

**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 USTelecom<sup>1</sup> is in response to the Wireline Competition Bureau's (Bureau) request for comments on the Petition<sup>2</sup> filed by Consolidated Communications, Inc. (Consolidated Petition) seeking a limited waiver of the

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<sup>1</sup> 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.

<sup>2</sup> See Public Notice, DA 12-783, Released May 23, 2012, Wireline Competition Bureau Seeks Comment on Consolidated Communications, Inc. 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 28, 2012) (Petition) (citing 47 C.F.R. § 1.3 and paragraphs 716 and 723 of the *USF/ICC Transformation Order*).

Commission's call signaling rules adopted in the *USF/ICC Transformation Order* (Order).<sup>3</sup> There are particular technical impediments that make it difficult and prohibitively expensive for Consolidated to be in complete compliance with the call signaling rules. Consolidated requires the requested relief because the Commission's rule imposes 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. Therefore, USTelecom supports the grant of Consolidated'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.<sup>4</sup> The Commission delegated authority to address such waiver requests to the Wireline Competition Bureau. The Consolidated 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

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<sup>3</sup> *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 10-90, FCC 11-161, (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*).

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

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, 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 Consolidated Petition will not create obstacles to the elimination of phantom traffic.

**I. Waivers from the Requirement for Service Providers Using MF Signaling to Pass the Number of the Calling Party (or CN, if Different) Should be Granted to Consolidated Communications in These Narrow Instances**

USTelecom supports the requests of Consolidated in instances where it is using MF signaling and acting either as an IXC or a LEC, for limited waiver of the new rules requiring that service providers pass the number of the calling party (or CN, if different). As noted in the Consolidated Petition, MF signaling technology was not designed to pass CPN or CN as the rule 64.1601(a) requires.<sup>5</sup> The industry standard for MF signaling does not provide specifications for including the CPN or CN in the ANI field.<sup>6</sup>

Consolidated explains the circumstances under which compliance is technically infeasible on its switching equipment in different specific scenarios where it uses MF signaling. Technical solutions to come into full compliance for MF signaling would require replacement of existing MF equipment, and thus be expensive and unduly

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<sup>5</sup> See Consolidated Petition at 7.

<sup>6</sup> See Verizon Pet. at 7, AT&T Pet. at 6 (explaining that MF signaling was designed to provide IXCs with information needed for billing end users).

burdensome. As stated in the Consolidated Petition, under certain scenarios, Consolidated will be unable to comply with new rule 64.1601(a) at all, and under other scenarios it will be able to partially comply only under certain conditions.<sup>7</sup> Where Consolidated is acting as an IXC and employs MF signaling, and where the customer originates traffic using dedicated facilities, if such calls are handed off to Consolidated using MF signaling, Consolidated will hand off the call to the next carrier using SSF signaling and pass the number included in the MF ANI field in the SS7 CPN field. However, in instances in which the customer that originates interexchange calls through Consolidated using MF signaling does not include the CPN in the ANI field, Consolidated is unable to comply with the rule. The requested waiver by Consolidated for these MF signaling scenarios is warranted since lack of the waiver would actually cause terminating carriers to 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 policy objective of the rule. Thus the limited waiver should be granted for good cause and would serve the public interest.

In instances where Consolidated is acting as a LEC and providing service to PBX-based customers, Consolidated has no control over what the PBX-based customer chooses to include as the CPN. Compliance with the rule is only possible under limited circumstances where Consolidated is able to screen the CPN and the CPN matches Consolidated's switch database. In other instances, Consolidated must insert a "pseudo" number as the CPN to reflect the trunk group instead of the CPN inserted by the customer. In such limited circumstances, use of this "pseudo" number allows calls from these numbers to be properly jurisdictionalized and billed, and is thus consistent with the

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<sup>7</sup> *Id* at 5 and 6.

goals of the call signaling rules. Good cause exists to grant Consolidated's waiver request in both circumstances – where it cannot screen the number and where it must insert a pseudo number. Such a grant does not undermine the Commission's goal of eliminating phantom traffic.

## **II. Conclusion**

The Consolidated 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. This waiver should not encompass other portions of § 64.1601(a) obligations, nor should the waiver extend to providers in other circumstances. Moreover, granting this narrow waiver will not undermine the broad policy goals of the *USF/ICC Transformation Order*. Prompt grant by the Bureau of this limited waiver is warranted for good cause and would serve the public interest.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION



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