



problems in Missouri.<sup>2</sup> This case was initiated at the request of two groups of small rural incumbent local exchange telephone companies. The MoPSC hosted a workshop on call completion problems and the MoPSC Staff and the industry have been exchanging information. A recent MoPSC Staff report summarizes the status of this investigation.<sup>3</sup> Overall the MoPSC Staff report concurs with the FCC's premise that some intermediate providers offering wholesale call delivery services may be failing to deliver a significant number of calls to rural telephone company customers.

**Any retail long distance voice service provider should bear responsibility for ensuring calls get completed**

Responsibility to ensure a call gets completed should rest with the retail long distance voice service provider, regardless of whether the provider is facilities-based.

This responsibility includes:

- Ensure calls are being appropriately monitored.
- Review call monitoring results and initiate action to correct problems in a timely manner.
- Fully cooperate with inquiries and investigations into call completion problems.

The caller's retail long distance voice service provider should be held accountable if it fails to meet these responsibilities.

This approach differs slightly from the FCC's proposal to place requirements solely on the first facilities-based long distance voice service provider involved in handling the call. Under the FCC's proposal no requirements related to call monitoring

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<sup>2</sup> Case No. TW-2012-0112; *An Investigation into Call Routing and Call Completion Problems in the State of Missouri*. This case serves as the repository docket after initial filings by six companies creating Case Nos. TO-2012-0104 and twenty six companies creating Case No. IO-2012-0106.

<sup>3</sup> The MoPSC Staff Report was filed on March 29, 2013 and the MoPSC invited parties to comment on the report by May 3, 2013. Case file information is electronically accessible through the MoPSC's Electronic Filing and Information System via the MoPSC's web site [www.psc.mo.gov](http://www.psc.mo.gov).

are placed on a non-facilities-based retail long distance voice service provider. The FCC's focus raises questions as to what degree of responsibility and accountability, if any, should apply to a non-facilities-based retail long distance provider. In addition, consideration should be given to the logistics of simply identifying the first facilities-based long distance provider(s) for a call originated by a non-facilities-based retail long distance voice service provider.<sup>4</sup>

Ideally, all voice service providers should be monitoring traffic in a responsible manner ensuring calls are being completed. Unfortunately not all providers handling traffic appear to be monitoring traffic.<sup>5</sup> The FCC needs to be aware state legislation has provided regulatory relief to most carriers. For example, in Missouri state legislation has allowed carriers to opt-out of quality of service reporting to the MoPSC.<sup>6</sup> Therefore, the FCC should help ensure all providers are adequately monitoring traffic.

### **Call monitoring should include the reason for call failure<sup>7</sup>**

The FCC's proposed monitoring requirements focus on monitoring calls to calculate call answer percentages. This approach solely tracks completed calls to call

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<sup>4</sup> Callers generally are unaware whether their long distance voice service provider is a facilities-based carrier. Telephone number assignment may also cloud the issue.

<sup>5</sup> One example demonstrating the current lack of monitoring is the FCC's Consent Decree, DA 13-371; In the Matter of Level 3 Communications, LLC released March 12, 2013 whereby the FCC's Enforcement Bureau investigated possible violations of a carrier's call completion practices to rural areas and found the carrier was unable to produce call completion data in a useful manner. The carrier ultimately agree to make a \$975,000 voluntary contribution to the US Treasury and track call completion rates in a manner that will penalize the carrier if it misses quarterly benchmarks.

<sup>6</sup> Section 392.245.5(8) RSMo and Section 392.420 RSMo essentially waive the MoPSC's quality of service and billing standards rules.

<sup>7</sup> FCC NPRM, page 9, ¶ 23 seeks comment on proposed record-keeping and record-retention requirements.

attempts whereby call failures are assumed to be the residual amount.<sup>8</sup> The FCC is proposing a record for each call attempt will contain eight information items. This information includes whether the call was answered and whether the call was handed off to an intermediate provider. The FCC should require a provider to track the reason for a call failure as well as the specific network involved in the call failure. For example, if calls are failing when handed off to a specific intermediate provider then a call's record should attempt to identify the intermediate provider.

Call failure information may be difficult to insert within a quarterly report. Nevertheless, call failure information should be useful to the providers along a call's path. At a minimum, call failure information detailing why a call failed as well as the identification of the provider's network where the call failed should be available upon request by callers, terminating local voice companies and state commissions.

**All calls should be monitored<sup>9</sup>**

The FCC appears to be exploring ways to minimize the burden of monitoring all calls such as only analyzing calls within peak periods or through data sampling. The FCC's NPRM lacks specific details about these alternative proposals so serious consideration or feedback on the proposals is difficult. All calls should be monitored to ensure the call record information in § 64.2103(2) is available for each attempted call. Such an arrangement will help ensure relevant information will be available to resolve any call completion problem.

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<sup>8</sup> This observation is based on analyzing the FCC's proposed reporting format shown in Figure 1 on page 8 of the FCC's NPRM as well as the FCC's proposals described in ¶¶27 through ¶¶30 to exclude certain call attempts in calculating call answer rates.

<sup>9</sup> FCC NPRM, page 8, ¶ No. 21 and page 9, ¶ 23 discuss the respective proposals to monitor only peak periods or through a statistically valid sample of data.

**Call answer rates should be available, upon request, for calls placed to any rural telephone company<sup>10</sup>**

The FCC's proposed quarterly reports submitted by an originating long distance provider will identify the call answer rates to a specific rural telephone company if more than 100 call attempts per month are routed from the provider to the rural company. This proposed arrangement means a provider's quarterly report will show call answer rates for some, but not all, rural telephone companies. Some form of minimum threshold may be appropriate for formal reporting purposes; however, the provider's call answer rate to any rural telephone company should be available upon request. Therefore, the call answer rate to a specific rural telephone company should be available upon request by the terminating rural telephone company or state commission. A provider should be able to easily provide such information since a provider will be monitoring call answer rates to all rural telephone companies.

**Call monitoring reports should be accessible to state commissions and other companies handling the traffic<sup>11</sup>**

The benefits of submitting call monitoring reports will be minimized if such reports are filed confidentially and only available to the FCC. Call monitoring reports should at least be accessible to the appropriate state commission and other companies involved in handling this traffic. Such information is needed to investigate and take appropriate action to resolve call completion problems.

**Format of reports should include certain additional information**

The proposed format of quarterly reports submitted by the first facilities-based

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<sup>10</sup> FCC NPRM, page 8, ¶ 21 seeks comment on the FCC's proposed threshold of reporting call answer rates to rural companies to which 100 or more calls were attempted during a month.

<sup>11</sup> FCC NPRM, page 8, ¶ 21 seeks comment on whether the information that will be provided should be treated as confidential or be open to public inspection.

long distance voice provider should include two additional pieces of information. The report should identify non-facilities-based retail long distance providers, if any, sending traffic to the first facilities-based long distance provider. This information could be useful in knowing that the traffic identified in the report includes traffic originated by these other retail long distance providers. The report should also identify intermediate providers, if any, used by the first facilities-based long distance provider in sending traffic to any terminating local voice company. Such information is helpful in knowing what other companies are involved in transmitting the traffic. Both groups of information could simply be two separate lists identifying these companies.

**Compliance relief should be available only if a provider is adequately managing call traffic**

FCC proposed rule § 64.2107 offers relief from complying with data retention and reporting requirements if a carrier meets certain criteria. In general, relief is only appropriate if a provider can attest or demonstrate as having an adequate call monitoring process. This process should include having a specific point of contact for resolving any call completion problems. Relief should not be based solely on the number of retail subscribers of a long distance provider.<sup>12</sup> Few, if any, call completion problems should be expected with the long distance provider who can attest or demonstrate as having an adequate call monitoring process. Nevertheless, any provider that is granted relief should still be expected to have few, if any, call completion problems and fully cooperate in resolving call completion problems.<sup>13</sup> A provider's relief should be revoked through a

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<sup>12</sup>FCC NPRM, page 11, ¶ 31 seeks comment on the FCC's proposal to apply reporting and retention requirements to providers with more than 100,000 retail long-distance subscribers.

<sup>13</sup> This MoPSC feedback is responding to the portion of the FCC NPRM, page 12, ¶32 seeking input on the FCC's proposed safe harbors and whether they should include safeguards to ensure that providers' call-completion performance does not suffer.

streamlined process delegated to the FCC's Wireline Competition Bureau if calls are not managed in a responsible manner.

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