

March 11, 2011

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

***Ex Parte Notice:***

***In the Matter of Establishing Just and Reasonable Rates for Local Exchange Carriers, Call Blocking by Carriers, WC Docket 07-135; Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92 Rules and Regulations Implementing the Truth in Caller ID Act of 2009, WC Docket No. 11-39.***

Dear Ms. Dortch:

On Thursday, March 10, the undersigned and Jill Canfield from the National Telecommunications Cooperative Association (NTCA), Derrick Owens from the Western Telecommunications Alliance (WTA), Colin Sandy from the National Exchange Carrier Association (NECA), Stuart Polikoff and John McHugh from the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), Kevin Larson from Consolidated Telephone Company, Dave Bickett from Park Region Mutual Telephone Company and Fritz Hendricks from Onvoy (collectively, “the Rural Representatives”) met with the following representatives from the Federal Communications Commission: Dan Ball, Travis Litman, Lynne Engledow, Victoria Goldberg, Al Lewis, John Hunter, Margaret Dailey, Terry Cavanaugh, and Tracy Bridgham.

The group discussed problems related to the transmission and completion of calls placed to customers served by rural local exchange carriers (LECs). The Rural Representatives identified a variety of concerns, including but not limited to: (1) calls that ring for the calling party, but not at all or on a delayed basis for the called customer of the rural LEC; (2) calling parties who receive incorrect or misleading message interceptions before the call ever reaches the rural LEC or the tandem it subtends; (3) calls that appear to “loop” between routing providers, but never reach the rural LEC or the tandem it subtends; and (4) incorrect caller ID that displays to called parties (to the extent such calls reach the rural LEC network at all).

The Rural Representatives explained how difficult it is to identify such problems when they occur. Specifically, because these issues arise in the context of calls placed by customers of other carriers and because the calls may never reach the rural LEC network at all, such problems are most often identified only when the calling party communicates the concern to the called party, and then only if the called party in turn reports this concern to its serving rural LEC. The Rural Representatives further discussed how difficult it is to locate and resolve the source of the

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issue even once identified, because there are a variety of platforms on which the troubles arise and a number of logistical and operational barriers to “troubleshooting” problems on other carriers’ networks. The Rural Representatives indicated, however, that their fact-finding supports the conclusion that the problems appear to arise from how originating carriers choose to set up the signaling and routing of their calls. They described their efforts to work with the carriers of calling parties to address the problem and the inconsistent results thereof.

The Rural Representatives described how this problem has become a nationwide and industry-wide epidemic that directly and adversely affects consumers. They gave several examples of how this epidemic threatens public safety and homeland security, and explained how it degrades the integrity and reliability of the nation’s telecommunications network.

The attached document provides further details. It was handed out and presented during the meeting.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS with your office. If you have any questions, please do not hesitate to contact me at (703) 351-2016 or [mromano@ntca.org](mailto:mromano@ntca.org).

Sincerely,

/s/ Michael R. Romano

Michael R. Romano

Senior Vice President – Policy

Enclosure

Cc: Dan Ball  
Travis Litman  
Lynne Engledow  
Victoria Goldberg  
Al Lewis  
John Hunter  
Margaret Dailey  
Terry Cavanaugh  
Tracy Bridgham

# Protecting the Integrity of the PSTN

Consumers Unable to  
Complete Calls to Rural  
America



# Introduction

- The success of the Nation's telecommunications network relies upon the ability of all users to complete calls seamlessly
- Blocked, uncompleted, delayed and/or poor quality calls create adverse economic and public safety impacts
- The Commission should reaffirm its call blocking rules to address recent occurrences

# Outline

- Facts
- Impacts
- Policy
- Law

# Facts

- A growing number of rural customers report difficulties receiving long distance calls
- Numerous reports describe calls that: ring at the caller's end, but not the called party's; "time-out;" have inaccurate or garbled caller ID; have dramatically low voice quality
- Problems lie with the originating carriers and/or routing of calls prior to rural LEC
- Include calls originating from wireline, wireless, interconnected VoIP, and VoIP systems

# Facts

- Reported occurrences in numerous jurisdictions, including but not limited to: Colorado, Iowa, Minnesota, Nebraska, New Mexico, South Dakota, and Wisconsin
- A multi-month effort by a tandem provider to multiple LECs in Minnesota documented numerous in-bound calling problems
  - *Complaints ranging from 4 to 32 trouble tickets per week over 3 month period in 2010*
  - *Often stop-and-start patterns – resolved and restart*
- 80% of carriers responding to NTCA's survey reported termination problems
  - *28% report persistent concerns continue*
  - *46% report ongoing intermittent issues*

# Facts

- Called customers turn to LECs for resolution, but originating carriers are frequently reluctant to work with anyone other than the customer of record (*i.e.*, the originating caller)
- Problem potentially larger than being reported, since:
  - Called customers may not be aware of in-bound call problems absent notification by calling party
  - LECs may not be aware of in-bound call problems absent notification by called customers

# Impacts

- The adverse impacts include economic concerns and public safety
  - A retail firm *invoiced its rural LEC* for more than \$50,000, citing lost sales from potential customers who could not reach the supplier
  - A state police barracks has threatened to move, citing its inability to receive critical calls
  - The Minnesota A.G. has initiated inquiries because of public safety agency concerns
  - Consumers are lodging complaints with the FCC and state commissions; NE has opened a docket
- The integrity of the PSTN is at risk

# Impacts

- Customers turn to local company for resolution of problem that occurs on another's network
  - Customers suffer missed calls
  - LECs endure loss of goodwill
  - LECs expend resources to chase problems – NTCA member: “Countless hours, days, weeks . . . Once we make the initial contact, they pass it off as someone else's problem”
  - With least-cost routing and multiple hand-offs between regulated and unregulated providers (including VoIP), it is difficult – if not impossible – to establish source(s) of issues or establish that state commissions have jurisdiction to help resolve issues

# Policy

- These problems are threatening commerce, public safety, and customers' ability to access and use a reliable network
  - Call failure is an obvious concern, but even inaccurate/garbled caller ID issues can frustrate law enforcement and national security objectives
- The value of the Nation's telecommunications network increases with each connected user; the Commission must prevent operating practices that decrease its value

# Law

- Commission precedent prohibits call blocking and similar practices
  - No carriers may “block, choke, reduce or restrict traffic in any way” (DA 07-2863)
- Such practices “may degrade the reliability of the nation’s telecommunications network”
- “It is not difficult to foresee instances in which the failure of a call to go through would represent a serious problem and, in certain instances, it could be life-threatening” (FCC 01-146)

# Law

- The Commission should ensure that providers do not initiate or permit actions that result in calls failing to terminate
- The Commission should ensure that provider practices do not otherwise result in traffic being choked, restricted, or disguised
- Where a provider knows – *or should reasonably know* – that calls will fail to complete and/or suffer in quality or timeliness of delivery, the provider should be responsible for its acts or omissions

# Law

- Inaccurate caller ID information violates Commission rules
- Common carriers using SS7 are required to transmit the CPN associated with an interstate call to interconnecting carriers (47 CFR 64.1601(a))

# Conclusion

- The Commission should affirm the duty of all providers to route calls properly for completion regardless of the technology used in the transport of those calls
- The Commission should affirm the duty of providers to supply accurate and complete caller ID for the actual customer who originated the call
- The Commission must ensure that users' reliance on the Nation's communications network is not misplaced or undermined