

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

<i>In the Matter of</i>)	
)	
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 an 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

**GENERAL COMMUNICATION, INC. COMMENTS ON
PETITIONS FOR RECONSIDERATION**

INTRODUCTION

General Communication, Inc. (“GCI”) hereby comments on the Petitions for Reconsideration of the Commission’s October 27, 2011 *Report and Order*, which sought to reform and modernize the universal service and intercarrier compensation systems.¹ In these comments, GCI first demonstrates that there are no substantive objections to the FCC’s decision to delay the phase-down of ETC support in rural Alaska and that the FCC should quickly restore

¹ *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90 et al.(rel. Nov. 18, 2011) (“*CAF Order*”).

support that was inappropriately excluded from the Remote Alaska fund. GCI next supports Verizon's call to require compliance with call signaling rules only where doing so is technically feasible and consistent with industry standards. GCI then shows that USTA's proposed expansion of the definition of VoIP would unnecessarily unsettle existing arrangements and should be rejected. Finally, GCI demonstrates that the Commission need not, and should not, "clarify" its rules with respect to PSTN-originated VoIP traffic.

I. ARC DOES NOT DISPUTE THE NEED FOR RELIEF TAILORED TO RURAL ALASKA.

Alaska Rural Coalition ("ARC") asserts procedural concerns with respect to the Commission's decision to delay the phase-down of identical support for CETCs in Alaska for two years. Notably, ARC does not dispute the need for just this type of relief in Alaska, arguing instead that the Commission should expand the scope of its relief to include additional Alaska carriers.²

GCI comments here only to correct any suggestion that the FCC's decision is procedurally infirm. The Commission's determination that rural Alaska "should have a slower transition path in order to preserve newly initiated services and facilitate additional investment in still unserved and underserved areas during the national transition to the Mobility Funds" is firmly grounded in the record.³ ARC does not dispute the FCC's conclusion.⁴ ARC nonetheless contends that it was "denied . . . an opportunity to participate in the discussion" of the two-year delay in the phase-down of CETC support because ARC asserts that it did not have the

² *Id.* Notably, many of ARC's members' wireless affiliates will themselves be participants in the CETC Remote Alaska mechanism.

³ *CAF Order*, ¶ 529.

⁴ Alaska Rural Coalition Petition for Reconsideration at 3-8, WC Docket Nos. 10-90 et al. (filed Dec. 29, 2011).

opportunity to respond to a GCI ex parte filed on the day the Sunshine Period began.⁵ ARC's premise is inaccurate. The Commission's ex parte rules permit a reply to an ex parte filed on the first day of the Sunshine Period.⁶ ARC was therefore free to file a written reply to GCI's ex parte, and had a full business day to do so. ARC also had the opportunity to reply to all other ex parte notices that GCI filed before and during the Sunshine Period.⁷ ARC's failure to act on its opportunities to participate does not mean those opportunities were denied.

II. THE COMMISSION'S CALL SIGNALING RULES SHOULD REQUIRE COMPLIANCE ONLY WHERE TECHNICALLY FEASIBLE OR CONSISTENT WITH INDUSTRY STANDARDS.

In its Petition for Reconsideration, Verizon argues forcefully against implementation of call signaling rules that do not include technical feasibility and industry standards limitations.⁸ GCI shares Verizon's concerns. Alaska presents unusual call signaling challenges that do not permit simple compliance with the proposed call signaling rules. Many of Alaska's small ILECs have not implemented SS7 signaling. Similarly, in remote Alaska, GCI relies on Demand Assigned Multiple Access ("DAMA"), a satellite channel access protocol, to allow satellites to "switch" GCI traffic in the sky, eliminating the expensive double-hopping (*e.g.*, satellite link from calling party to switch *and* satellite link from switch to called party) that formerly was

⁵ Id. at 4.

⁶ 47 CFR § 1.1206(b)(2)(iv) and example thereto.

⁷ ARC makes other allegations about the availability of transport services on United Utilities' TERRA-SW network that are immaterial to any requested relief. For the record, UUI has responded to all requests for quotations that it has received. ARC has raised many of these same issues in its comments with respect to the Commission's Further Notice of Proposed Rulemaking. Furthermore, backhaul in Alaska is an interstate interexchange service (interstate traffic is rarely ten percent or less on these facilities and also includes broadband services). These services are non-dominant services provided by, among others, GCI, AT&T Alaska and Alaska Communications Systems.

⁸ Petition for Clarification or, In the Alternative, for Reconsideration of Verizon at 8-12, WC Docket Nos. 10-90 et al. (filed Dec. 29, 2011) ("*Verizon Petition for Reconsideration*").

needed to complete most intervillage calls in remote Alaska and that created disruptive latency in voice conversations. GCI's DAMA system relies on MF signaling. These nonstandard arrangements often lead to unusual signaling challenges that GCI and other carriers have addressed by developing case-by-case solutions that, in some cases, arguably contradict the letter, but not the spirit, of the new call signaling rules.

Alaska presents additional unique signaling challenges. For example, in the absence of a LATA tandem, Alaska carriers purchase and resell retail long distance offerings of other providers, a practice that has provided a key source of competition in the Alaska long distance market. When GCI resells retail long distance, it populates the CN field with a number associated with GCI, not the original calling party, to ensure that GCI (and not its customer) is billed by the underlying long distance carrier.

The Commission should modify its rules to address these and other routing challenges by requiring carriers to comply with call signaling rules only where it is technically or economically feasible to do so. As already filed petitions show,⁹ and GCI's experience confirms, carriers face circumstances in which compliance with the new call signaling rules is infeasible. GCI agrees with Verizon that relief must be granted in these circumstances because it would be "inappropriate for the Commission to expect carriers to make significant changes to call signaling practices for intercarrier billing purposes where any investment in the technology and equipment necessary to do so would be wasted after just a few years."¹⁰ Adopting a general technical feasibility exception will provide carriers with immediate certainty and avoid spending

⁹ AT&T Inc. Petition for Limited Waiver, WC Docket Nos. 10-90 et al. (filed Dec. 29, 2011). CenturyLink, Inc. Petition for Limited Waiver, WC Docket Nos. 10-90 et al. (filed Jan. 23, 2012).

¹⁰ *Verizon Petition for Reconsideration* at 10.

scarce Commission resources on the review of waiver requests that should, undoubtedly, be granted.

III. THE COMMISSION SHOULD REJECT CALLS TO EXPAND THE DEFINITION OF VOIP TRAFFIC.

The United States Telecom Association suggests that there is a “potential ambiguity” in the *CAF Order’s* definition of VoIP traffic, and argues for an expansive definition to the term “customer premises equipment” to cure this supposed ambiguity.¹¹ USTA’s solution in search of a problem should be rejected as unnecessarily disruptive of settled industry practices and arrangements. Increasingly, all providers, including ILECs, are using digital technology such as IP format transmission to deliver phone service. GCI has long been at the forefront of these developments. Today, GCI provides its digital local phone service over existing customer inside wiring. To do so, GCI performs the conversion from IP to TDM at the customer network interface device, or NID, rather than in CPE.

GCI has always treated its telephone service as a title II telecommunications service, not as interconnected VoIP, and has complied with the regulatory obligations (including payment of intrastate access) that attach to telecommunications services.¹² USTA’s proposed overbroad definition of CPE would require GCI and similarly situated providers to suddenly treat this traffic as interconnected VoIP traffic, creating massive disruption and uncertainty, including calling into question state jurisdiction over the services. The Commission should therefore reject USTA’s suggestion. Providers like GCI that convert between IP and TDM in the network rather than in CPE are permitted to treat these services as telecommunications services for the purposes

¹¹ Petition for Reconsideration of the United States Telecom Association at 35, WC Docket Nos. 10-90 et al. (filed Dec. 29, 2011).

¹² See, e.g., General Communication, Inc. Petition for Reconsideration at 18, WC Docket Nos. 10-90 et al. (filed Dec. 23, 2011).

of the intercarrier compensation reforms adopted in the *CAF Order*; this is especially the case where such providers have (1) consistently treated service that incorporate IP transmission as telecommunications services and (2) complied with the intercarrier compensation and other regulatory responsibilities that flow from that treatment.

IV. THE COMMISSION NEED NOT CLARIFY OR DISTURB ITS TREATMENT OF PSTN-ORIGINATED VOIP TRAFFIC.

NECA, Frontier/Windstream, and USTA contend that Commission should “clarify” or reconsider its conclusion that interstate originating access charges apply to PSTN-originated calls that are terminated in IP.¹³ The Commission’s decision on this point is clear, however: the toll VoIP rules apply to traffic “exchanged between a local exchange carrier and another telecommunications carrier in Time Division Multiplexing (“TDM”) format that originates and/or terminates in IP format.”¹⁴ The Commission drew no distinction between “originating” or “terminating” VoIP-PSTN traffic.¹⁵

There is also no reason to reconsider this clear, even-handed, and forward-looking rule. The change sought by NECA, Frontier/Windstream, and USTA would result in the payment of

¹³ See Petition for Reconsideration and Clarification of the National Exchange Carrier Association, Inc.; Organization for the Promotion and Advancement of Small Telecommunications Companies; and Western Telecommunications Alliance at 34-35, WC Docket Nos. 10-90 et al. (filed Dec. 29, 2011); Petition for Reconsideration of the US Telecom Association at 39, WC Docket Nos. 10-90 et al. (filed Dec. 29, 2011); Petition for Reconsideration of Frontier Communications and Windstream Communications at 21-27, WC Docket Nos. 10-90 et al. (filed Dec. 29, 2011).

¹⁴ 47 C.F.R. § 51.913(a). Originating or terminating in IP format is defined as, “originat[ing] from and/or terminat[ing] to an end-user customer of a service that requires Internet protocol compatible customer premises equipment.” *Id.*

¹⁵ *CAF Order* ¶ 961 n.1976 (“Although we consequently do not believe that a permanent regime for section 251(b)(5) traffic could include origination charges, on a transitional basis we allow the imposition of originating access charges in this context, subject to the phase-down and elimination of those charges pursuant to a transition to be specified in response to the FNPRM.”)

legacy intrastate access charges on traffic that terminates in IP but not on traffic that originates in IP. This unbalanced result would simply complicate and delay the transition from legacy rates.

The Commission need not and should not take this step backward.

Respectfully submitted,



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February 9, 2012

CERTIFICATE OF SERVICE

I, John T. Nakahata, hereby certify that on this 9th day of February 2012, I served a copy of the foregoing Opposition to Petitions for Reconsideration by first-class U.S. mail, postage prepaid, on the following parties:

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