

**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

JOINT PETITION FOR LIMITED WAIVER

I. INTRODUCTION AND SUMMARY

Pursuant to 47 C.F.R. § 1.3, and paragraphs 714, 716 and 723 of the *USF/ICC Transformation Order*,¹ C Spire Wireless ("C Spire"), Corr Wireless, Delta Telephone Co., Inc. ("Delta Telephone"), Franklin Telephone Co., Inc. ("Franklin Telephone") and Telepak Networks, Inc. ("Telepak Networks") (collectively, the "LNGS Carriers") jointly request a limited waiver of the new call signaling rules adopted by the Commission as part of the *USF/ICC Transformation Order*.² A limited waiver of the rules is necessary

¹ *Connect America Fund*, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (Nov. 18, 2011) ("*USF/ICC Transformation Order*").

² 47 C.F.R. § 64.1601(a)(1)-(2).

because it is not feasible for the LNGS Carriers to implement the new call signaling rules in all circumstances.

Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, provides that the Commission will grant a waiver for "good cause shown."³ In making its determination, the Commission may consider hardship, equity, or more effective implementation of overall policy on an individual basis."⁴ Good cause exists for the grant of a waiver for the LNGS Carriers, as it will not undermine the goal of the Commission's underlying rules, but will prevent unnecessary investment in outdated technologies and preserve scarce resources that can be directed to technology that is consistent with the policy goals set forth in the *USF/ICC Transformation Order*.

The LNGS Carriers comprise a group of companies providing commercial mobile radio and wireline services in many rural areas across the country, with a wide variety of legacy switches and signaling equipment. In reviewing the Commission's new call signaling rules, the LNGS Carriers have determined that there are certain circumstances, related to the technology used and the type of traffic being carried, in which it will not be possible to fully comply with the new rules. Therefore, the LNGS Carriers jointly request a waiver of the new call signaling rules with respect to multifrequency (MF) signaling equipment, as discussed more fully below.

II. IMPLEMENTING THE NEW RULES IN ALL CIRCUMSTANCES IS NOT POSSIBLE

The Commission's new call signaling rules adopted in the *USF/ICC Transformation Order* generally require transmission of calling party number (CPN) and charge number (CN) (if different) for voice traffic that touches the PSTN, regardless of

³ 47 C.F.R. § 1.3. See also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

the jurisdiction or technology used to generate the call.⁵ While exceptions to the Commission's new rules were not adopted, the Commission did acknowledge that carriers could avail themselves of the Commission's waiver process which the LNGS Carriers seek to employ, similar to petitions filed by AT&T, CenturyLink, Verizon/Verizon Wireless, Fairpoint, Hawaiian Telecom, Inc., Alaska Communications Systems Group, Inc., Level3, and General Communication, Inc.⁶

A. It is Not Technically Feasible To Comply With the Call Signaling Rules for Some MF Signaling Applications

The new call signaling rules require that all providers of PSTN-bound voice communications that utilize multifrequency (“MF”) trunks pass CPN (or CN if different) in the automatic number identification (ANI) field.⁷ The Commission recommended in the *USF/ICC Transformation Order* that carriers seek waivers if their networks could not comply with new MF signaling requirements, implying that there were technical limitations of outdated MF signaling technologies.⁸

The LNGS Carriers are similarly situated to AT&T, CenturyLink, Verizon, Fairpoint and others in this regard. In many cases, it is not technically feasible for the LNGS Carriers to pass CPN/CN in accordance with the new MF signaling requirement for PSTN-bound voice traffic traversing MF trunks. Like other carriers, the LNGS Carriers utilize some legacy MF trunking to support operator services and directory assistance platforms. In addition, the LNGS Carriers deploy trunks using MF signaling

⁵ See *USF/ICC Transformation Order* ¶¶ 714, 716.

⁶ See, e.g., *AT&T Petition for Limited Waiver of Call Signaling Rules*, CC Docket Nos. 01-92, Public Notice, DA 12-34 (Jan. 10, 2012) (“*AT&T Petition*”); *CenturyLink Petition for Limited Waiver of Call Signaling Rules*, CC Docket Nos. 01-92 *et al.*, Public Notice, DA 12-104 (Jan. 30, 2012); *Petition for Limited Waiver of Verizon*, Feb. 10, 2012 (“*Verizon Petition*”); *GCI Petition for Limited Waiver*, CC Docket Nos. 01-92 *et al.*, Public Notice, DA 12-321 (March 1, 2012).

⁷ See *USF/ICC Transformation Order* ¶ 716.

⁸ See *id.*

to terminate non-equal access (“non-EA”) traffic (e.g., traditional “local” traffic) to some carriers that do not support SS7 signaling. Much of the MF equipment used by the LNGS Carriers was not designed to signal CPN or CN as contemplated by the Commission’s new rule, nor does the signaling standard provide relevant specifications for the ANI field.

As a result, it is not technically feasible to populate the ANI field in this manner, and the LNGS Carriers would need to replace all of its existing MF equipment, with SS7 capable facilities, in order to comply with the new rule. Any replacement of equipment would impose a significant economic burden on the LNGS Carriers. Moreover, it is not even clear that upgrading such equipment would prove to be a viable option because a terminating carrier would also need to upgrade its facilities.

Requiring the LNGS carriers to invest in developing and replacing legacy MF signaling equipment now would take resources away from the LNGS carriers' efforts to deploy next generation networks -- a result that is not in the public interest. Further, granting this waiver would not necessarily perpetuate the phantom traffic problem since the MF signaling deployed by the LNGS Carriers is used in limited circumstances and the carriers already employ industry accepted methods for calculating settlements for traffic terminated using MF signaling.

Therefore, the LNGS Carriers request a limited waiver of the provision of 47 C.F.R. § 64.1601(a)(1) that requires the LNGS Carriers to transmit CPN or CN in the MF signaling ANI field for non-EA traffic, if compliance would require upgrades or replacement of the MF capable equipment. In light of the significant financial and operational burdens to fully implement the new rule regarding MF signaling, and the

relatively small benefit terminating carriers may obtain from receiving CN for all non-EA calls, grant of a limited waiver is warranted. The LNGS Carriers also concur with other carriers that such a waiver need not foreclose industry efforts to seek more cost-effective alternatives (supported by industry standards) for complying with the spirit of this rule.⁹ Further, the LNGS carriers will continue to consider technical solutions to come into compliance with the MF signaling requirement.

III. CONCLUSION

The LNGS Carriers have been and continue to be supportive of the goals of the Commission's new call signaling rules -- i.e., eliminating phantom traffic. The LNGS Carriers are committed to working with interconnecting carriers to operate in accordance with the ultimate goal of the new call signaling rules. Indeed, in light of the current transition to bill and keep, along with the use of IP-based technologies, it makes little sense for the LNGS Carriers to invest significantly now in replacing MF signaling equipment for intercarrier compensation purposes in order to comply with the Commission's new call signaling rules. Moreover, a waiver is appropriate now since it will take time for the LNGS Carriers to fully evaluate the capabilities of their signaling equipment and to implement new solutions even where it is possible to do so.

⁹ See *AT&T Petition* at 7.

Accordingly, the Commission should grant the LNGS Carriers request for a limited waiver of the new call signaling rules with respect to multi-frequency (MF) signaling equipment being used that is not capable of complying with the new rule.

Respectfully submitted,

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June 20, 2012