



N A R U C
National Association of Regulatory Utility Commissioners

January 29, 2013

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Notice of Ex Parte Contact in the proceeding captioned: *Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Developing a Unified Intercarrier Compensation Regime, CC Dkt No. 01-92; Rules and Regulations Implementing the Truth in Caller ID Act of 2009, WC Dkt No. 11-39*

Dear Ms. Dortch:

On Friday January 25, 2013 the undersigned met on behalf of the National Association of Regulatory Utility Commissioners with Nicholas Degani of Commissioner Pai's office to discuss rural call completion issues. During the course of the conversation, the undersigned specifically cited NARUC's earlier September 2011 letter¹ – which urged the FCC to “drop the hammer” on recalcitrant carriers, and generally pointed out the following:

Non-compliant carriers have not been deterred by the FCC's February 2012 warning;

Such carriers obviously need to see *actual enforcement actions with significant consequences before* they will modify their behavior;

The Commission has been aware of this issue for almost two years;

The Commission has suggested that investigations of non-compliant behavior are ongoing;

The February 6, 2012 FCC Declaratory ruling specified that the FCC has both rules in place requiring call completion, jurisdiction to enforce them, and significant fining authority;

While additional rules might help constrain behavior, what is needed now is enforcement of the existing rules - not additional delay;

There are egregious examples of long distance/carrier behavior that invite FCC scrutiny. See, e.g., the appendix to NECA's June 2011 ex parte, citing “Magic Jack” marketing materials that say calls may not complete to “cost-prohibitive areas,” available online at: <https://prodnet.www.neca.org/publicationsdocs/wwpdf/061311callterm.pdf>. Note, this, this same phrasing is still in the company's terms of service now – see - <http://www.magicjack.com/plus-v05/tos.html>;

The rumored NPRM on circulation is apparently going to seek input on whether carriers should be required to provide data that would help with enforcement efforts but there is no reason that,

¹ See, *Letter from NARUC Communications Committee Chair John Burke to FCC Chairman Julius Genachowski*, September 26, 2012, available online at: <http://apps.fcc.gov/ecfs/document/view?id=7022022333>.

instead of a proposed rulemaking, the FCC could not just simply mandate the data collection now and avoid additional delay;

NARUC looks forward to continuing to work with the Commission on this problem; and

The FCC needs to take decisive steps to assure rural consumers and businesses remain connected.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. The undersigned respectfully requests any waivers needed to file this notice one day out of time. If you have questions about this letter, please do not hesitate to contact any of the undersigned or James Bradford Ramsay, NARUC's General Counsel at 202.898.2207 or jramsay@naruc.org.

Respectfully Submitted,

**James Bradford Ramsay
NARUC General Counsel**

cc: *The Honorable Robert McDowell, Commissioner*
The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
Zachary Katz, Chief of Staff, Office of the Chairman
Michael Steffen, Legal Advisor, Office of the Chairman
Christine D. Kurth, Policy Director & Wireline Counsel, Office of Commissioner McDowell
Angela Kronenberg, Wireline Legal Advisor, Office of Commissioner Clyburn
Priscilla Delgado Argeris, Legal Advisor, Office of Commissioner Rosenworcel
Nicholas Degani, Legal Advisor, Wireline, Office of Commissioner Pai