

**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 USTelecom¹ is in response to the Wireline Competition Bureau's (Bureau) request for comments on the Petition² filed by Hawaiian Telcom (Petition) seeking a limited waiver of the Commission's call signaling rules adopted in the *USF/ICC Transformation Order* (Order).³ There are particular technical impediments

¹ 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.

² See Public Notice, DA 12-351, Released March 8, 2012, Wireline Competition Bureau Seeks Comment on Hawaiian Telcom 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 March 1, 2012) (Petition) (citing 47 C.F.R. § 64.1601(a)).

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

that make it difficult and expensive for Hawaiian Telcom to comply with the call signaling rules. However, Hawaiian Telcom does comply in spirit with the rules in such limited technical circumstances by conducting standard carrier negotiations which properly identify and compensate for the jurisdictional nature of the traffic associated with such calls. Therefore USTelecom supports the grant of Hawaiian Telcom's Petition. The petition is 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.⁴ The Commission delegated authority to address such waiver requests to the Wireline Competition Bureau. The Hawaiian Telcom petition has established good cause for the grant of its waiver request.

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,

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

⁴See *USF/ICC Transformation Order*, at para. 723.

and such carriers must charge higher intercarrier compensation rates to make up for the 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*. The petition will not create obstacles to the elimination of phantom traffic.

I. Waiver from the Requirement to Pass the CN Unaltered Where it is Different Than the CPN Should be Granted to Hawaiian Telcom in These Narrow Instances

USTelecom supports the request of Hawaiian Telcom, which seeks a limited waiver from the requirement to pass the CN unaltered where it is different than the CPN, in certain limited circumstances involving SS7 capable switches that do not have the ability to generate and pass CN in the signaling field when it is different from CPN. Specifically, the waiver is necessary because Hawaiian Telcom transmits to other carriers the CPN that customers purchasing PBX and Centrex services deliver to Hawaiian Telcom. Such customers typically have dedicated access to Hawaiian Telcom switches and did not need and thus were not assigned CPNs.⁵ This waiver should not encompass other portions of § 64.1601(a) obligations, nor should the waiver extend to providers in other circumstances. Hawaiian Telcom explains that the economic feasibility of addressing this issue is highly questionable, and that even if it made sense to make network modifications, it would not be technically feasible to do so because some of Hawaiian Telcom's switches are no longer supported by the manufacturer.⁶ Moreover, granting this narrow waiver will not undermine the broad policy goals of the *USF/ICC Transformation Order*. Grant of this narrow waiver is warranted for good cause and

⁵ See *Petition* at 3.

⁶ *Id* at 4.

would serve the public interest.

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 Hawaiian Telcom in These Narrow Instances

USTelecom supports the requests of Hawaiian Telcom for limited waiver 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 Hawaiian Telcom in two situations, as described in the Petition: (1) for MF signaling for Hawaiian Telcom's PSTN-bound voice traffic traversing MF trunks; and (2) for operator services and directory assistance platforms.⁷

Hawaiian Telcom explains the circumstances under which compliance is technically infeasible on its switching equipment in different specific scenarios where it uses MF signaling. Hawaiian Telcom 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.⁸ 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 networks. The requested waiver by Hawaiian Telcom for these MF signaling scenarios are warranted for good cause and would serve the public interest.

⁷ *Id* at 5.

⁸ *Id.*

III. Conclusion

The Hawaiian Telcom Petition for Limited Waiver will not create obstacles to the elimination of phantom traffic. USTelecom strongly encourages vigorous enforcement of the phantom traffic rules adopted in the USF Transformation Order. The petition is fully consistent with USTelecom's historical advocacy which sought to eliminate phantom traffic. The Bureau should promptly grant this narrow waiver request for good cause.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION



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