

**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 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)	WC Docket No. 10-208

**PETITION OF CONSOLIDATED COMMUNICATIONS, INC. FOR A LIMITED
WAIVER OF THE COMMISSION’S CALL SIGNALING RULES IN 47 C.F.R. § 64.1601**

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Pursuant to Section 1.3 of the Commission's rules, Consolidated Communications, Inc., ("Consolidated") on behalf of its operating company subsidiaries,¹ files this Petition for a limited waiver from the Commission's call signaling rules adopted in the *Connect America Fund Order*.² In many respects, the relief Consolidated requests in this petition is similar to the relief requested in recent waiver petitions by many other carriers.³ Consolidated requires the requested relief because the Commission's rules impose burdens with respect to call signaling that Consolidated cannot reasonably meet, particularly in the instances where Consolidated uses Multi-Frequency Signaling or Dual Tone Multi-Frequency Signaling Technology in its network. As explained in the Petition, requiring complete compliance with the Commission's call signaling rules in such instances would be unreasonably burdensome. In the *Connect America Fund Order*, the Commission recognized the potential incompatibility between aspects of its revised call signaling

¹ Consolidated's subsidiaries that operate as ILECs are: Consolidated Communications of Pennsylvania Company, LLC, Consolidated Communications of Fort Bend Company, Consolidated Communications of Texas Company, and Illinois Consolidated Telephone Company. Consolidated Communications Enterprise Services, Inc. operates as a CLEC and Interexchange Carrier ("IXC").

² *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) ("*Connect America Fund Order*").

³ See Level 3 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 April 5, 2012) Level 3 Pet.); 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 Pet.); 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 Pet.); AT&T Petition for Limited Waiver,

rules and legacy signaling technology and rather than create broad exceptions in its new rules indicated that a carrier impacted by this rule could seek a waiver.

I. Introduction and Summary

In the *Connect America Fund Order*, the Commission revised its call signaling rules to require carriers generally to transmit the calling party number (“CPN”) and the charge number (“CN”) (where different than CPN) for all voice traffic on the PSTN, regardless of the underlying technology used to transmit the call.⁴ Where carriers employ Multi-Frequency signaling, the rule now requires carriers to transmit the CPN or the CN if it is different than the CPN, in the MF Automatic Number Identification (“ANI”) field.⁵ The rule likewise bars intermediate carriers from altering the call signaling information received from the previous carrier.

Recognizing the limitations of MF signaling,⁶ the Commission stated that “to the extent a party is unable to comply with [the call signaling] rule as a result of technical limitations related to MF signaling in its network, it can seek a waiver for good cause shown, pursuant to section 1.3 of the Commission’s rules.”⁷

The Commission’s call signaling rule, from which Consolidated requests a limited waiver, is codified at 47 C.F.R. § 64.1601 and provides:

- (1) Telecommunications carriers and providers of interconnected Voice over Internet Protocol (VoIP) services, in originating inter-

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 Pet.)

⁴ *Connect America Fund Order* ¶¶ 704, 710.

⁵ *Id.* ¶¶ 715-716.

⁶ *Id.* ¶¶ 716 n. 1228.

⁷ *Id.* ¶ 716.

state or intrastate traffic on the public switched telephone network (PSTN) or originating interstate or intrastate traffic that is destined for the PSTN (collectively “PSTN Traffic”), are required to transmit for all PSTN Traffic the telephone number received from or assigned to or otherwise associated with the calling party to the next provider in the path from the originating provider to the terminating provider. This provision applies regardless of the voice call signaling and transmission technology used by the carrier or VoIP provider. Entities subject to this provision that use Signaling System 7 (SS7) are required to transmit the calling party number (CPN) associated with all PSTN Traffic in the SS7 ISUP (ISDN User Part) CPN field to interconnecting providers, and are required to transmit the calling party’s charge number (CN) in the SS7 ISUP CN field to interconnecting providers for any PSTN Traffic where CN differs from CPN. Entities subject to this provision who use multi-frequency (MF) signaling are required to transmit CPN, or CN if it differs from CPN, associated with all PSTN Traffic in the MF signaling automatic numbering information (ANI) field.

(2) Intermediate providers within an interstate or intrastate call path that originates and/or terminates on the PSTN must pass unaltered to subsequent providers in the call path signaling information identifying the telephone number, or billing number, if different, of the calling party that is received with a call. This requirement applies to SS7 information including but not limited to CPN and CN, and also applies to MF signaling information or other signaling information intermediate providers receive with a call. This requirement also applies to VoIP signaling messages, such as calling party and charge information identifiers contained in Session Initiation Protocol (SIP) header fields, and to equivalent identifying information as used in other VoIP signaling technologies, regardless of the voice call signaling and transmission technology used by the carrier or VoIP provider.

Consolidated’s petition addresses the following situations where it requires a waiver:

- When Consolidated is acting as an ILEC:
 - As the originating carrier, it is not technically feasible to transmit CPN or CN if different from CPN in the ANI field when using MF signaling to exchange local EAS traffic with rural LECs and CLECs.

- In addition, Consolidated, in some areas, serves as a LATA tandem where some trunks connecting to end offices use MF signaling.
 - Where an originating customer interconnects to Consolidated's switch via DTMF signaling trunk groups, due to technical limitations Consolidated does not receive CPN or CN from the originating customer.
 - With respect to OS/DA calls where the signaling is from an MF trunk, Consolidated will not receive CPN or CN on intraLATA traffic.
 - For enterprise customers that have multiple telephone numbers routed through a single PBX and that populate the CPN field with a number that is not their CPN
- Where Consolidated is acting as an IXC:
 - For certain traffic originated over dedicated access facilities, customers may transmit calls using MF signaling. These customers sometimes transmit a number in the MF ANI field that does not reflect CPN.

Each of the circumstances described above satisfies the conditions necessary for the Commission to grant a waiver.

II. Consolidated's Petition for a Limited Waiver is in the Public Interest

The Commission's rules provide broad authority to grant a waiver for any part of the rules for good cause shown. Section 1.3 of the rules provides that:

The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.

In evaluating the merits of a petition for a waiver, the Commission may consider hardship, equity, or more effective implementation of overall policy on an individual basis.⁸ The Commission may waive any part of its rules where strict application of the rule would be contrary to the public interest.²

A. The Commission Should Grant Consolidated's Limited Waiver Where Consolidated Employs MF Signaling and is Acting as a LEC

There are four circumstances where Consolidated, acting as a LEC, uses MF signaling and thus cannot fully comply with the Commission's new call signaling rules. In each circumstance, Consolidated is not the only carrier facing this impediment; other carriers have sought similar relief in separate petitions for waiver of the same rules.¹⁰ As with those carriers, it is not technically feasible for Consolidated to transmit CPN or CN in the MF ANI field for all PSTN voice traffic that traverses Consolidated's MF signaling trunks.

First, when Consolidated is the originating LEC, it is not technically feasible to transmit CPN or CN in the ANI field if different from CPN when exchanging local EAS traffic with rural LECs and CLECs over MF signaling trunks.

Second, in some areas, Consolidated provides a LATA tandem service where some trunks connecting to end offices use MF signaling. As discussed below, the limitations of MF signaling technology do not always allow Consolidated to pass along CPN or CN when it is different than the CPN.

⁸ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

² See *Northeast Cellular Tel. Co., v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁰ See note 3, above.

Third, where an originating customer interconnects to Consolidated's switch via DTMF signaling trunk groups, technical limitations prevent Consolidated from receiving CPN from the originating customer. Further, neither ANI nor CN are typically present on calls received over these trunk groups. Under these circumstances, Consolidated typically assigns a CN to a DTMF trunk group, as a means to bill the customer. Consolidated's experience here is similar to CenturyLink, who explains that these signaling limitations are driven by the MF technology used by the interconnecting customer.¹¹

Fourth, with respect to OS/DA calls where the signaling is from an MF trunk, Consolidated will not receive CPN or CN on intraLATA traffic. As AT&T explained, on many of these calls it is not technically feasible to transmit the required information using MF signaling.¹² Consolidated here has the same concern regarding OS/DA calls that AT&T and CenturyLink detailed in their recent petitions.¹³ As with their comparable services, Consolidated's OS/DA services continue to rely heavily on MF signaling. As AT&T and CenturyLink, depending on how incoming and outgoing trunks to Consolidated's OS/DA switches are configured, Consolidated will be able to partially comply with new rule 64.1601(a) only under certain conditions. For many calls, however, it is not technically feasible for Consolidated to transmit the required signaling information.¹⁴

¹¹ See CenturyLink Pet. at p. 7.

¹² AT&T Pet. at p. 7.

¹³ *Id.* at p. 7; CenturyLink Pet. at p. 7.

¹⁴ Like AT&T (and CenturyLink) the following statement applies to Consolidated's OS/DA services provided using MF signaling: "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."

As other petitioners have discussed, MF signaling technology was not designed to pass CPN or CN as the rule 64.1601(a) requires.¹⁵ The industry standard for MF signaling does not provide specifications for including the CPN or CN in the ANI field.¹⁶ Compliance with the rule, absent a waiver, would require Consolidated to invest scarce capital resources to replace its existing MF equipment. But as Verizon observes, this investment would be wasteful unless the terminating carriers with whom Consolidated exchanges traffic also upgrade their networks to support SS7 signaling.¹⁷ Based on the Commission's stated goals for transitioning to IP networks and expanded broadband capabilities, Consolidated believes that it should not be forced to allocate capital to retro-fitting obsolete network equipment and should instead be allowed to use that capital to expand its investment in broadband and IP networks.

While Consolidated recognizes that the circumstances described above appear to conflict with the letter of the Commission's rules, given the limited circumstances where passing CPN and CN is not technically feasible, it is unlikely that granting the waiver will lead to the types of phantom traffic issues that have plagued the industry.

When the signaling is from an SS7 trunk, CPN and CN if different are passed on interLATA calls." AT&T Pet. at p. 7 n.26.

¹⁵ See CenturyLink Pet. at p. 7 ("MF signaling was not designed in many instances to forward originating CN or CPN data to a terminating carrier in the MF ANI field"); AT&T Pet. at p. 6; Verizon Pet. at pp. 6-7 (explaining that MF equipment is not designed to signal CPN or CN in the ANI field; the "industry standard for MF signaling simply does not provide these specifications for the ANI field; and it is "not technically feasible to populate the ANI field" with CPN or CN.).

¹⁶ See Verizon Pet. at p. 7; AT&T Pet. p. 6 (explaining that MF signaling was designed to provide IXC's with information needed for billing end users).

¹⁷ See Verizon Pet. at p. 7; AT&T Pet. p. 6;

B. Good Cause Exists to Grant Consolidated a Limited Waiver Where Consolidated is Acting as a LEC Providing Service to PBX-based Customers

Similar to Level 3, Consolidated serves some enterprise customers that have multiple telephone numbers routed through a single PBX and that can specify the number to be included in the CPN field.¹⁸ As Level 3 explained, the numbers that the customer places in the CPN field under this circumstance could be a pseudo-North American Numbering Plan number, a private numbering plan number or a toll-free number.¹⁹ In addition, this scenario can arise where SS7 or MF signaling is used. Customers typically populate the CPN field (or the CN field) with a number different than the CPN for legitimate reasons that do not diminish the ability to jurisdictionalize the call for the billing of access charges.²⁰ Further, in most cases, Consolidated has no control over what the PBX-based customer chooses to include as the CPN. Under some limited circumstances, Consolidated is able to screen the CPN, and if the CPN does not match Consolidated's switch database, Consolidated will insert a "pseudo" number as the CPN to reflect the trunk group instead of the CPN inserted by the customer.

The use of this "pseudo" number in these limited circumstances allows calls from these numbers to be properly jurisdictionalized and billed and is thus consistent with the goals of the Commission's revised call signaling rules.²¹ Good cause thus exists to grant Consolidated's waiver with respect to the insertion of the "pseudo" number to reflect the Consolidated trunk

¹⁸ See Level 3 Pet. p. 4-5.

¹⁹ Level 3 Pet. p. 4.

²⁰ *Id.*

²¹ See e.g., *Connect America Fund Order*, ¶ 704.

group when the customer's inserted CPN is screened and does not match the CPN in Consolidated's switch database.

Good cause also exists to grant a waiver for the circumstances where Consolidated does not screen the numbers that customers pass as CPN because these numbers are not "numbers associated with an intermediate switch, platform or gateway" at all.²² Including these numbers in the signaling stream for legitimate reasons — such as to provide a number of a customer service call center — does not undermine the Commission's goal of eliminating phantom traffic. Thus Consolidated requests a waiver for good cause for these circumstances as well.

C. Good Cause Exists to Grant Consolidated a Limited Waiver Where Consolidated is Acting as an IXC and Employs MF Signaling

Where Consolidated is acting as an IXC its request for a waiver is limited to one particular scenario where the customer originates traffic using dedicated facilities. Where these customers' calls are handed off to Consolidated using MF signaling, Consolidated will hand off the call to the next carrier using SS7 signaling and pass the number included in the MF ANI field in the SS7 CPN field. However, not every customer that originates interexchange calls through Consolidated using MF signaling includes the CPN in the MF ANI field. As other petitioners explain, there are circumstances where the customer will elect to use a different number in the ANI field.²³ Sometimes the customer will not include any data in the MF ANI field. In such circumstances Consolidated, like CenturyLink, will include a "pseudo CN number in the SS7 CN field to identify the trunk group from which the call originates and thus allow the terminating carrier

²² Level 3 Pet. at p. 4.

²³ CenturyLink Pet. at 8 (describing use by telemarketer wanting to provide a call back number); Level 3 Petition at p. 4.

to determine jurisdiction.”²⁴ Of course, the CN provided under these circumstances will not be the customer’s charge number and would, absent a waiver, be inconsistent with the rule that prohibits carriers from including in the CN anything but the customer’s charge number, specifying that the CN field “may not contain or be populated with a number associated with an intermediate switch, platform, or gateway, or other number that designates anything other than a calling party’s charge number.”²⁵

Good cause exists to grant Consolidated a waiver of this rule. If Consolidated were to cease including this pseudo CN in the SS7 stream, terminating carriers would experience an increase in the volume of the traffic lacking sufficient data for determining jurisdiction and billing terminating access charges. Such a result would undermine the Commission’s policy objective of reducing phantom traffic,²⁶ and thus the limited waiver should be granted. Where MF signaling prevents passing of complete and accurate call signaling information, Consolidated will continue to use traffic factors to ensure the payment of the correct access charges.

III. Conclusion

For the aforementioned reasons Consolidated’s petition for limited waiver of the Commission’s call signaling rules in 47 C.F.R. § 64.1601 should be granted.

²⁴ CenturyLink Pet. at 8.

²⁵ *Connect America Fund Order*, ¶ 714.

²⁶ *Id.* ¶ 707 (revised call signaling rules designed to minimize arbitrage and resulting disputes so carriers can focus on expanding broadband and IP networks and services.).

Respectfully submitted,

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