



Federal Communications Commission
Washington, D.C. 20554

December 21, 2015

DA 15-1471

Ernest C. Cooper
Associate
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania Ave., NW, Suite 900
Washington, DC 20004

RE: *Rural Call Completion*, WC Docket No. 13-39

Dear Mr. Cooper:

This letter is in response to your inquiry of Commission staff concerning a changed circumstance in which your client, a local exchange carrier that has previously complied with the rural call completion recording, retention, and reporting rules¹ as a “covered provider,”² is no longer a covered provider under the *Rural Call Completion Order*. You noted that this change in circumstance occurred during the middle of a reporting period and sought guidance to ensure that your client operates within the requirements of the *Rural Call Completion Order* given these facts.

The Commission’s rural call completion rules improve the Commission’s ability to monitor the delivery of long-distance calls to rural areas and aid enforcement action in connection with providers’ call completion practices, as necessary. While strict compliance with these rules is important, the Commission also recognized that it could be unduly burdensome on providers who do not make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines. Therefore, the Commission exempted such providers from the recording, retention and reporting requirements, but required the subset of excluded providers that have more than 100,000 domestic retail subscriber lines “to file a one-time letter in WC Docket No. 13-39 explaining that they do not make the initial long-distance call path choice for more than 100,000 long-distance voice service subscriber lines and identifying the long-distance provider or providers to which they hand off their end-user customers’ calls. This letter must be submitted to the Commission by the date on which recording and retention is required to begin, and a copy must be submitted simultaneously to each provider identified in the letter as having reporting responsibility.”³

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

² “Covered provider” is defined as “a provider of long-distance voice service that makes the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines, counting the total of all business and residential fixed subscriber lines and mobile phones and aggregated over all of the providers’ affiliates.” 47 CFR § 64.2101. Covered providers must file quarterly reports reflecting monthly call completion data. *Id.* at 16184, para. 65, 16191, para. 84 (noting the type of data to be included in the certified quarterly reports and that the quarterly reports will be due on February 1 (reflecting monthly data from October through December), May 1 (reflecting monthly data from January through March), August 1 (reflecting monthly data from April through June), and November 1 (reflecting monthly data from July through September) of each year).

³ *Id.* at 16185, para. 67.

We agree with you that a one-time letter such as you propose would be consistent with, and serve the purpose of, the Commission's rule. That is, a previously covered provider that has more than 100,00 domestic retail subscriber lines and no longer falls within the definition of "covered provider" should submit a one-time letter to the Commission explaining the changed circumstances (i.e., that it is no longer a covered provider). The one-time letter would be submitted by the date on which the *next quarter* of recording and retention is required to begin, and a copy would be submitted simultaneously to each provider identified in the letter as having reporting responsibility. Therefore, your client would still file a report on February 1, 2016, covering call completion data from October through December, and the one-time letter would be submitted by the end of December in order for your client to be exempt from the recording and retention requirements beginning in January 2016.

We appreciate your attention to this matter.

Sincerely,

Daniel Kahn
Acting Chief
Competition Policy Division
Wireline Competition Bureau