

**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
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION;
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES;
WESTERN TELECOMMUNICATIONS ALLIANCE;
EASTERN RURAL TELECOM ASSOCIATION; and the
NATIONAL EXCHANGE CARRIER ASSOCIATION, Inc.
on
HYPERCUBE TELECOM'S
PETITION FOR LIMITED WAIVER OF THE COMMISSION'S
CALL SIGNALING RULES**

By petition dated June 28, 2012,¹ HyperCube Telecom, LLC (“HyperCube”) requests a limited waiver of the Commission’s call signaling rules adopted in the *USF/ICC Transformation Order*.² HyperCube seeks a waiver of the rule requiring intermediate carriers to pass the Calling Party Number (“CPN”) or Charge Number (“CN”), if different, in the Multi-Frequency (“MF”) Automatic Number Identification (“ANI”) field to a downstream carrier that receives terminating traffic over an MF facility.³ HyperCube also requests a waiver of the same rule for circumstances where the originating carrier does not pass Internet Protocol (“IP”) signaling information,⁴ for circumstances where either its customers or trading partners do not populate the CPN or CN field properly and it wishes to alter the CPN and CN fields by inserting a number, and for circumstances where a pseudo- North American Numbering Plan (“NANP”) number or other number is used for billing purposes.⁵

The above-named Associations, representing rural rate-of-return regulated incumbent local exchange carriers (“RLECs”),⁶ do not oppose grant of a waiver to HyperCube for situations

¹ See HyperCube Telecom LLC’s Petition for Limited Waiver of the Commission’s Call Signaling Rules in 47 C.F.R. § 64.1601, WC Docket No. 10-90, *et al.* (filed June 28, 2012) (*Petition*).

² *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 – Mobility Fund*, WT Docket No. 10-208, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*).

³ *Petition* at 7.

⁴ *Id.* at 6.

⁵ *Id.* at 4.

⁶ The National Telecommunications Cooperative Association (NTCA) is a national trade association representing more than 580 rural RoR regulated telecommunications providers. The Organization for the Promotion and Advancement of Small Telecommunications Companies

where MF signaling technology is used. Any such waiver should be strictly limited in scope and subject to the same limitations and conditions as those the Associations have recommended for prior waiver requests.⁷

However, the Associations recommend the Commission require additional information before considering granting waivers of its call signaling rules for IP traffic, and refrain from waiving its rules to permit HyperCube, or any other carrier, to alter CPN or CN data, or insert something other than the true CN, in the signaling stream. HyperCube claims in this regard that there is a lack of standardized signaling for IP traffic, and that this sometimes prevents CPN and CN information from being passed to HyperCube in a format that can be processed by

(OPASTCO) is a national trade association representing approximately 420 small ILECs serving rural areas of the United States. The Western Telecommunications Alliance (WTA) is a trade association that represents over 250 small rural telecommunications companies operating in the 24 states west of the Mississippi River. The Eastern Rural Telecom Association (ERTA) is a trade association representing approximately 68 rural telephone companies operating in states east of the Mississippi River. The National Exchange Carrier Association, Inc. (NECA) is responsible for preparation of interstate access tariffs and administration of related revenue pools, and collection of certain high-cost loop data. *See generally*, 47 C.F.R. §§ 69.600 et seq.; MTS and WATS Market Structure, CC Docket No.78-72, Phase I, Third Report and Order, 93 FCC 2d 241(1983).

⁷ These would include a requirement that companies obtaining waivers provide lists of the switch locations covered by such waivers, provide to terminating carriers information necessary to audit Percent Interstate Usage factors and/or call records, and submit reports to the Commission at regular intervals detailing the status of efforts to upgrade their networks to come into compliance with the rules. *See, e.g.*, Comments of NECA, NTCA, OPASTCO, and WTA, WC Docket No. 10-90, *et al.*, at 5-7 (filed Feb. 9, 2012) (Comments on AT&T's Petition); Comments of NECA, NTCA, OPASTCO, and WTA, WC Docket No. 10-90, *et al.*, at 6 (filed Feb. 29, 2012) (Comments on CenturyLink's Petition); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 5 (filed Apr. 9, 2012) (Comments on Hawaiian Telecom's Petition); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 6 (filed Mar. 19, 2012) (Comments on Verizon's Petition); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 6-7 (filed May 4, 2012) (Comments on FairPoint's Petition); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 6 (filed May 14, 2012) (Comments on Level 3's Petition).

HyperCube's equipment or by the terminating party's equipment.⁸ In fact, however, there are several standardized approaches to deploying Voice over IP ("VoIP")/IP networks that ensure seamless public switched telephone network ("PSTN") (SS7) interoperability, including transmission of the necessary calling party information, such as CN and CPN data.⁹ The Commission itself noted in its *USF/ICC Transformation Order* that service providers may rely on calling party identifying information contained in IP sessions or messages for VoIP calls.¹⁰

HyperCube claims in other instances the CN field may be populated with a pseudo-NANP number or other number used for billing purposes. HyperCube points out that while such numbers are inserted to allow traffic to be properly jurisdictionalized and billed, they are not a CN, as that term is defined in the rules.¹¹ HyperCube further claims some of its customers and trading partners lack equipment capable of populating the CPN or CN field properly, and in these

⁸ *Petition* at 5-6.

⁹ Protocols such as SIGnaling TRANsport ("SIGTRAN") are well suited for transporting SS7 signaling over IP-based networks. Media Gateway Control Protocol ("MGCP") and Session Initiated Protocol ("SIP") are widely used in the cable industry to deliver VoIP. SIP-for-Telephones ("SIP-T") provides efficient PSTN-to-IP-to-PSTN mechanisms. For example, SIP-T encapsulates SS7 messages into IP packets without altering SS7 fields. *See* <http://www.ietf.org/rfc/rfc3372.txt>

¹⁰ *USF/ICC Transformation Order* ¶ 708, citing *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*; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 26 FCC Rcd 4554 (2011) ¶¶ 621-22; RFC 3261, SIP: Session Initiation Protocol (2002) at www.ietf.org/rfc/rfc3261.txt; Megaco Protocol Version 1.0 (2000) at <https://datatracker.ietf.org/doc/rfc3015/>.

¹¹ *Petition* at 4.

instances HyperCube typically will insert a billing telephone number into the CPN or CN fields in order to process the call, “in accordance with ATIS industry standards.”¹²

The Commission should not grant petitions for waiver that would permit HyperCube, or any other carrier, to alter the CPN or CN or insert something other than the true CN in the signaling stream. Providers intent on avoiding the payment of lawful access charges have been known to insert a “billing number” that represents the provider’s network platform or switch in order to alter the jurisdiction, and thus the billing, of calls from that platform.¹³ This is something the Commission specifically tried to address in the *Transformation Order*.¹⁴

¹² *Id.* at 5.

¹³ *See, e.g., Halo Wireless v. Craw-Kan Telephone Cooperative, Inc.*, File No: TC-2012-0331, Report and Order (Mo. PSC, Aug. 1, 2012); *BellSouth Telecommunications LLC d/b/a AT&T Tennessee v. Halo Wireless, Inc.*, Docket No. 11-00119, Order (Tenn. Reg. Auth., Jan. 26, 2012); *Complaint of TDS TELECOM on Behalf of Its Subsidiaries Against Halo Wireless, Inc., Transcom Enhanced Services, Inc. and Other Affiliates for Failure to Pay Terminating Intrastate Access Charges for Traffic and for Expedited Declaratory Relief and Authority to Cease Termination of Traffic*, Docket No. 34219, Order on Complaints (GA PSC, July 17, 2012); *Complaint and Petition for Relief of BellSouth Telecommunications LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Halo Wireless, Inc.*, Docket No. 2011-304-C, Order Granting Relief against Halo Wireless (SC PSC, July 17, 2012). *See also* Letters from Joe A. Douglas, NECA, to Marlene H. Dortch, FCC, WC Docket No. 04-36, CC Docket No. 01-92, Attach. (filed May 23, 2008 and May 15, 2009). *See also USF/ICC Transformation Order* note 1201 (“For example, according to Frontier, an investigation found an “incredible amount of traffic from one telephone number” terminating to its network - an average of 43,378 minutes of interstate traffic a day. Frontier Section XV Comments at 11. According to Frontier, this number was being used to make the traffic appear to be interstate so as to mask the true intrastate nature of the calls to avoid paying intrastate access charges. *Id.*; *see also* USTelecom Section XV Comments at 4.”) *See also id.* notes 1202-1203 citing CenturyLink Section XV Comments at 19; Windstream Section XV Comments at 16.

¹⁴ *Id.* ¶ 703 (“This sort of gamesmanship distorts the intercarrier compensation system and chokes off revenue that carriers depend on to deliver broadband and other essential services to consumers, particularly in rural and difficult to serve areas of the country.”)

CONCLUSION

The Associations do not oppose grant of a waiver to HyperCube for the use of MF signaling technology. As noted above, any such waiver granted should be strictly limited in scope and subject to the same limitations and conditions as those the Associations have recommended for prior waiver requests. The Commission should not, however, grant waivers of its call signaling rules for circumstances involving IP-based signaling, at least until such time as HyperCube provides more detail regarding the specific circumstances why such waivers are required and where such waivers would apply. The Commission should also deny HyperCube's petition for waiver to the extent it would permit HyperCube to alter the CPN or CN or insert something other than the true CN in the signaling stream.

Respectfully submitted,

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August 9, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Associations' Comments was served this 9th day of August 2012, by electronic filing and e-mail to the persons listed below.

By: /s/ Shawn O'Brien
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