

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Establishing Just and Reasonable Rates for Local Exchange Carriers	)	WC Docket No. 07-135
	)	
High-Cost Universal Service Support	)	WC Docket No. 05-337
	)	
Developing a Unified Intercarrier Compensation Regime	)	CC Docket No. 01-92
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link-Up	)	WC Docket No. 03-109
	)	
Universal Service Reform – Mobility Fund	)	WT Docket No. 10-208

**COMMENTS OF  
THE UNITED STATES TELECOM ASSOCIATION**

This submission by USTelecom<sup>1</sup> is in response to the Wireline Competition Bureau's (Bureau) request for comments on the Petition<sup>2</sup> filed by AT&T (Petition) seeking a limited waiver of the Commission's call signaling rules adopted in the *USF/ICC Transformation Order* (Order).<sup>3</sup> USTelecom supports the grant of AT&T's

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<sup>1</sup> USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data and video over wireline and wireless networks.

<sup>2</sup> See Public Notice, DA 12-34, Released January 10, 2012, Wireline Competition Bureau Seeks Comment on AT&T Petition for Limited Waiver of Call Signaling Rules, CC Docket Nos. 01-92, 96-45; GN Docket No. 09-51; WC Docket Nos. 03-109, 05-337, 07-135, 10-90; WT Docket No. 10-208, at 1 (filed Dec. 29, 2012) (Petition) (citing 47 C.F.R. § 64.1601(a)).

<sup>3</sup> *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No.

Petition and also the Petition for Limited Waiver filed by CenturyLink, Inc.<sup>4</sup> on January 23, 2012, addressing similar circumstances. Both petitions are fully consistent with USTelecom's proposal in this proceeding in support of Commission efforts to eliminate phantom traffic.

While declining to adopt general exceptions to the call signaling rules for circumstances in which it would not be technically feasible to comply given the network technology deployed or where industry standards would permit deviation from the duty to pass signaling information unaltered, the Commission noted that parties seeking limited exceptions in connection with the call signaling rules may avail themselves of the waiver procedures established by the Commission.<sup>5</sup> The Commission delegated authority to address such waiver requests to the Wireline Competition Bureau. Both the AT&T and CenturyLink petitions have established good cause for the grant of their respective waiver requests.

USTelecom has been and continues to be a strong advocate for the Commission's efforts to address phantom traffic. Phantom traffic, traffic lacking accurate or complete call signaling information, distorts markets and competition as it gives rise to an improper transfer of funds from the customers of carriers that are being denied the correct amounts of intercarrier compensation to carriers. It causes price-cap carriers to lose properly assessed minutes and the associated revenues. Rate-of-return carriers and their customers can be harmed in that their traffic projections upon which rates are based can be distorted, and such carriers must charge higher intercarrier compensation rates to make up for the

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10-90, FCC 11-161, (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*).

<sup>4</sup> See Petition for Limited Waiver of CenturyLink Inc., CC Docket Nos. 01-92, 96-45; GN Docket No. 09-51; WC Docket Nos. 03-109, 05-337, 07-135, 10-90; WT Docket No. 10-208 (filed January 23, 2102).

<sup>5</sup> See *USF/ICC Transformation Order*, at para. 723.

lost minutes and/or revenues due to phantom traffic. Thus, USTelecom strongly encourages vigorous enforcement of the phantom traffic rules adopted in the *USF/ICC Transformation Order*. Neither of the petitions will create obstacles to the elimination of phantom traffic.

**I. Waivers from the Requirement to Pass the CN Unaltered Where it is Different Than the CPN Should be Granted to AT&T and CenturyLink in These Narrow Instances**

USTelecom supports the request of both carriers, which seek a limited waiver from the requirement to pass the CN unaltered where it is different than the CPN, in certain limited circumstances involving SS7 signaling where the carriers act as an interexchange carrier. A provider should be permitted a waiver of the § 64.1601(a) obligation to transmit the CN in instances where the provider is acting as a provider of interexchange service in the contexts described in each carrier's respective petition. This waiver should not encompass other portions of § 64.1601(a) obligations, nor should the waiver extend to providers in other circumstances. Both providers explain that the economic feasibility of addressing this issue is highly questionable, and that even if it made sense to make network modifications, it is by no means clear that it would be technically feasible to do so.<sup>6</sup> Moreover, granting these narrow waivers will not undermine the broad policy goals of the *USF/ICC Transformation Order*. Grant of these narrow waivers is warranted for good cause and would serve the public interest.

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<sup>6</sup> See CenturyLink Petition at pages 4-5 and AT&T Petition at page 5.

**II. Waivers from the Requirement Requiring Service Providers Using MF Signaling to Pass the Number of the Calling Party (or CN, if Different) Should be Granted to AT&T and CenturyLink in These Narrow Instances**

USTelecom supports the requests of AT&T and CenturyLink for limited waivers of the new rules requiring that service providers pass the number of the calling party (or CN, if different). Specifically, USTelecom supports the limited waiver requested by AT&T in two situations, as described in the AT&T Petition: (1) for MF signaling in AT&T's legacy interexchange network; and (2) for operator services/directory assistance.<sup>7</sup> Similarly, USTelecom supports the limited waiver requested by CenturyLink for the same operator services/directory assistance scenario that AT&T raises and for the two additional LEC scenarios involving MF signaling that are described in the CenturyLink Petition.<sup>8</sup> USTelecom also supports the waiver, requested by CenturyLink, from the requirement that the CN field only be used to contain a calling party's CN where it also acts as an IXC for certain traffic originated over dedicated access facilities.

Both carriers explain the circumstances under which compliance is technically infeasible on their switching equipment in different specific scenarios where the carriers use MF signaling. Both carriers will be partially compliant with the new call signaling rule under certain conditions but for many calls it will be technically infeasible to transmit the required signaling information.<sup>9</sup> Technical solutions to come into full compliance for MF signaling would require costly switch upgrades or replacement of legacy equipment. Requiring investment in developing and executing workarounds would be costly and would divert resources from efforts to deploy next-generation

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<sup>7</sup> See AT&T Petition at 7.

<sup>8</sup> See CenturyLink Petition at 5-7.

<sup>9</sup> See CenturyLink Petition at 6-7 and AT&T Petition at 7, n. 26.

networks. The requested waivers of CenturyLink and AT&T for these MF signaling scenarios are warranted for good cause and would serve the public interest.

**III. Conclusion**

Neither the AT&T Petition for Limited Waiver nor the CenturyLink Petition for Limited Waiver will create obstacles to the elimination of phantom traffic. USTelecom strongly encourages vigorous enforcement of the phantom traffic rules adopted in the USF Transformation Order. Both petitions are fully consistent with USTelecom's historical advocacy which sought to eliminate phantom traffic. The Bureau should promptly grant these narrow waiver requests for good cause.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION



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