

**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 the United States Telecom Association (USTelecom)¹ is in response to the Wireline Competition Bureau’s (Bureau) request for comments on the Supplemental Petition for Limited Waiver² filed by CenturyLink (*Supplemental Petition*) with respect to the Commission’s call signaling rules adopted in the *USF/ICC*

¹ 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.

² See Public Notice, DA 12-1564, Released October 1, 2012, Wireline Competition Bureau Seeks Comment on CenturyLink Supplemental 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 Sept. 13, 2012) (*Supplemental Petition*) (citing 47 C.F.R. § 64.1601(a)).

Transformation Order (Order).³ USTelecom supports the grant of the *Supplemental Petition* filed by CenturyLink, Inc.⁴ on September 13, 2012, as well as the Petition for Limited Waiver of CenturyLink Inc. (*Initial Petition*) filed January 23, 2012. Both the *Supplemental Petition* and the *Initial Petition* are fully consistent with USTelecom's proposal in this proceeding in support of Commission efforts to eliminate phantom traffic and with the intent of the Commission's rules.

In its *Initial Petition*, CenturyLink identified a number of scenarios where it cannot comply with the new rules. Some of those scenarios involved CenturyLink's operations as a facilities-based interexchange carrier (IXC) and some as a local exchange carrier (LEC). Most of the additional scenarios identified in the *Supplemental Petition* involve situations similar to those identified in the *Initial Petition*, but occurring in the complementary part of CenturyLink's business – either the local exchange or the IXC part. As noted in the *Supplemental Petition*, each of the contexts it addresses involve limited circumstances where compliance with the new rules is technically infeasible.⁵

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

³ *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*).

⁴ See Petition for Supplemental Waiver of CenturyLink Inc., (*Supplemental Petition*), (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 (filed January 23, 2102).

⁵ See *Supplemental Petition* at 3.

procedures established by the Commission.⁶ The Commission delegated authority to address such waiver requests to the Wireline Competition Bureau. The CenturyLink petitions have established good cause for the grant of the waiver requests.

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 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 petitions will not create obstacles to the elimination of phantom traffic.

I. Waivers from the Requirement to Pass the CN Unaltered Where it is Different Than the CPN Should be Granted to CenturyLink in These Narrow Instances

USTelecom continues to support the request of CenturyLink in its *Initial Petition* which seeks a limited waiver from the requirement to pass the calling party's charge number (CN) unaltered where it is different than the calling party number (CPN), in certain limited circumstances involving SS7 signaling where the carriers act as an interexchange carrier and is an intermediate carrier. USTelecom also supports

⁶See *USF/ICC Transformation Order*, at para. 723.

CenturyLink's request in the *Supplemental Petition* for the Commission to extend relief to situations in which CenturyLink operates as an originating carrier. CenturyLink should be permitted a waiver of the § 64.1601(a) obligation to transmit the CN in instances where it is acting as an intermediate carrier or as an originating carrier in the contexts described in the *Initial Petition* and the *Supplemental Petition*. In the situations described in the petitions, CenturyLink's enhanced services platforms cannot support the passage of both the customer CPN and CN without costly and time-consuming upgrades.

The economic feasibility of addressing this issue is highly questionable. Even if it made sense to make network modifications, it is by no means clear that it would be technically feasible to do so.⁷ Moreover, granting these narrow waivers will not undermine the broad policy goals of the *USF/ICC Transformation Order*. Grant of these narrow waivers is warranted for good cause and would serve the public interest. These waivers should not encompass other portions of § 64.1601(a) obligations, nor should they extend to providers in other circumstances.

II. Waivers from the Requirement Requiring Service Providers Using MF Signaling to Pass the Number of the Calling Party (or CN, if Different) Should be Granted to CenturyLink in These Narrow Instances

USTelecom continues to support the request CenturyLink in its *Initial Petition* for limited waivers of the new rules requiring that service providers pass the number of the calling party (or CN, if different). Specifically, USTelecom supports the limited waiver requested by CenturyLink for the operator services/directory assistance scenario and for the two additional LEC scenarios involving multifrequency (MF) signaling that are

⁷ See *Initial Petition* at pages 4-5.

described in the *Initial Petition*.⁸ USTelecom also supports the waiver, requested by CenturyLink in the *Initial Petition*, from the requirement that the CN field only be used to contain a calling party's CN, where it also acts as an IXC for certain traffic originated over dedicated access facilities.

In its *Initial Petition*, CenturyLink explains the circumstances under which compliance is technically infeasible on their switching equipment in different specific scenarios where the carriers use MF signaling. CenturyLink will be partially compliant with the new call signaling rule under certain conditions but for many calls it will be technically infeasible to transmit the required signaling information.⁹

In its *Supplemental Petition*, CenturyLink also seeks a limited waiver of the new rules for originating service providers that use SS7 or MF signaling, respectively in three scenarios where CenturyLink acts as a LEC.¹⁰ First, CenturyLink sometimes uses MF signaling as a LEC when exchanging local EAS traffic with rural LECs; second, the ability to comply with the rules is impacted where an originating customer interconnects to a CenturyLink switch via DTMF (Dual Tone Multifrequency) signaling trunk group; and third, depending on the configuration of operator services/directory assistance (OS/DA) incoming and outgoing trunks to the OS/DA switches, certain configurations involve calls which continue to rely heavily on MF signaling. The first scenario for which CenturyLink requires a waiver exists not only when CenturyLink is exchanging local traffic as an originating carrier as stated in its *Initial Petition*, but also occurs when CenturyLink exchanges intraLATA toll as an originating carrier. In both situations, it

⁸ *Id* at 5-7.

⁹ *See Initial Petition* at 6-7.

¹⁰ *See Supplemental Petition* at 6.

will be technically infeasible for CenturyLink to transmit the required signaling information – either CPN or CN if different from CPN.¹¹ Similarly, the second scenario identified by CenturyLink in its *Initial Petition* applies to LEC-carried intraLATA toll call flows as well as where CenturyLink acts as an originating carrier. Again, waivers should be granted in both instances for the same reasons. A small amount of traffic is at issue and carrier have developed a way to ensure accurately jurisdictionalize and bill for this traffic. Finally, in its *Initial Petition*, CenturyLink requested a waiver in certain circumstances in the context of calls involving OS/DA switches. Again, this scenario exists not only where CenturyLink originates calls through OS/DA switches to deliver traffic to the upstream carrier but also when CenturyLink operates as an intermediate carrier for calls originated by other carriers through CenturyLink’s OS/DA switches.¹² And again, a small amount of traffic is at issue and carriers have developed a way to accurately jurisdictionalize and bill for this traffic. Waiver should be granted in both circumstances.

In the *Supplemental Petition*, CenturyLink identifies a new problematic scenario involving MF signaling for which a waiver is required.¹³ In this case, CenturyLink acts as a LEC serving as an intermediate carrier in all call flow types where it receives the call over SS7 facilities, but uses MF signaling facilities on the terminating side. In these scenarios, in which CenturyLink is acting as either a provider of Jointly Provided Switched Access or as a transit provider, it is unable to satisfy its intermediate carrier obligation and pass on the CPN or CN (if different from CPN) that it may receive from

¹¹ *Id* at 8.

¹² *Id* at 9-10.

¹³ *Id* at 10.

the originating carrier.¹⁴ USTelecom supported the Petition for Limited Waiver filed by AT&T¹⁵ in this situation and supports CenturyLink being granted the same waiver relief. This problem only exists because the terminating carrier downstream of the intermediate carrier has the requirement for MF facilities. It is not possible for the intermediate carrier to come into compliance with the rules because the problem is with the terminating carrier. For the small amount of traffic involved in this context, a billing record is provided which can be used for jurisdictionalization and billing.

Technical solutions to come into full compliance for all of the above scenarios involving MF signaling would require costly switch upgrades or replacement of legacy equipment. Requiring investment in developing and executing workarounds would be costly and would divert resources from efforts to deploy next-generation networks. The requested waivers of CenturyLink for these MF signaling scenarios are warranted for good cause and would serve the public interest.

III. Conclusion

Neither the CenturyLink *Supplemental Petition* nor the *Initial Petition* will create obstacles to the elimination of phantom traffic. USTelecom strongly encourages vigorous enforcement of the phantom traffic rules adopted in the USF Transformation Order. It is

¹⁴ *Id* at 10.

¹⁵ *See* AT&T Inc. Petition for Limited Waiver, filed in the instant proceedings on Dec. 29, 2011, at 6; *see also* Comments of the United States Telecom Association, filed in the instant proceedings on Feb. 9, 2012.

fully consistent with USTelecom's historical advocacy which sought to eliminate phantom traffic. The Bureau should promptly grant the waiver requests in the CenturyLink *Supplemental Petition* and *Initial Petition* for good cause.

Respectfully submitted,

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