

**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 AT&T, INC.**

AT&T Inc. (“AT&T”), on behalf of its affiliates, respectfully submits these comments in support of CenturyLink’s and Verizon’s requests for a limited waiver<sup>1</sup> of the Commission’s call signaling rules<sup>2</sup> adopted in the above-captioned proceeding.<sup>3</sup> Like AT&T, CenturyLink and

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<sup>1</sup> See CenturyLink Inc. Petition for Limited Waiver, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208 (filed Jan. 23, 2012) (CenturyLink Petition); Petition for Limited Waiver of Verizon, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208 (filed Feb. 10, 2011) (Verizon Petition).

<sup>2</sup> 47 C.F.R. § 64.1601(a).

<sup>3</sup> *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*).

Verizon seek a waiver for the limited circumstances, as described in their respective petitions, in which compliance with the new rules is technically infeasible.<sup>4</sup>

AT&T has long been supportive of call signaling rules to put a stop to phantom-traffic practices intended to allow certain carriers to evade their legal obligations to pay lawful charges for traffic they terminate on other carriers' networks.<sup>5</sup> But there is a long and persuasive record in this proceeding demonstrating that in some cases strict compliance with such rules, if they provide no exceptions for technical infeasibility, is simply impossible.<sup>6</sup> The petitions filed by CenturyLink and Verizon, and the record developed in response to AT&T's petition, further underscore this point.<sup>7</sup> Although the Commission declined to adopt general exceptions to the call signaling rules for circumstances in which it would not be technically feasible to comply, it nonetheless acknowledged that there could be legitimate circumstances in which carriers would not be technically capable of full compliance, with no intention to evade the letter or spirit of the rule.<sup>8</sup> The Commission encouraged parties requiring limited exceptions to or relief from the new call signaling rules to avail themselves of the Commission's established waiver procedures.<sup>9</sup> Each of these petitions demonstrates that the requested waiver is warranted for good cause and grant of the waiver is consistent with the public interest.

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<sup>4</sup> See AT&T Petition for Limited Waiver, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208 (filed Dec. 29, 2011) (AT&T Petition) (attached as Appendix).

<sup>5</sup> See, e.g., AT&T Section XV Comments at 21-25 (filed Apr. 1, 2011).

<sup>6</sup> See, e.g., AT&T Section XV Comments at 24-25 (filed Apr. 1, 2011); Verizon Section XV Comments at 49 (filed Apr. 1, 2011).

<sup>7</sup> See CenturyLink Petition at 5-9; Verizon Petition at 3-10; AT&T Petition at 3-8; USTelecom Comments at 3-4 (filed Feb. 9, 2012); Verizon Comments at 2 (filed Feb. 9, 2012).

<sup>8</sup> See *USF/ICC Transformation Order*, FCC 11-161, at para. 723.

<sup>9</sup> See *id.*

For these reasons, AT&T respectfully urges the Commission to adopt a technical feasibility exception on reconsideration,<sup>10</sup> and to grant CenturyLink, Verizon and AT&T limited waivers of the Commission's call signaling rules for the circumstances described in our respective petitions.

February 29, 2012

Respectfully submitted,

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<sup>10</sup> See AT&T Comments at 40-41 (filed Feb. 9, 2012).

# APPENDIX

**Before the  
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In the Matter of	)	
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Connect America Fund	)	WC Docket No. 10-90
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A National Broadband Plan for Our Future	)	GN Docket No. 09-51
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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

**PETITION FOR LIMITED WAIVER**

AT&T Inc. (“AT&T”), on behalf of its affiliates, respectfully requests a limited waiver<sup>1</sup> of the Commission’s call signaling rules<sup>2</sup> adopted in the above-captioned proceeding.<sup>3</sup> AT&T seeks a waiver for the limited circumstances described below in which compliance with the new rules is technically infeasible using currently deployed equipment and while AT&T investigates

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<sup>1</sup> 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a regulation where the particular facts make strict compliance inconsistent with the public interest. *See Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*citing WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

<sup>2</sup> 47 C.F.R. § 64.1601(a).

<sup>3</sup> *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*).

options to come into compliance where possible. As demonstrated below, the requested waiver is warranted for good cause and grant of the waiver to AT&T is consistent with the public interest.

### **Background**

On November 18, 2011, the Commission released an order amending its call signaling rules to address “phantom traffic”—traffic that terminating networks receive that lacks certain identifying information.<sup>4</sup> As the Commission noted, “[in] some cases, service providers in the call path intentionally remove or alter identifying information to avoid paying the terminating rates that would apply if the call were accurately signaled and billed.”<sup>5</sup> Specifically, the Commission extended the call signaling rules to all traffic originating or terminating on the public switched telephone network (“PSTN”), including but not limited to jurisdictionally intrastate traffic and traffic using Internet Protocol.<sup>6</sup> These rules are intended to ensure carriers’ ability to determine the source of traffic they receive from other carriers and to properly bill and be compensated for terminating such calls.

Among other things, the Commission required that Signaling System 7 (“SS7”) Charge Number (“CN”) be passed unaltered where it is different than the Calling Party Number (“CPN”).<sup>7</sup> Under the rules, the CN field may only be used to contain a calling party’s CN and it

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<sup>4</sup> See *USF/ICC Transformation Order*, FCC 11-161, at para. 703.

<sup>5</sup> *Id.*

<sup>6</sup> See *id.* at para. 711.

<sup>7</sup> See *id.* at para. 714.

may not contain or be populated with a number associated with an intermediate switch, platform, or gateway, or number that designates anything other than a calling party's CN.<sup>8</sup>

The Commission also amended its rules to require service providers using Multi-Frequency ("MF") signaling to pass the number of the calling party (or CN, if different) in the MF Automatic Number Identification ("ANI") field.<sup>9</sup> The Commission allowed carriers flexibility to devise their own means to pass this information in their MF signaling.<sup>10</sup> The Commission noted that to the extent that a party is unable to comply with the rule as a result of technical limitations related to MF signaling in its network, it may seek a waiver.<sup>11</sup>

The Commission declined 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.<sup>12</sup> The Commission noted, however, that parties seeking limited exceptions or relief in connection with the call signaling rules may avail themselves of the Commission's established waiver procedures.<sup>13</sup>

### **Discussion**

**SS7 Charge Number.** AT&T seeks a limited waiver of the requirement to pass CN unaltered where it is different than CPN.<sup>14</sup> Compliance with this amended call signaling rule in

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<sup>8</sup> *See id.*

<sup>9</sup> *See id.* at para. 716.

<sup>10</sup> *See USF/ICC Transformation Order*, FCC 11-161, at para. 716.

<sup>11</sup> *See id.*

<sup>12</sup> *See id.* at para. 723.

<sup>13</sup> *See id.*

<sup>14</sup> 47 C.F.R. § 64.1601(a); *see USF/ICC Transformation Order*, FCC 11-161, at para. 714.

certain narrow circumstances is not technically feasible with currently deployed equipment.<sup>15</sup> Specifically, in AT&T's legacy interexchange network, certain customers (*i.e.*, customers purchasing PBX and Centrex services) typically have dedicated access to the toll switch, and thus never needed and were never assigned CPNs.<sup>16</sup> As a consequence, such services are exempt from the call signaling requirements under section 64.1601(d)(3) of the Commission's rules.<sup>17</sup> In a number of cases, however, customers purchasing such services have chosen to transmit CPN to AT&T, in which case, AT&T forwards the CPN to interconnecting carriers, as required by the Commission's rules.<sup>18</sup>

Prior to adoption of the Commission's order, section 64.1601 did not require carriers to transmit CN, and AT&T thus did not use the CN field for signaling purposes. Rather, AT&T populated the CN field with a number (which could be either a pseudo-North American Numbering Plan ("NANP") number or a private numbering plan number) for billing and service processing purposes. These numbers were designed for such purposes when these services were first developed—often decades ago. Because such numbers were not designed and are not used for signaling to other carriers, a carrier could not make meaningful use of them to determine jurisdiction. AT&T, therefore, does not transmit them to terminating carriers because doing so could cause those carriers to drop calls. Moreover, because AT&T's interexchange switching platform cannot distinguish between pseudo-CNs and actual, NANP CN's without costly and

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<sup>15</sup> See, *e.g.*, AT&T Section XV Comments at 24-25 (filed Apr. 1, 2011); Verizon Section XV Comments at 49 (filed Apr. 1, 2011).

<sup>16</sup> For these customers, AT&T does not provide local exchange service or any inbound calling capability, and therefore, telephone numbers are not needed.

<sup>17</sup> 47 C.F.R. § 64.1601(d)(3).

<sup>18</sup> 47 C.F.R. § 64.1601(a).

time-consuming upgrades, AT&T does not populate the CN field for any calls that pass through these SS7 switches.

Even if it made sense to modify AT&T's systems to address this issue, it is by no means clear that it would be technically feasible to do so. The services at issue are provided over switching platforms (*i.e.*, Lucent 4ESS™ switches and Nortel switches) for which technical support may no longer be available from the manufacturer. But even if it were feasible, retrofitting these switches to enable them to transmit meaningful CNs would be extremely costly. Particularly insofar as much of this equipment is already scheduled for retirement from the AT&T network in coming years, it would make no sense to require AT&T to incur the costs necessary to modify this equipment to comply with the rules, and thus to divert scarce capital from developing and deploying next-generation broadband networks, even if such a solution were possible.

Thus, the Commission's new phantom traffic rules leave AT&T with a Hobson's choice: pass CN information to interconnecting carriers for all calls and possibly cause terminating carriers to drop calls where the data in the CN field are not actual, NANP CNs, or block transmission of CN information from all calls to prevent passing of non-NANP CN data for PBX and Centrex calls and thus eliminate the risk of dropped calls, but violate the rules. Under these circumstances, strict compliance with the requirement to pass CN data when it does not match CPN would be inconsistent with the public interest and a waiver therefore is appropriate.

Granting this narrow waiver to AT&T will not undermine the policy goals of the *USF/ICC Transformation Order*. The Commission's revised call signaling rules are intended to ensure that service providers receive the information that they need to bill for and receive

intercarrier payments for traffic that terminates on their networks.<sup>19</sup> The rules are expressly targeted at phantom-traffic schemes in which carriers intentionally disguise traffic to avoid higher compensation rates.<sup>20</sup> That is not the case here. AT&T uses long-established and well-accepted industry practices (*e.g.*, auditable percent interstate use and other factors) to ensure proper settlements of intercarrier compensation with terminating carriers. Therefore, grant of this narrow waiver to AT&T is warranted for good cause and would serve the public interest.

***MF Signaling Automatic Number Identification.*** AT&T also seeks a limited waiver of the rule requiring service providers using MF signaling to pass the number of the calling party (or CN, if different) in the MF ANI field.<sup>21</sup> Compliance with the amended call signaling rule is technically infeasible at this time on the AT&T switching equipment using MF signaling. As the Commission acknowledged, the record of this proceeding reflected technical limitations associated with passing the required data using MF signaling.<sup>22</sup> MF signaling was not designed in many instances to forward originating CN or CPN data to a terminating carrier in the MF ANI field, and specifically, this capability has never been part of the Feature Group D standards. Rather, the MF ANI standards and technology were developed to provide interexchange carriers with the data they need to bill end-user customers that originate calls.<sup>23</sup>

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<sup>19</sup> See *USF/ICC Transformation Order*, FCC 11-161, at para. 707.

<sup>20</sup> See *id.* at para. 709.

<sup>21</sup> 47 C.F.R. § 64.1601(a); see *USF/ICC Transformation Order*, FCC 11-161, at para. 716.

<sup>22</sup> See *USF/ICC Transformation Order*, FCC 11-161, at para. 716; see also AT&T Section XV Comments at 24-25 (filed Apr. 1, 2011); Verizon 2008 ICC/USF NPRM Comments at 65 n.97 (filed Nov. 26, 2008) (“MF trunks are configured to signal ANI only on the originating end of a Feature Group D access call. . . . MF trunks do not signal ANI on non-access calls or on the terminating leg of an access call.”).

<sup>23</sup> See AT&T Section XV Comments at 24-25 (filed Apr. 1, 2011) (citing Bellcore GR-690-CORE, Issue 2, October 1995).

AT&T uses MF signaling in two ways: in the legacy interexchange network and for operator services/directory assistance (“OS/DA”). AT&T’s legacy interexchange network uses little MF signaling on termination<sup>24</sup>—essentially only where a terminating local exchange carrier does not support SS7—and the network does not support the capability to pass CPN or CN in the ANI field.<sup>25</sup> AT&T’s OS/DA continue to rely heavily on MF signaling. Under certain conditions, depending on the configuration of incoming and outgoing trunks to the OS/DA switches, AT&T will be partially compliant with the new call signaling rule. For many calls, however, it will be technically infeasible to transmit the required signaling information.<sup>26</sup>

Granting AT&T this waiver for MF signaling would be consistent with the public interest. At this time, technical solutions to come into compliance for MF signaling would require costly switch upgrades or replacement of legacy equipment. Requiring AT&T to invest in developing and executing potentially costly and resource-intensive workarounds to implement these rules would divert resources from efforts to deploy next-generation broadband networks. At the same time, granting this waiver would not facilitate the phantom-traffic schemes that the rules were designed to prevent. Rather, AT&T would continue to use the long-established, industry-accepted factoring methodology that assures correct settlements for traffic terminated using MF signaling.

In the Order, the Commission did not mandate a method of compliance for MF signaling and allowed carriers flexibility to devise their own means of passing the information required by

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<sup>24</sup> For example, on one type of switch used by AT&T’s legacy interexchange network, only about 1.3 percent of terminations use MF signaling.

<sup>25</sup> AT&T’s MF signaling faces the same issues associated with the validity of CNs and manufacturer-discontinued equipment, as discussed above, in the context of SS7 signaling.

<sup>26</sup> When the signaling is from an MF Trunk, no information will be passed on intraLATA traffic. When the signaling is from an MF trunk, the contents of the ANI field will be populated to the CN field on outgoing SS7 trunks for interLATA traffic. When the signaling is from an SS7 trunk, only CPN is passed on IntraLATA calls. When the signaling is from an SS7 trunk, CPN and CN if different are passed on interLATA calls.

this rule.<sup>27</sup> AT&T will continue to consider technical solutions to come into compliance with the MF signaling mandate. Therefore, the requested waiver for MF signaling is warranted for good cause and would serve the public interest.

### **Conclusion**

For these reasons, AT&T respectfully requests a limited waiver of the Commission's call signaling rules for the circumstances described above in which compliance with the new rules is technically infeasible using currently deployed equipment and while AT&T investigates options to come into compliance where possible.

December 29, 2011

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<sup>27</sup> See *USF/ICC Transformation Order*, FCC 11-161, at para. 716.