

**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

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

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Consolidated Communications, Inc. (“Consolidated”), on behalf of its operating company subsidiaries,¹ on May 11, 2012, submitted a petition for a limited waiver of the Commission’s call signaling rules adopted as part of the *Connect America Fund Order*.² Pursuant to public notice,³ three parties filed comments regarding Consolidated’s waiver petition.⁴ All of the comments supported Consolidated’s petition. Only one party’s comments asked that the Commission impose conditions to be certain that any waiver granted would be limited and consistent with the Commission’s recently adopted call signaling rules.

I. Introduction and Summary

In these reply comments, Consolidated urges the Commission to adopt the requested limited waiver without imposing any conditions. The conditions urged in the RLEC Association

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 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 May 23, 2012).

⁴ Comments of CenturyLink, filed June 22, 2012 at p. 2; Comments of the United States Telecom Association, filed June 22, 2012 at p. 2 (“USTelecom Comments”); Joint Comments of The National Telecommunications Cooperative Association, the Organization for the Promotion and Advancement of Small Telecommunications Companies, the Western Telecommunications Alliance, the Eastern Rural Telecom Association and the National Exchange Carrier Association, Inc., (“RLEC Association Comments”), filed June 22, 2012 at p. 2.

Comments are unnecessary, burdensome and do not advance the policy goals of the Commission's call-signaling rules. Carriers that exchange traffic with Consolidated already have available a number of tools that serve the same purpose as the conditions requested by the comments. Standard practices in the industry, to which Consolidated adheres, already provide rights to audit data, normally included in legally binding tariff provisions that sufficiently guard the interests of carriers exchanging traffic with Consolidated.

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.

Like USTelecom and CenturyLink, Consolidated continues to be a strong advocate for the Commission's efforts to address and eliminate phantom traffic. Consolidated recognizes that 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.”⁵ Consolidated accordingly supports enforcement of the Commission’s rules in 47 C.F.R. § 64.1601, including the changes added in the *Connect America Fund Order*. As explained in Consolidated’s petition, however, there are specific circumstances where implementation of the rules is not technically feasible due to the use of legacy technology in Consolidated’s network. As explained in more detail in Consolidated’s petition, each of the circumstances described above satisfies the standard for granting the requested waiver.

II. The Commission Should Grant Consolidated’s Petition for Waiver Without Imposing Any Conditions

Three comments were filed in response to Consolidated’s petition. CenturyLink and the U.S. Telecom Association each unconditionally supported Consolidated’s petition. The National Telecommunications Cooperative Association, the Organization for the Promotion and Advancement of Small Telecommunications Companies, the Western Telecommunications Alliance, the Eastern Rural Telecom Association and the National Exchange Carrier Association, Inc., “representing rural rate-of-return regulated incumbent local exchange carriers (“RLECs”),” jointly filed comments (the “RLEC Association Comments”) in which they “do not oppose grant of a waiver to Consolidated that is limited to circumstances identified in its petition.”⁶ Despite their support for Consolidated’s petition, the RLEC Association Comments ask the Commission

⁵ USTelecom Comments at pp. 2-3.

⁶ RLEC Association Comments, at p. 2.

to impose on Consolidated's requested waiver, "the same limitations and conditions as those the Associations recommended for prior waiver requests."⁷

Not only are the proposed conditions unnecessary, they would actually increase the burden on Consolidated, defeating the purpose of the waiver Consolidated has sought. It would provide no additional benefit for Consolidated to divert resources to provide reports as a condition of the limited waiver it seeks. Furthermore, because Consolidated abides by applicable industry standards, and through provisions of its tariffs, Consolidated currently provides information other carriers may need to address any interconnection compensation obligations and to audit Consolidated's information if necessary. There is nothing in the record suggesting Consolidated does not cooperate with other carriers. Consequently, there is no cause to establish additional and burdensome processes for the reporting of call data. Finally, the RLEC Associations Comments' proposal that Consolidated report on the status of network upgrades is puzzling. Consolidated has not committed to any network upgrades to specifically address the listed call signaling limitations. To the contrary, as Consolidated explained in its petition, it seeks a waiver in order to avoid wasteful network upgrades that would serve no long term purpose.

III. Conclusion

For the reasons set forth above and its Petition, Consolidated requests that the Commission grant its Petition for Waiver the Commission's call signaling rules in 47 C.F.R. § 64.1601. As explained in these Reply Comments, because the conditions proposed in the RLEC Association Comments would impose additional compliance burdens and costs with no corresponding

⁷ *Id.* and at n.4 (citing the RLEC Association Comments filed in response to similar Petitions for Waiver filed by other parties.).

benefits, Consolidated respectfully requests that the Commission grant Consolidated's Petition for a limited waiver of without imposing any conditions.

Respectfully submitted,

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