

**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)	WT Docket No. 10-208

REPLY COMMENTS OF LEVEL 3 COMMUNICATIONS, LLC

INTRODUCTION

Level 3 Communications, LLC (“Level 3”) hereby replies to comments on its request for a limited waiver of the new call signaling rules (the “Rules”) adopted by the Commission as part of the Commission’s October 27, 2011 *Report and Order* (the “CAF Order”).¹ As Level 3 explained in its Petition, it is not possible for Level 3 to comply with the letter of the Rules, given that the Charge Number (“CN”) cannot practicably be passed on SIP-terminated calls. In addition, Level 3, like other carriers, cannot transmit either the CPN or CN in the ANI field to a

¹ *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking at Appendix A, 47 C.F.R. § 64.1601(a)(1) & (2), WC Docket Nos. 10-90 *et al.* (rel. Nov. 18, 2011).

LEC that receives terminating traffic over an MF facility. A waiver is particularly appropriate here because the inability to receive CPN or CN in the ANI field is a consequence of the equipment (and upgrade plans) of the terminating carrier, and is thus outside of Level 3's control. Finally, Level 3 notes that because it is permissible to populate CN with a non-NANP number associated with an enterprise customer, and because Level 3 passes CPN and CN without alteration, Level 3's requested clarification that these practices are permissible is not necessary.

I. The Commission Should Grant Level 3's Waiver and Reject the Requested Conditions.

Only two commenters filed in this proceeding: CenturyLink, and a group of associations (the "Rural Associations") representing rural rate-of-return regulated incumbent local exchange carriers. Both generally support Level 3's requested waiver, but suggest conditions or other limitations on the requested relief.²

The Rural Associations propose a series of burdensome and unnecessary conditions that appear to be part of a reflexive response to all signaling waivers.³ Specifically, the Rural

² See Comments of the National Telecommunications Cooperative Association, Organization for the Promotion and Advancement of Small Telecommunications Companies, Western Telecommunications Alliance, and the National Exchange Carrier Association, Inc. on Level 3 Communication's Petition for Limited Waiver of the Commission's Call Signaling Rules, WC Docket No. 10-90, *et al.* (filed May 14, 2012) ("Rural Association Comments"); Comments of CenturyLink on Level 3 Communication's Petition for Limited Waiver of the Commission's Call Signaling Rules, WC Docket No. 10-90, *et al.* (filed May 14, 2012) ("CenturyLink Comments").

³ Comments of the National Exchange Carrier Association, Inc.; National Telecommunications Cooperative Association; Organization for the Promotion of Small Telecommunications Companies; and the Western Telecommunications Alliance on AT&T's Petition for Limited Waiver of the Commission's Call Signaling Rules, WC Docket No. 10-90, *et al.* (filed Feb. 9, 2012); Comments of the National Exchange Carrier Association, Inc., National Telecommunications Cooperative Association, Organization for the Promotion and Advancement of Small Telecommunications Companies, and the Western Telecommunications Alliance on CenturyLink's Petition for Limited Waiver of the

Associations request that Level 3 be required to “provide lists of the switch locations covered by [its] waiver[], [to provide] to terminating carriers [] information necessary to audit Percent Interstate Usage (“PIUs”) and/or call records, and to submit reports to the Commission at regular intervals detailing the status of the [Level 3’s] efforts to upgrade its network to come into compliance with the rules.”⁴ The Commission should reject this request.

The Rural Association conditions fail to recognize that full compliance with the Rules requires compliant technology at both ends of the call signaling relationship. Level 3 seeks “a waiver of the requirement to populate the ANI field with the calling party number or charge number for a call terminated to a LEC over an MF facility.”⁵ In other words, Level 3 seeks a waiver only where the *terminating carrier* uses MF signaling. In this case, presumably the terminating carrier knows which of its switches uses MF signaling and has no need for Level 3 to provide it with a list of the affected switch locations.

Similarly, the terminating carrier controls when it will upgrade its switches. Even if Level 3 had access to terminating carriers’ network upgrade plans—information that is likely to be commercially sensitive and closely guarded—Level 3’s reports to the terminating carrier

Commission’s Call Signaling Rules, WC Docket No. 10-90, *et al.* (filed Feb. 29, 2012); Comments of the National Telecommunications Cooperative Association, Organization for the Promotion and Advancement of Small Telecommunications Companies, Western Telecommunications Alliance, and National Exchange Carrier Association, Inc. on Verizon’s Petition for Limited Waiver of the Commission’s Call Signaling Rules, WC Docket No. 10-90, *et al.* (filed Mar. 19, 2012); Comments of the National Telecommunications Cooperative Association, Organization for the Promotion and Advancement of Small Telecommunications Companies, Western Telecommunications Alliance, and National Exchange Carrier Association, Inc. on Hawaiian Telcom’s Petition for Limited Waiver of the Commission’s Call Signaling Rules, WC Docket No. 10-90, *et al.* (filed Apr. 9, 2012); Rural Association Comments.

⁴ Rural Association Comments at 3.

⁵ Level 3 Communications Petition for Limited Waiver of 47 C.F.R. § 64.1601(a), WC Docket No. 10-90, *et al.* at 2 (filed Apr. 5, 2012).

about the terminating carrier's planned upgrades would be superfluous, at best. Broader reporting requirements like those suggested by the Rural Associations could be read to require Level 3 to share commercially sensitive network upgrade information it receives from one carrier with other carriers, an outcome that seems unlikely to serve terminating carriers' interests.

Finally, the tariffs that govern Level 3's relationships with terminating carriers include audit provisions. The additional audit requirement proposed by the Rural Associations is therefore unnecessary.

II. Using Private SIP Solutions to Pass CN is Impractical.

The Rural Associations suggest that Level 3 provide additional information in support of its request for a waiver of the requirement that it pass CN for SIP-terminated calls. In particular, the Rural Associations assert that "IETF SIP standard RFC3261, coupled with the SIP for telephone ("SIP-T") standard RFC3372, appears to assure such information should in fact be available in its entirety and without any loss to trusted parties in the SIP network across the PSTN-IP interface."⁶

It is possible, but not practical, to implement private solutions using standards such as SIP-T to enable carriers using SIP to pass CN. Level 3 and many of the providers with which it interconnects using SIP have not adopted SIP-T. Some vendors, but not all, support SIP-T. Thus, while it is possible that Level 3 could implement SIP-T with some of its approximately 200 SIP-interconnected partners, there are likely many others with which Level 3 could not implement SIP-T. Even where Level 3 could implement SIP-T, doing so would impose considerable cost and burden. First, Level 3 would have to implement SIP-T in its network, an upgrade that would cost Level 3 at least \$5 million. Level 3 would also have to approach each of

⁶ Rural Association Comments at 7 (internal citation omitted); CenturyLink Comments at 2-3.

its partners to request SIP-T implementation, and each of these partners would likely have to undertake similarly costly upgrades. Assuming a partner of Level 3 was interested in implementing SIP-T, Level 3 and the partner would then have to review and test the SIP interconnection to ensure CN is being passed correctly. Moreover, Level 3 would possibly have to engage in the necessary discussions and testing with many providers, as Level 3 has approximately 200 SIP interconnected partners and expects to have more as networks increasingly move to IP. There is no guarantee that this cost and effort would result in *any* SIP-T implementation, as Level 3's partners may well prefer not to incur the cost burden of adopting SIP-T. Finally, Level 3 notes that in its experience some providers have difficulty successfully converting SIP-T into SS7 information and/or SS7 information into SIP-T, resulting in a loss of CN even where SIP-T is implemented. In short, while the burden of implementing SIP-T is both certain and heavy, the benefits are speculative and limited.

III. Level 3 Insertion of CNs Associated with its Enterprise Customers is Permitted by the Call Signaling Rules.

Upon further review, Level 3's requested clarification that it may populate CN with a number (a pseudo-NANP number, a customer's private numbering plan number, or a toll-free number) associated with the relevant Level 3 enterprise customer, is not necessary. When Level 3 acts as an originating carrier, as noted in its Petition, it sometimes populates the CN field with a number associated with its enterprise customer in order to facilitate end-user billing. This is a permissible use of the Charge Number field as it is a "billing number."⁷ In those circumstances, Level passes, as well, the CPN associated with the calling party. When it acts as an intermediate provider, Level 3 passes without alteration any CN it receives (except as otherwise described in

⁷ See 47 C.F.R. § 54.1600(d).

its Petition), and therefore is acting in accordance with the Commission's newly adopted call signaling rules.⁸

CONCLUSION

For the forgoing reasons, Level 3 requests that the Commission reject the conditions suggested by commenters and expeditiously grant Level 3's requested waiver.

Respectfully submitted,

/s/

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⁸ 47 C.F.R. § 61.1601.