast keeps these data confidential and requests that the Commission do the same. The Commission acknowledged the sensitive nature of these data in the *Rural Call Completion Order* and consequently has taken specific measures to streamline such data's confidential treatment.³

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Petition contains proprietary, company-specific, confidential commercial data about Comcast's ASR and NER metrics. If this information was made public, Comcast's competitors could use such information to gain a competitive advantage over Comcast.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates directly to Comcast's provision of residential and commercial voice services, which are subject to vigorous competition.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* As noted, the Petition discloses commercially sensitive information regarding Comcast's network operations that is not made available publicly. If this information was released, Comcast's competitors could use the information to undercut Comcast's competitive position, potentially causing substantial competitive harm to Comcast.

6. & 7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The confidential information in the Petition is not available to the public and has not otherwise been disclosed previously in this form to third parties.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Comcast requests that the

³ See *Rural Call Completion Order* ¶ 109 ("[W]e conclude that covered providers filing these reports may request confidential treatment of all or portions of the data they submit without filing the detailed confidentiality justification required by section 0.459 of our rules.").

information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* As discussed above, the Commission has acknowledged the sensitive nature of carriers' rural call completion data in its *Rural Call Completion Order*. Comcast does not make this information public and has no intention of doing so in the future.

In the event that the Commission declines to grant this request, disclosure of the redacted information (other than to a Commission employee working directly on the matter) should be permitted only under limited circumstances and with appropriate protections in place. If a request for disclosure occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Comcast to pursue appropriate remedies to preserve the confidentiality of the information.

If you have any questions or require further information regarding this request, please do not hesitate to contact me.

Sincerely,

/s/ Emily J. H. Daniels

Emily J. H. Daniels

Counsel to Comcast Cable Communications, LLC

Attachment

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

PETITION FOR LIMITED WAIVER

Pursuant to section 1.3 of the Federal Communications Commission’s (“FCC’s” or “Commission’s”) rules,¹ Comcast Cable Communications, LLC (“Comcast”), on behalf of the company and its affiliated covered providers, hereby requests a limited waiver of the Commission’s call completion rules. In particular, for the period up to and including June 30, 2016, Comcast requests a partial *nunc pro tunc* waiver of its obligation to report, record, and retain the call completion information required pursuant to sections 64.2103 and 64.2105 of the FCC’s rules.² For the reasons set forth below, there is good cause for grant of this waiver. Moreover, grant of the requested waiver would be consistent with the public interest in light of Comcast’s uniformly high Answer-Seizure Ratio (“ASR”) and Network Effectiveness Ratio (“NER”) metrics, which demonstrate that Comcast’s diligent efforts and best practices have prevented the rural call completion issues that gave rise to the current reporting obligations.

¹ 47 C.F.R. § 1.3.

² 47 C.F.R. §§ 64.2103, 64.2105.

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I. COMCAST INADVERTENTLY OMITTED CERTAIN ENTERPRISE TRAFFIC IN ITS RURAL CALL COMPLETION FILINGS

Comcast initially offered its interconnected voice over Internet protocol (“VoIP”) services to businesses via two different types of soft switches. Over time, however, Comcast’s enterprise operations have become more complex as the company has introduced an expanding array of features for its commercial customers. As part of that ongoing evolution, Comcast has begun migrating its enterprise VoIP service to a new IP Multimedia Subsystem (“IMS”) switching platform that offers customers a number of benefits, including increased reliability. Since this transition remains in progress, however, some enterprise customers are still served by the legacy soft switches.

When Comcast’s engineers established their procedures for gathering the Call Detail Record (“CDR”) information needed to complete the FCC Form 480, they inadvertently failed to account for the complexity of Comcast’s current network structure, and thus did not capture rural and non-rural CDRs for enterprise customers served by the new IMS platform and certain CDRs originating over one trunk group serving a subset of the legacy soft switches. The Comcast personnel responsible for reviewing the CDR data and preparing the FCC Form 480 reports did not initially notice the omitted originating call attempt data because their attention was focused on: (1) reviewing the FCC Form 480 call completion metrics, which the reviewers thought were based on all reportable traffic; (2) reviewing weekly reports of each intermediate carrier’s performance in terminating toll traffic to rural locations on an OCN-by-OCN basis; and (3) ensuring that both of these data sources reflected call completion metrics that were consistent with Comcast’s rigorous internal guidelines.

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Despite these omissions, Comcast's FCC Form 480 reports provide an accurate measure of its call completion performance to both rural and non-rural areas. Comcast's reports have included all of the required toll call attempts originated by its residential consumers and the vast majority of the required call attempts originated by enterprise customers that continued to be served by the legacy soft switches. The omitted calls include all toll calls placed by the affected enterprise customers – *i.e.*, those destined for both rural and non-rural exchanges – which are transmitted through the same routes as the reported calls. As a result, the only likely impact the inadvertent omission of certain call attempts had on Comcast's FCC Form 480 filings was that these reports reflected lower call volumes than they should have.

In fact, immediately upon discovering the errors, Comcast devoted extensive resources to correct the problem and was able to recover and include the traffic from one omitted system in its timely-filed FCC Form 480 report for the second quarter of 2016. The inclusion of traffic from this system did not materially change Comcast's overall call performance metrics.

Further, Comcast now has been able to recover all omitted call completion information for July 2016. These data further confirm what Comcast's historic ASRs and NERs have shown: the extensive call completion safeguards that Comcast has implemented produce high and equally robust call completion rates to both rural and non-rural exchanges. Specifically, Comcast's ASR for all July 2016 call attempts was [BEGIN CONFIDENTIAL INFORMATION] [REDACTED]. [END CONFIDENTIAL INFORMATION] Comcast's July 2016 NER was [BEGIN CONFIDENTIAL INFORMATION] [REDACTED]. [END CONFIDENTIAL INFORMATION] Notably, these figures are consistent with the

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ASRs and NERs that Comcast has reported previously. From April 2015 to June 2016,

Comcast's average ASR was [BEGIN CONFIDENTIAL INFORMATION] [REDACTED]

[REDACTED]. [END CONFIDENTIAL

INFORMATION] Similarly, Comcast's average NER over this period was [BEGIN

CONFIDENTIAL INFORMATION] [REDACTED]

[REDACTED]. [END CONFIDENTIAL INFORMATION]

Comcast fully corrected the problems with its method of collecting CDR information for certain enterprise calls as of August 9, 2016. As noted, the company also was able to retrieve from its archives all of the required call attempt information for July 2016 (as well as the first eight days of August) and, thus, will be able to file complete reports for the third quarter of 2016 and thereafter. Accordingly, Comcast requests a *nunc pro tunc* waiver of its sections 64.2103 and 64.2105 obligations to record, retain, and report complete call completion information for the period up to and including June 30, 2016.³

II. GRANT OF THE REQUESTED WAIVER IS CONSISTENT WITH THE POLICY GOALS UNDERLYING THE COMMISSION'S RURAL CALL COMPLETION RULES

As explained above, Comcast's filing of FCC Form 480 reports that did not include all call completion information for a portion of its enterprise customers was caused by an inadvertent administrative error. Further, the purpose of the Commission's call reporting and retention rules is not to create a database with call detail information about the completion of each and every call. Instead, the Commission's requirements were designed to "address

³ 47 C.F.R. §§ 64.2103, 64.2105.

significant concerns about completion of long-distance calls to rural areas.”⁴ In particular, the Commission intended for these obligations to encourage voice service providers to adopt practices and procedures for transmitting toll calls that would ensure high levels of rural call completion.

To that end, the Commission has “allowed providers that have practices consistent with the Commission’s call completion objectives to qualify for reduced reporting and retention requirements.”⁵ Further, the Commission has noted that in considering a request for waiver of its reporting rules, it will take into account whether a provider has: (1) “processes in place to ensure that calls to rural incumbent LECs successfully reach their destinations, such as by adopting industry best practices”; (2) “capabilities and processes to monitor its own performance by the OCN of the called party’s LEC”; and (3) “demonstrated that it qualifies for the safe harbor.”⁶ Comcast’s call completion practices generally meet – and in many instances exceed – these standards.

Comcast has been an active member of the Alliance for Telecommunications Industry Solutions (“ATIS”). Further, based on the ATIS *Intercarrier Call Completion/Call Termination Handbook* and consistent with the Commission’s public interest goals outlined above, Comcast has established a rigorous system of best practices to ensure high levels of call completion to

⁴ *Rural Call Completion*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, ¶¶ 1, 2 (2013) (“Report & Order”); *see also Rural Call Completion*, Notice of Proposed Rulemaking, 28 FCC Rcd 1569, ¶ 13 (2013).

⁵ *Rural Call Completion; Petition for Limited Waiver of AT&T Services, Inc.; Petition for Waiver of CenturyLink*, Order, 30 FCC Rcd 996, ¶ 5 (2015) (“Waiver Order”).

⁶ Report & Order ¶¶ 33, 96.

both rural and non-rural areas. In particular, the company uses three types of termination arrangements for its originating toll traffic, two of which do not involve the use of *any* intermediate carrier to deliver calls to rural exchanges. First, Comcast employs direct Session Initiation Protocol (“SIP”) connectivity with two major local exchange carriers, a traffic exchange method that involves no intermediate carriers. Second, Comcast uses terminating Feature Group D exchange access facilities to deliver traffic directly to several rural carriers, arrangements that similarly require no intermediate carriers. Finally, Comcast relies on a limited number of intermediate interexchange carriers. Before Comcast began sending traffic to these carriers, each carrier was required to undergo various technical tests intended to ensure that its network would satisfy Comcast’s call completion goals.

Moreover, all but one of Comcast’s agreements with the intermediate carriers satisfy the requirements the Commission has adopted for a voice provider to be eligible for “safe harbor” treatment. Specifically, Comcast asked each of its intermediate carriers to provide written confirmation that it will route rural call attempts using no more than one downstream provider or “hop.” All but one of the carriers have done so. Although the remaining carrier has thus far declined to make the same commitment, its call performance metrics have consistently met or exceeded Comcast’s call completion standards.

Comcast also has an ongoing program for assessing its call completion performance. As noted, Comcast conducts a weekly analysis of each intermediate carrier’s performance on an OCN-by-OCN basis as an early warning detection performance measure. Based on these reports, Comcast proactively opens trouble tickets as necessary and reroutes traffic on a temporary basis to mitigate any short-term call completion issues. Comcast also conducts

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regularly scheduled meetings with the carriers to review their call completion metrics. Similarly, Comcast performs a quarterly review of the carriers used on rural routes and proactively will make any longer-term changes to the carriers serving a particular OCN that are required to ensure that Comcast's call completion standards are met. Finally, Comcast now directs all carrier trouble tickets related to rural call terminations to a dedicated operations team.

Comcast's rural call completion policies are updated regularly to reflect the latest industry practices and standards, as well as statements from Commission releases regarding the agency's call completion expectations. Moreover, to prevent any similar reporting oversights in the future, Comcast is implementing a number of additional internal safeguards. In particular, Comcast will ensure that all future changes to Comcast platforms are brought to the attention of the parties on the team responsible for preparing the FCC Form 480. Comcast also has changed its internal review system so that any reporting omissions that occur in spite of this new measure are detected and corrected promptly. Specifically, Comcast's engineering team will provide data regarding voice traffic trends along with other data when it circulates call completion data for review, and the team will compare internal databases to ensure that the volume of traffic pulled for FCC Form 480 purposes is consistent with the traffic volume reflected in other datasets.

In sum, Comcast's demonstrated commitment to the development and implementation of these best practices has enabled the company to achieve call completion rates to rural areas that consistently are both high and in parity with its completion rates to non-rural areas. Further, Comcast has established a weekly program for monitoring the performance of its intermediate carriers, adopted other safeguards to ensure that its call completion rates remain high, and executed agreements with all but one of its intermediate carriers that satisfy the FCC's "safe

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harbor” requirements. And when it discovered the reporting issue, Comcast quickly devoted the resources necessary to isolate and correct the problem for all future reports. Comcast also worked diligently to recover the omitted July 2016 data and, as noted, confirmed that inclusion of this information did not impact Comcast’s call completion metrics.

Thus, insistence here on retroactive strict compliance with the FCC’s call reporting and record retention obligations plainly would not be consistent with the public interest.⁷ To the contrary, given that Comcast’s failure to comply with the relevant rules was caused by an administrative oversight that had no effect on the company’s excellent call completion performance during the applicable time period, there is “good cause” for the requested *nunc pro tunc* waiver.⁸

III. GRANT OF THE REQUESTED WAIVER WOULD NOT DEPRIVE THE COMMISSION OF MEANINGFUL CALL COMPLETION INFORMATION

As shown above, Comcast’s inadvertent failure to report some of its enterprise originating toll call attempts was not attributable to an effort to avoid compliance with the Commission’s rules. Moreover, that administrative oversight did not prevent the Commission, even for a brief period, from having access to reliable reports regarding completion rates for toll calls that Comcast customers placed to rural and non-rural areas. As the Commission has

⁷ *Numbering Resource Optimization; Petition of California Public Utilities Commission for Waiver of the Federal Communications Commission’s Contamination Threshold Rule*, Order, 18 FCC Rcd 16860, ¶ 9 (2003) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)) (noting that the Commission may waive its rules where the particular facts would make strict compliance inconsistent with the public interest, taking into account, *inter alia*, considerations of “equity” and “more effective implementation of overall policy on an individual basis”).

⁸ 47 C.F.R. § 1.3.

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indicated, the FCC Form 480 reports are “intended as a means for identifying possible areas for further inquiry.”⁹ Here, the Commission has more than enough data to conclude that Comcast’s excellent call completion performance does not warrant such additional scrutiny.

To date, Comcast has filed timely FCC Form 480 reports that provide the call attempts and completion rates for the majority of the company’s calls to rural and non-rural locations. Comcast’s reports included call attempts and completion rates for *all* of the calls originated by residential voice customers to both rural and non-rural locations. Importantly, notwithstanding the recently discovered problem, Comcast’s FCC Form 480 reports have included a high number of call attempts by its enterprise customers destined for both rural and non-rural locations. In combination with the data Comcast has submitted regarding its other customers, the Commission undoubtedly has ample data regarding Comcast’s rural call completion performance and how such performance compares to non-rural areas.

These data provide much more than the “statistically valid sample of calls” that the Commission contemplated for rural call completion waivers.¹⁰ Notably, in granting AT&T’s waiver of the call completion rules, the Commission permitted it to submit data based on a sample of calls that “on a representative day, amounts to roughly one-sixth of its . . . traffic.”¹¹ In this instance, the reported call attempts represented a much higher percentage of the total

⁹ *Rural Call Completion*, Order on Reconsideration, 29 FCC Rcd 14026, ¶ 37 (2014); Report & Order ¶ 19 (indicating that the Commission adopted “recording, retention, and reporting requirements to substantially increase [its] ability to monitor and redress problems associated with completing calls to rural areas”).

¹⁰ Report & Order ¶ 96.

¹¹ Waiver Order ¶¶ 28-29.

reportable calls placed by Comcast's customers. Further, as noted above, the data Comcast has reported uniformly demonstrate parity in call completion ratios to rural and non-rural areas.

In short, the Commission has a substantial amount of call completion data for Comcast traffic that terminated at rural and non-rural locations during the period covered by the requested waiver. Grant of the waiver, therefore, will not undermine in any way the Commission's efforts to analyze whether Comcast's call completion rates to rural areas were satisfactory and comparable to its completion rates for calls to non-rural exchanges.

IV. CONCLUSION

For the foregoing reasons, Comcast respectfully urges the Commission to grant the partial *nunc pro tunc* waiver of its rural call completion retention and reporting obligations requested herein.

Respectfully submitted,

/s/ Francis M. Buono

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