January 16, 2015

***Ex Parte* Letter**

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

Re: *In the Matter of Rural Call Completion,* WC Docket Number 13-39, OMB Control Number 3060-1186

Dear Ms. Dortch:

On January 12, 2015, NTCA–The Rural Broadband Association, (NTCA), the National Exchange Carrier Association (NECA), the Eastern Rural Telecom Association (ERTA), and WTA-Advocates for Rural Broadband (WTA) filed PRA comments with the OMB pursuant to the notice and request for comments which was published in the November 14, 2014 Federal Register. A copy of the filed comments is attached and the Associations request that they be added to the public record in the above referenced docket.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Jill Canfield
Jill Canfield
Vice President of Legal and Industry
Assistant General Counsel

cc: Richard Hovey

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Before the
Office of Management and Budget
Washington, D.C.

In the Matter of	)	
	)	
Information Collection Submitted for Review and	)	OMB Control Number 3060-1186
Approval to the Office of Management and Budget	)	FCC WC Docket No. 13-39

REPLY COMMENTS
Of
NTCA – THE RURAL BROADBAND ASSOCIATION
NATIONAL EXCHANGE CARRIER ASSOCIATION
EASTERN RURAL TELECOM ASSOCATION, AND
WTA – ADVOCATES FOR RURAL BROADBAND

I. INTRODUCTION

There is a national rural call completion crisis and the need to address it promptly and comprehensively is incontrovertible. For more than four years, voice calls to consumers and businesses located in rural areas of the United States have been dropped or blocked before reaching the networks of rural rate-of-return regulated local exchange carriers ("RLECs"). "[The Federal Communications Commission has] heard about calls from doctors to nursing homes not going through, that calls to businesses aren't getting completed, and that rural consumers are frustrated when their friends and family are not able to reach them. Even more critically, calls to public safety authorities that are not completed can literally mean the difference between life and death."[1] Schools have been unable to reach parents with critical alerts, including school closings due to extreme weather. 911 call centers have been unable to complete emergency callbacks, and those who safeguard the public have been unable to communicate with public safety officials.

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[1] *Rural Call Completion*, WC Docket No. 13-39, *Report and Order and Further Notice of Proposed Rulemaking*, 28 FCC Rcd. 16154 (2013) (*Order)*, Statement of Commissioner Clyburn.

This issue affects not only rural consumers and businesses, but also harms users across the nation when their ability to reach family members, friends and rural businesses is compromised. Even for those who never call a rural area, the value of the voice network to them is diminished as the reliability of the nationwide network is degraded.[2] There are severe adverse impacts to regional economies and the national economy if consumers and businesses in certain areas cannot reliably be reached. The United States used to have a telecommunications network that was the envy of the world because of its reach and reliability. This problem has resulted in the telecommunications network in the United States digressing.

Multiple parties in the proceeding before the Federal Communications Commission ("Commission"), in addition to consumers, state regulators, consumer advocates and members of Congress have weighed in on the call completion epidemic and noted the "dire consequences" to consumers, economic development, and public safety across the nation. The extent and ramifications of these problems, and the real costs to residential users and small businesses alike, cannot be understated – and their resolution needs to occur on a comprehensive and expedited basis. The problem is so persistent and wide-spread that the Commission concluded there was "no doubt" that call completion problems "continue to be frequent and pervasive throughout rural America."[3] The Commission, after conducting many workshops, reviewing a robust public record, and fielding a multitude of individual consumer and business complaints, adopted reasonable data collection, retention and reporting rules intended to address "serious and widespread" rural call completion problems.

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[2] It is well established that the value of a network increases as it grows. *See, e.g.*, Bob Briscoe et al, *Metcalf's Law Is Wrong,* IEEE Spectrum, (Jul. 1, 2006 6:15 PM), http://spectrum.ieee.org/computing/networks/metcalfes-law-is-wrong (Metcalfe was correct that the value of a network grows faster than its size in linear terms).

[3] *Order*, pp. 7-8

While there is some burden associated with complying with the Commission's data collection and retention requirements, it cannot be said in good faith that the burden outweighs the public benefit in ensuring that calls to rural areas, and consumers in particular, are completed.

II. THE RECORD DOES NOT SUPPORT CLAIMS OF ENORMOUS COMPLIANCE COSTS

Notably, only three parties argued the Commission underestimated the compliance burden associated with the rural call completion record keeping and reporting requirements. Despite protests to the contrary, the majority of the requested data is already collected by most, if not all, facilities-based originating carriers in their normal course of business.[4] Even to the extent that any new requirements might impose some burdens, they are outweighed by the frustration and public safety concerns borne by consumers and businesses when calls are not completed.

Self-serving arguments that the reporting requirements are overly burdensome were considered and rejected by the Commission. The Commission found, based on commenters' own assertions, that many covered providers already had in place the capability of complying with its rules.[5] It also noted Sprint's "unsubstantiated contention that the proposed rules will cost billions of dollars industry-wide," finding that it was "based on several erroneous assumptions."[6]

The Commission took several steps to balance the need for the data against the associated collection, retention and reporting burden. For example, it declined to require data collection,

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[4] Originating providers collect and exchange most of this data for customer billing purposes and for verification of underlying provider bills and intercarrier compensation charges. *See,* Joint Comments of the National Exchange Carrier Association, Inc., NTCA – The Rural Broadband Association, Western Telecommunications Alliance, and Eastern Rural Telecommunications Association, Rural Call Completion, WC 13-39 (filed May 13, 2013).
[5] *Order*, p. 30.
[6] *Id.*

retention and reporting for calls terminating to wireless carriers and Competitive Local Exchange Carriers.[7] It reduced retention requirements by approximately 90% when it declined to require retention of call detail for those calls terminating to non-rural areas.[8] The compliance burden was also limited by creating a threshold company-size reporting requirement, safe harbor provisions and a waiver process. Most recently, the Commission further reduced its retention and reporting requirements by granting a petition filed by USTelecom and ITTA to exclude LEC to LEC IntraLATA calls.[9] The Commission did so to "significantly lower providers' compliance costs and burdens."[10] The record keeping and reporting requirements properly balance the enormous frustrations and public safety concerns to consumers and businesses across the country when calls do not complete against the potential costs of not completing calls.

III. THE VALUE OF THE DATA COLLECTION OUTWEIGHS CONCERNS ABOUT THE ASSOCIATED BURDENS

Arguments by some that the data gathered by the Commission will provide little or no useful information are simply incorrect. Eligible providers must provide (a) the total number of call attempts; (b) the number of answered calls; (c) the number of call attempts that result in "busy" code; (d) the number of call attempts that result in a "ring no answer" code; and (e) the number of call attempts for which the called number was reported to be unassigned.[11] Collecting these data points will enable the Commission to calculate both the call answer rates (CAR) and the

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[7] *Order*, p. 25.
[8] *Id.*
[9] Rural Call Completion, WC 13-39, *Order on Reconsideration* (rel. Nov, 13, 2014).
[10] *Id.*, p.2.
[11] *Order*, p. 32.

network effectiveness ratios (NER). The CAR (a.k.a. the answer seizure ratio) and NER have long been industry recommended standards for measuring call performance.[12]

The Commission's Order requires data points to be provided not only at aggregate rural and nonrural levels, but also at the individual company level for those calls terminating to rural areas.[13] This ensures that poor performance to any individual rural incumbent LEC is not masked, as it otherwise would be by averaging together calls to all rural incumbent LECs, or averaging call data for rural and non-rural areas.[14] The Commission's ability to detect performance issues is further enhanced by comparing these data across multiple providers. Investigations targeting "outliers" occurring at various levels of granularity across multiple providers, along with the availability of underlying call detail records, will not only lead to timely and efficient identification of violators of the Commission's rules, but also the underlying causes of poor call performance.

IV. CONCLUSION

Consumers living and working in rural communities must be able to rely on the nation's telecommunications system. Rural communities' financial welfare and public safety are compromised when calls fail to be complete. The Commission examined a lengthy and complete record on the issue and determined that this targeted data collection will provide decision makers with the best chance of finding a permanent solution to this troubling issue. The self-serving

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[12] See, ITU-T Recommendation E.425 (03/02), *Internal Automatic Observations* (Mar. 16, 2002), http://www.itu.int/rec/T-REC-E.425-200203-I/en.
[13] *Order*, p. 34.
[14] *Id.*

assertions of a few commenters should not stand in the way of approving a data collection that will ultimately restore reliability to our nation's telecommunications network.

Respectfully submitted,

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