

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Rural Call Completion) WC Docket No. 13-39

COMMENTS OF CENTURYLINK

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SUMMARY

CenturyLink is both a facilities-based provider of long distance services and an incumbent local exchange services provider in both rural and non-rural areas. It is very interested in ensuring that both its local and long distance customers are able to originate and receive calls satisfactorily. CenturyLink has cooperated with, and will continue to cooperate with, the FCC and state regulators as they examine the rural call completion issue.

Given the traditional and non-traditional communications services available to CenturyLink's long distance customers, a diminution in its customers' long distance calling experiences will inevitably result in those customers choosing another provider as their preferred interexchange carrier or using alternative communications services. Therefore, CenturyLink is highly motivated to provide its long distance customers with reliable, high quality service and quickly address customer service issues. In order to promptly identify and address rural call completion issues, CenturyLink has established an investigation and resolution process that can be initiated by its customers and RLECs.

The information received to date by the FCC concerning the nature and scope of the rural call completion issue has largely been anecdotal. Controlled call completion testing that is voluntary, inclusive of all stakeholders, and transparent and open in its planning and execution will better inform the FCC about the rural call completion issue. CenturyLink supports discussions that are underway between the Alliance for Telecommunications Industry Solutions and the rural telephone company associations concerning real time call completion testing.

The use of intermediate providers by long distance providers predates the rise of the current call completion issue. Intermediate providers have been used to expand the reach of long distance networks, provide back-up facilities in the event of network outages, and handle

overflow traffic during high call volume periods. The failure to consider these necessary uses of intermediate providers as the FCC contemplates call completion rules that affect the use of intermediate providers may exacerbate rather than improve call completion in rural areas.

Concerning the FCC's proposed reporting, record keeping and retention requirements, CenturyLink states, among other things, that: it should be limited to interstate calls; all call attempts should be included; the measurement period should not be less than one month; reporting entities should be allowed at least 45 days to submit quarterly reports; the reports should be treated as confidential; auto-dialer traffic should be excluded where it can be reliably identified; and the inclusion of call attempts not answered could distort results. CenturyLink also comments on the FCC's proposed safe harbors.

CenturyLink urges the FCC to permit covered entities to freely change their safe harbor or non-safe harbor status. CenturyLink recommends that any call completion rules adopted by the FCC be reviewed at the beginning of each phase of the planned intercarrier compensation reform transition to determine whether the rules continue to be needed.

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INTRODUCTION

CenturyLink files these Comments in response to the Federal Communications Commission’s (FCC’s) Notice of Proposed Rulemaking (*NPRM*) released in the above-captioned docket.¹ The *NPRM* seeks “comment on rules to help address problems in the completion of long-distance telephone calls to rural customers.”² The FCC asserts that “[t]here is ample evidence that rural call completion problems are widespread and serious.”³ The FCC states that service providers often do not keep records that would allow it to judge their compliance with FCC rules concerning the delivery of telephone traffic.⁴ The FCC concludes that it needs access to data to help it monitor originating providers’ call-completion performance and compliance, and it therefore proposes “rules [that] would require facilities-based originating long-distance voice service providers to collect and report to the Commission data on call answer rates.”⁵

CenturyLink is both a facilities-based provider of long distance services and an incumbent local exchange services provider in both rural and non-rural areas. As such, it has a

¹ *Rural Call Completion*, WC Docket No. 13-39, Notice of Proposed Rulemaking, FCC 13-18, 28 FCC Rcd 1569 (rel. Feb. 7, 2013), 78 Fed. Reg. 21891 (Apr. 12, 2013); Public Notice, DA 13-780 (Apr. 18, 2013).

² *NPRM* at 1569 ¶ 1.

³ *Id.* at 1574 ¶ 13.

⁴ *Id.*

⁵ *Id.*

keen interest in ensuring that its long distance customers have their calls satisfactorily terminate as intended and that its local exchange customers, both rural and non-rural, satisfactorily receive the calls that others place to them. CenturyLink has cooperated with, and will continue to cooperate with, the FCC and state regulators as they gather information necessary to assess the extent of the rural call completion issue, identify the cause(s) of the issue and fashion appropriate responses to the issue.

DISCUSSION

I. THE USE OF INTERMEDIATE PROVIDERS IS NOT SOLELY MOTIVATED BY THE NEED TO RESPONSIBLY MANAGE LONG DISTANCE TERMINATION COSTS.

The FCC identifies call completion as a problem that is prevalent in rural areas served by rate-of-return local exchange carriers (RLECs) where the costs incurred by long distance providers for terminating long distance calls is generally higher than in non-rural areas.⁶ It points to the fact that long distance providers often use intermediate providers to deliver calls to certain terminating providers in order to minimize call termination charges.⁷ CenturyLink acknowledges that an attractive business case exists for long distance providers to augment their call completion capabilities by securing the services of responsible intermediate providers that can reduce their call termination costs. But, as financially attractive as it may be, this business case is only sustainable where, after due diligence testing,⁸ it is demonstrated that an intermediate

⁶ *Id.* at 1572 ¶ 6.

⁷ *Id.*

⁸ Illustrative of such due diligence before introducing an intermediate provider into a long distance route would be: validating the intermediate provider's trunks; testing traffic flows; verifying routing plans to avoid looping; testing performance during busy hours; and checking for post-dial delay, echo, voice quality and the delivery of correct call information. Post-introduction due diligence includes: establishing performance requirements; tracking performance; and conducting periodic performance reviews.

provider under consideration is fully capable of reliably transporting traffic in a manner that meets the service quality standards of the long distance provider. A long distance provider's failure to ensure that its intermediate providers are meeting its established service quality and reliability standards will quickly turn any short-term cost savings into a long-term loss. A diminution in customers' long distance calling experiences will inevitably result in those customers choosing another provider as their preferred interexchange carrier.

The use of intermediate providers by long distance providers predates the rise of the current call completion issue.⁹ For many years, long distance providers have successfully used intermediate providers where they do not have their own facilities to directly connect to a termination point in the Public Switched Telephone Network (PSTN). Intermediate providers have also been used to buttress the reliability of the networks of long distance providers by supplying back-up facilities in the event of network outages. Additionally, because traffic flows are constantly changing, long distance providers have used intermediate providers to handle overflow traffic in those instances where the capital investment for additional facilities cannot be justified because spikes in traffic volumes are either infrequent or unpredictable.¹⁰ The failure to consider these other necessary uses of intermediate providers as the FCC contemplates rules affecting the use of intermediate providers may exacerbate rather than improve rural call completion.

⁹ As do higher call termination charges in RLEC exchanges.

¹⁰ An example of an infrequent event that generates excessively high calling volumes is election year polling. Unforeseeable natural and manmade disasters can produce excessively high calling volumes. When a long distance provider experiences a very high volume of originating calls from an area, it may need to use feature group trunks ordinarily used for terminating traffic in that area to originate traffic in order to avoid having to block originating calls. This may necessitate the use of one or more intermediate carriers to backfill for the temporarily lost terminating traffic capacity.

Although the rural call completion issue has been attributed to the use of intermediate providers by the trade associations that represent RLECs (rural associations),¹¹ it must be noted that not all call completion problems are due to the use of intermediate providers. In a call path, network equipment, equipment components, transport facilities and customer owned/controlled equipment can impact the characteristics of a call and its ability to complete. Such impacts can be constant or intermittent.

II. COMPETITION NECESSITATES PROVIDING THE BEST CUSTOMER EXPERIENCE POSSIBLE AND PROMPTLY RESOLVING ANY CALL COMPLETION ISSUES THAT ARISE.

The market for long distance services is highly competitive, and customers have many alternatives to choose from among traditional and non-traditional long distance providers.¹² As a result of competition, CenturyLink is highly motivated to provide its long distance customers with reliable, high quality service and promptly address customer issues should they occur. If a CenturyLink long distance customer contacts CenturyLink about an issue completing a long distance call, CenturyLink opens a trouble report ticket for the customer, and an investigation into the cause of the issue is conducted and documented. Once the cause of the issue is identified, it is resolved, and the service is tested to ensure that the customer's issue has been satisfactorily addressed. If the trouble is related to the routing of the call, the route path is reviewed, any issues are identified, and the route path may be changed and tested. Where an intermediate provider was used to route the call and it is identified as the source of the routing trouble, it is removed from the route path, and an investigation of the matter is initiated. Before

¹¹ See *NPRM*, 28 FCC Rcd at 1572 ¶ 6. "Rural associations suggest that the call-completion problems may arise from the manner in which originating providers set up the signaling and routing of their calls, and that many of these call routing and termination problems can be attributed to intermediate providers."

¹² Also, e-mail and SMS Text messaging are substitutes to long distance voice service that are also available to many long distance customers.

the intermediate provider is returned to the route path, it must demonstrate to CenturyLink that it has identified the trouble and addressed the source of the trouble through testing.

Billions of long distance minutes are carried by CenturyLink in a month, and all but a very small percentage terminate successfully. CenturyLink is committed to addressing call completion issues whether they are brought to its attention by one of its customers or an RLEC's customer.¹³ In order to ensure that it is promptly responding to concerns raised by RLECs about failed calls initiated by CenturyLink long distance customers, CenturyLink has established an investigation and resolution process. RLECs have been provided with a dedicated point of contact within CenturyLink to address issues with failed calls to their local service customers. For provide-to-provider call termination trouble reporting, a RLEC can call 866-874-6790, option 1, option 6 to initiate the process.

III. ANECDOTAL EVIDENCE OF A CALL COMPLETION ISSUE IS USEFUL BUT NOT DETERMINATIVE OF THE SCOPE AND CAUSE OF THE ISSUE.

The long distance market has been competitive since shortly after the divestiture of the Bell System in 1984. The Nation's long distance network is currently comprised of many interconnecting networks utilizing a variety of evolving technologies (*e.g.*, TDM, IP, wireline, and wireless) of different vintages. There are potentially thousands of interconnecting service providers and thousands of points of interconnection across the United States. Since the long distance market was opened to competition, it has always been the case that a relatively small number of long distance calls fail to satisfactorily reach the called party. Although traditional long distance providers strive to have all calls satisfactorily complete, the reality of the current operating environment is that a zero long distance call failure rate is not achievable.

¹³ CenturyLink customers experiencing call completion issues can contact Repair at the telephone number on their bill. RLEC customers experiencing trouble receiving long distance calls from CenturyLink long distance customers can contact CenturyLink through their RLEC.

It is noted in the *NPRM* that the FCC has received reports from rural associations “that rate-of-return carriers serving rural areas are reporting an alarming increase in complaints from their customers stating that long-distance calls and faxes are not reaching them or that call quality is poor.”¹⁴ The *NPRM* cites to numerous surveys and tests conducted by RLECs and the rural associations.¹⁵ RLECs and the rural associations are to be commended for bringing their concerns about rural call completion to the FCC and being vigilant advocates for rural telephone customers over the past two years. In response to the advocacy of the RLECs and the rural associations, the FCC created the Rural Call Completion Task Force (RCCTF), held a rural call completion workshop, issued a declaratory ruling clarifying its rules prohibiting the blocking, choking, reducing, or restricting of telephone traffic,¹⁶ and released the *NPRM*. The RCCTF has investigated rural call completion complaints against individual long distance providers, as has the Consumer and Governmental Affairs Bureau through the consumer complaints process. CenturyLink supports the actions taken thus far by the FCC to address the rural call completion issue.

CenturyLink recognizes the FCC’s need to gather information that would allow it to monitor originating providers’ long distance call completion performance and ensure that rural telephone service customers are able to satisfactorily receive long distance calls. Below, CenturyLink comments on the specific proposals presented in the *NPRM*. CenturyLink is concerned, though, that the scope and cause of the rural call completion issue offered in the *NPRM* is largely based on anecdotal evidence submitted by RLECs and the rural associations.

¹⁴ *NPRM*, 28 FCC Rcd at 1571 ¶ 5.

¹⁵ *See id.*, footnotes 13-16.

¹⁶ *Developing an Unified Inter-carrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers*, CC Docket No. 01-92; WC Docket No. 07-135, Declaratory Ruling, 27 FCC Rcd 1351 (WCB 2012).

Despite the good faith intentions of the RLECs and the rural associations, the surveys and the tests that they conducted appear to have been designed, administered and scored by the RLECs and rural associations without meaningful input or participation from long distance providers or neutral third parties. The surveys and tests lacked the rigor and controls necessary to produce reliable findings or firm conclusions concerning the scope or causes of the rural call completion issue. CenturyLink believes that the result has been an unfortunate and skewed portrayal of the call completion issue.

On July 17, 2012, the Nebraska Public Service Commission (NE PSC) opened docket Rule and Regulation No. 187 (RR No. 187) to add rules regarding the adequacy of service provided by telecommunications carriers and prohibiting call blocking and choking.¹⁷ As a part of this proceeding, RLECs and long distance providers participated in voluntary call completion testing with the NE PSC staff. CenturyLink participated in the testing as a long distance provider. The plan for testing was developed by the NE PSC staff with input from RLECs and long distance providers. Automated testing was done over two weeks during the first quarter of 2013 from the switches of long distance providers to RLEC-provided Milliwatt testing telephone numbers¹⁸ across Nebraska. Long distance providers reported their test results to the NE PSC staff. To CenturyLink's knowledge, this was the first time that long distance provider call completion test data have been submitted to federal or state regulators.

¹⁷ *In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules regarding adequacy of service and prohibiting call blocking and choking*, Rule and Regulation No. 187 (July 2012).

¹⁸ A Milliwatt test consists of transmitting an analog signal at the frequency of 1004 Hz with the power level of 0 (zero) dBm. By definition, this is the equivalent of 1 mW (Milliwatt) continuous power dissipation. Although Milliwatt testing is sometimes used to measure line quality and transmission loss, the Nebraska test monitored for a 1.5 second minimum length tone to confirm that calls successfully completed to the RLEC-identified telephone numbers. In this context, a Milliwatt testing telephone number is a telephone number identified by a RLEC for the purpose of conducting a Milliwatt test.

In the Docket RR No. 187 test, CenturyLink conducted 7482 test calls. CenturyLink's completion rate was 98.3 percent.¹⁹ One hundred, thirty of its test calls did not receive a "tone" indicating the delivery of a completed call to a RLEC Milliwatt test number. As agreed with the Nebraska testing group, CenturyLink has begun investigating the causes of the apparent call failures and will continue to work within the Nebraska testing group as further efforts and discussions evolve regarding how issues identified during testing will be addressed.

CenturyLink submits that testing such as that conducted in Nebraska docket RR No. 187 -- testing that is voluntary, inclusive of all stakeholders, transparent and open in its planning and execution, and overseen by a neutral third party -- exemplifies the type of testing that allows for a fair and credible evaluation of the scope and cause(s) of the rural call completion issue.²⁰ Any final rules adopted by the FCC concerning reporting, recordkeeping and data retention (or any other aspect of the rural call completion issue) should be based on verifiable facts and findings drawn from well planned, controlled testing. CenturyLink supports the discussions underway between the Alliance for Telecommunications Industry Solutions (ATIS) and the rural associations concerning a plan for real time call completion testing.²¹

¹⁹ In any future testing conducted under similar circumstances, CenturyLink's results could be higher or lower.

²⁰ CenturyLink does not mean to imply that it encourages every state to undertake call completion testing. Properly done, only a few call completion tests are necessary in order for the FCC and states to obtain an accurate assessment of the nature and scope of the rural call completion issue.

²¹ ATIS and the rural associations are currently discussing a plan for a collaborative test call project among RLECs and ATIS members. *See Ex Parte* Notice of the National Exchange Carrier Association, the Organization for the Promotion and Advancement of Small Telecommunications Companies, the Western Telecommunications Alliance and the National Telecommunications Cooperative Association in WC Docket No. 07-135, CC Docket No. 01-92 and WC Docket No. 11-39, dated Nov. 15, 2012, at p.2.

IV. THE PROPOSED REPORTING, RECORD KEEPING AND RETENTION REQUIREMENTS.

A. Any Reporting, Record Keeping and Retention Requirements Should Be Limited to Interstate Calls.

The FCC proposes to adopt reporting, record keeping and retention requirements for both interstate and intrastate long distance calls.²² The FCC offers no analysis in the *NPRM* to explain the jurisdictional basis for its proposal to extend such requirements to intrastate long distance calls. The FCC's failure to address its authority to regulate intrastate state long distance services in this context is troubling. Absent a showing by the FCC that it has jurisdiction to require reporting, record keeping and data retention for intrastate long distance calls, it must be presumed that the intrastate aspects of the FCC's proposal extend beyond its jurisdiction and would be unlawful if adopted.

As a practical matter, imposing FCC reporting, record keeping and data retention requirements on providers of intrastate long distance calls creates the potential for those providers to be subjected to duplicative or conflicting requirements imposed by states. As noted in Section III. above, there is ongoing state regulatory activity concerning rural call completion.²³ In addition to the unjust and unreasonable burdens that would be borne by service providers subjected to duplicative or conflicting reporting, record keeping and retention requirements, resources that those service providers could otherwise devote to the delivery of long distance calls to rural areas would be diverted to perform superfluous regulatory compliance tasks.

If the FCC adopts reporting, record keeping and data retention requirements for providers of long distance calls, it should limit those requirements to interstate calls. In the alternative, and

²² *NPRM*, 28 FCC Rcd at 1575-76 ¶ 20.

²³ In addition to Nebraska, CenturyLink is aware of state regulatory activities concerning rural call completion in Oregon, Washington, Missouri, Minnesota, Iowa, Colorado and California.

to the extent that the FCC is able to justify a claim of jurisdiction over intrastate as well as interstate long distance calls, the FCC should preempt states from imposing duplicative or conflicting requirements on long distance providers.

B. All Call Attempts Should Be Included.

The FCC asks whether all call attempts should be included in the quarterly reports required to be submitted under its proposed reporting, record keeping and retention rule or just those for a particular time period.²⁴ CenturyLink believes that call attempts from all time periods should be included in the data to be reported and retained. As discussed in Section IV.H. below, the use of statistical sampling or data from a specific time period would raise questions concerning the integrity of the data since sampling could result in an issue being missed.

C. Monthly Measurements Are Appropriate.

The FCC asks whether its proposed monthly measurement period is appropriate or whether a shorter measurement period would result in the collection of more accurate data.²⁵ CenturyLink submits that a month is appropriate and that anything shorter, such as a week, would result in additional burdens being imposed on reporting entities without a material improvement in the accuracy of the data collected or in the FCC's ability to identify an issue.

D. Reporting Entities Should Be Allowed 45 Days to Submit Quarterly Reports.

The FCC asks how long reporting entities should have to file their reports should the FCC adopt a quarterly filing requirement.²⁶ Reporting entities should not be required to submit their quarterly reports less than 45 days after the last day of the quarter for which the report is

²⁴ *NPRM*, 28 FCC Rcd at 1576 ¶ 21.

²⁵ *Id.*

²⁶ *Id.*

being filed. For example, data for the first quarter of the calendar year should not be due before May 15th.

E. Resources Used to Comply with the Proposed Reporting, Record Keeping and Retention Requirements Will Be Unavailable for Customer Service.

Implementing the FCC's reporting, record keeping and retention requirements will require CenturyLink to expend resource for additional data storage capacity. Resources will also have to be expended to modify the systems utilized for the retention of call records in order to accommodate the call disconnection information needed to determine the call answer rates required by the proposal.

The complexity of splitting traffic between originating providers and intermediate providers; ongoing identification and clean up of carrier customer circuits in the reporting process for intermediate providers; reporting requirements that CenturyLink's carrier customers will request; and ongoing identification and clean up of auto-dialer based traffic (to the extent that auto-dialer traffic can be identified) in the originating provider category will require CenturyLink to add human resources in order to comply with the proposed requirements. Although CenturyLink believes that it can separate traffic into virtually all of the categories required by the proposal, it is concerned with the FCC's apparent expectation concerning the handling of traffic associated with its reseller customers. To the extent that reseller traffic has to be broken out for individual resellers' customers' automatic number identification (ANI), CenturyLink does not have a way to identify this traffic within its network call detail records (CDR) collection systems today. Tying the actual reseller customer ANI information to the network CDR data being used would be extremely difficult, if possible, and would require additional systems development expenditures.

F. Individual Service Provider Submissions Should Be Treated as Confidential.

The FCC asks whether the information that would be provided under its proposal should be treated as confidential or open to public inspection.²⁷ CenturyLink believes that individual service provider submissions should be treated as confidential. Allowing access to individual service provider submissions creates a vast opportunity for public misperception of the nature and scope of the rural call completion issue, as well as the misuse of information that can intentionally or inadvertently be taken out of context. CenturyLink would not object to aggregate data being open to public inspection to the extent that the manner in which it is arrayed would not allow for the identification of individual service provider data.

G. Some of the Data to Be Collected and Retained Is Currently Available.

The sources currently used by CenturyLink for data associated with its legacy Qwest long distance network capture the information proposed by the FCC. Systems development work would be necessary in order for CenturyLink to be able to capture the information proposed by the FCC for its legacy CenturyLink long distance network. Even where that information is available today, it is not routinely retained beyond 30 days in some of the systems in which the target data is held.

H. Statistical Sampling Further Complicates Data Collection.

The FCC asks whether recording and retaining a statistically valid sample of data could fulfill the purposes of the data collection.²⁸ In CenturyLink's view, establishing and validating a statistical sampling process would actually increase rather than lessen the burden of data collection considering all of the potential reporting that a service provider covered by the FCC's proposal may be required to perform. Further, a statistical sample could create a large enough

²⁷ *NPRM*, 28 FCC Rcd at 1576 ¶ 21.

²⁸ *Id.* at 1577 ¶ 23.

margin of error in the results to create misperceptions as to what the data actually show. Selecting the peak calling period, for example, as the period to be sampled could be problematic since the peak traffic period for all companies required to report may not be the same. Also, anomalies occurring during the period designated for capturing call data could materially skew the results. CenturyLink opposes a requirement to report, record and retain data based on statistically valid data samples.

I. The Focus on Facilities-based Providers Is Too Narrow.

The premise offered by the FCC for applying its proposed reporting, record keeping and retention requirements on the first facilities-based long distance provider in the call delivery chain is that “the facilities-based provider will have access to the inaugural call detail information.”²⁹ If one assumes that the entirety of the rural call completion issue can be laid at the feet of call routing and the use of intermediate providers, then there may be logic in the FCC’s proposal to apply the proposed reporting, record keeping and retention requirements to the first facilities-based provider that is involved in handling a long distance call. CenturyLink views such a focus as too narrow. All service providers that offer long distance voice services should be held accountable for completing calls to their customers’ intended called parties. Addressing the issue of routing in the PSTN without also addressing the actions of long distance voice providers using other platforms or nontraditional technologies who refuse to transport long distance calls to certain rural areas with high termination charges leaves a major contributing aspect of the call completion issue unaddressed.³⁰

²⁹ *Id.* at 1575 ¶ 17.

³⁰ See <http://www.magicjack.com/plus-v05/tos.html#10>. *Terms of Service and Software License Agreement for magicJack, LP and YMAX Communications Corporation and magicJack VocalTec Ltd.*, Section 3.b), Outgoing Calls: “Some restrictions in cost prohibitive areas may apply.”

J. Reporting, Record Keeping and Retention Requirements Should Not Apply to Intermediate Providers.

The FCC should not extend the proposed reporting, record keeping and data retention requirements to intermediate providers absent evidence clearly demonstrating that the increased burdens associated with applying its proposal to intermediate providers are significantly offset by gains in the type and quality of the data that would be collected. As a service provider that conducts business as both a facilities-based originating long distance provider and as an intermediate provider for the long distance calls of other long distance providers, CenturyLink does not believe that such offsetting benefits would result from extending the requirements to intermediate providers.

K. Other Categories of Terminating Calls Are Not Needed.

The FCC asks whether other categories of calls should also be covered (*e.g.*, calls to CMRS subscribers) that do not subject long distance providers to high termination costs in rural areas.³¹ CenturyLink does not perceive that any additional benefits would be derived from breaking out other categories of terminating calls.

L. Auto-dialer Traffic

The FCC notes that some long distance providers handle substantial amounts of auto-dialer traffic from customers with requirements that are different from those of typical residential and business customers. It asks if those auto-dialer sources can be reliably identified.³² It also asks whether auto-dialer call attempts should be excluded if they can be reliably identified and

³¹ *NPRM*, 28 FCC Rcd at 1577-78 ¶ 25.

³² *Id.* at 1578 ¶ 26.

whether those providers that can identify this traffic should be required to do so even if other providers cannot.³³

If the reporting definition is based on the originating provider, CenturyLink should be able to reliably identify a significant amount of auto-dialer traffic. To the extent that auto-dialer traffic can be reliably identified, CenturyLink believes that it should be excluded from data reporting.

Typically, auto-dialer traffic is delivered to CenturyLink's network via a dedicated customer trunk group. In that instance, CenturyLink could identify and mark a customer trunk group as auto-dialer traffic and exclude it from the measurements. It is not possible, though, for CenturyLink to reliably identify auto-dialer traffic from its Wholesale Carrier customers. Traffic from those customers could include both auto-dialer and nonauto-dialer traffic over the same dedicated trunk group. Although CenturyLink's ability to reliably identify auto-dialer traffic will vary based on the circumstances, auto-dialer call attempts should be excluded from data reporting where they can be reliably identified.

M. Exclusion of Call Attempts that Are Handed Back.

The FCC proposes that call attempts that are handed back to the upstream provider be excluded from its proposed data collection and reporting requirements and asks commenters whether it is feasible and appropriate to exclude such call attempts.³⁴ If any final rules are limited to the first facilities-based originating long distance provider, CenturyLink would be able to exclude call attempts that are handed back to it from an intermediate or downstream provider. Excluding such call attempts would not be feasible if CenturyLink were required to comply with the proposed requirements in its capacity as an intermediate provider.

³³ *Id.*

³⁴ *Id.* at 1578 ¶ 28.

N. The Proposed Treatment of Call Attempts to Unallocated Numbers and Call Attempts Not Answered Could Distort Results.

The FCC proposes that all call attempts to unallocated numbers be retained and that any call attempt not answered and showing a “User” category release cause code be included in the total number of call attempts reported.³⁵ CenturyLink is always concerned about the accuracy of the cause codes it receives on CDRs. The concern, though, is across the board and not limited to any particular code. CenturyLink has seen improper release cause codes originating from local exchange carriers as well as from intermediate providers. When that happens, immediate actions are taken by CenturyLink to correct the error. Reporting all call attempts not answered that show a user category release code could result in large differences in the answer rate (up to a 5% answer rate difference). CenturyLink has serious concerns about the potentially distorted picture of call answer rates that will emerge, and the conclusions that may be drawn therefrom concerning the severity of the call completion issue, as a consequence of including in the reported data unanswered call attempts that are wholly unrelated to a long distance provider’s satisfactory delivery of calls to terminating local exchange carriers. CenturyLink is generally concerned about potential distortions in the data resulting from some of the seemingly arbitrary judgments made concerning the types of calls that should be included or excluded from reporting.

V. THE PROPOSED SAFE HARBORS.

A. Managing Intermediate Provider Safe Harbor.

The FCC asks for comment on its proposed *Managing Intermediate Provider Safe Harbor*. Specifically, the FCC asks whether restricting the number of intermediate providers in a

³⁵ *Id.* at 1578-79 ¶ 29.

call path from a retail customer will improve the originating provider's control and allow it to maintain a rural call answer rate this is "on par" with nonrural call answer rates.³⁶

Theoretically, the fewer elements in a call path, the more likely it is that the quality of the transmission will be high. CenturyLink would agree, in principle, that restricting the number of intermediate providers in a call path to a reasonable number should improve retail customer call completion. However, this is based on the assumption that a provider covered by the proposed requirements can have multiple intermediate providers (an unlimited number) as routing options for a specific route as long as the first intermediate provider receiving a handoff from the originating long distance provider utilizes no more than one additional intermediate provider in the call path before the call reaches the terminating provider. Otherwise limiting the number of intermediate providers that an originating long distance provider may have in queue as routing options would be very concerning and problematic for CenturyLink. As discussed in Section I. above, long distance providers have many essential needs that are satisfied through the use of intermediate providers that are unrelated to lowering high call termination rates in rural areas. CenturyLink is very concerned that more restrictive constraints on the use of intermediate providers would limit its ability to ensure service continuity in the event of network disruptions and excessively high call volumes. Were CenturyLink to be limited to, for example, the use of one intermediate provider and Feature Group for a route into a particular local exchange (NPA/NXX), it would not be possible for CenturyLink to avail itself of this proposed safe harbor.

The FCC asks whether providing the identity of the intermediate provider that is affecting the incoming long distance calls will assist the terminating RLEC during call completion trouble

³⁶ *Id.* at 1580 ¶ 34.

report investigations.³⁷ CenturyLink's experience, from past troubleshooting that involved RLECs where this information was made available, is that it is unclear that the RLECs have made any use of this information.

B. Monitoring Performance Safe Harbor.

The FCC asks whether the thresholds that it proposes for the *Monitoring Performance Safe Harbor* are reasonable and appropriate.³⁸ The proposed thresholds present concerns for CenturyLink.

CenturyLink is concerned that the recommended performance benchmarks may not be adequate tools to establish concrete evidence of real disparity between the defined universes due to the challenging nature of the data and the inherent uncertainties and scale of the data volume. The recommended two percent to three percent set for an acceptable range differential in comparing two universes of calls (Rural and Non-Rural) could be within the statistical error margin (*i.e.*, 5%-10% considered reasonable in the scientific community as a rule of thumb). Based on actual observations using frequent qualitative and quantitative measurements, CDR data collection, interpretation and evaluation are all subject to relatively significant inaccuracies attributable to the massive data volumes (scaled in Terabytes) involved, as well as errors induced in translating the data and breakdowns in the logic handling exceptions.³⁹

VI. COVERED ENTITIES SHOULD BE ABLE TO FREELY OPT IN AND OUT OF THE SAFE HARBORS.

CenturyLink encourages the FCC to permit covered entities to freely opt into, or out of, the proposed safe harbors. Covered entities should be accorded the flexibility to change their

³⁷ *Id.*

³⁸ *Id.* at 1580-81 ¶ 36.

³⁹ Interpretations of CDR data are also affected by six-digit routing and OCN mapping.

safe harbor or non-safe harbor status by providing notice to the FCC not less than 30 days prior to the end of the calendar quarter preceding the quarter in which the change would be effective.

VII. IF ADOPTED, THE PROPOSED REPORTING, RECORD KEEPING AND RETENTION REQUIREMENTS SHOULD SUNSET WHEN THEY ARE NO LONGER SUPPORTED BY THE DATA.

The FCC asks whether the rules it proposes should expire at the end of the intercarrier compensation reform transition period, or at some other point, and whether establishing a sunset date for the proposed requirements would reduce the burdens of compliance.⁴⁰ Addressing the later question first, CenturyLink simply observes that while adopting a sunset date for the rules would reduce the burden of compliance, it would not reduce the burden of implementing and supporting the processes and structures necessary to comply with the requirements while they are in place.

CenturyLink recommends that at the beginning of each phase of the planned intercarrier compensation reform transition, when terminating access rates are scheduled to be reduced, a review of the continuing need for these proposed requirements should be conducted.

CenturyLink expects that the incentive to manage long distance termination costs through the use of intermediate providers will reach a *de minimis* level long before the end of the intercarrier compensation reform transition. The FCC should also be receptive to petitions from interested parties to terminate the proposed requirements for all covered entities, or requests for waiver of the requirements as to individual providers, for good cause shown.

⁴⁰ *NPRM*, 28 FCC Rcd at 1581 ¶ 38.

VIII. SIGNAL INTEGRITY REQUIREMENTS.

CenturyLink follows current industry standards concerning the delivery of audible ringing. CenturyLink interprets current industry standards to be consistent with the FCC's proposed ring signaling integrity rules.

CONCLUSION

The call completion issue is important, and CenturyLink supports reasonable efforts by the FCC to address it. As the FCC considers additional action to address the rural call completion issue, CenturyLink urges it to exercise restraint and not adopt rules that unreasonably restrict the use of intermediate providers for transporting long distance calls.

Determining the most appropriate and legally sustainable FCC response to the rural call completion issue begins with an accurate appraisal of the issue. Anecdotal evidence alone is insufficient to supply a complete and fair assessment of the issue. Voluntary, well planned and controlled call completion testing that is inclusive of all stakeholders can provide the FCC with credible information to determine what, if any, additional action is required on its part. Should the FCC adopt reporting, record keeping and data retention requirements to assess compliance with its rules and secure a better understanding of the call completion issue, CenturyLink requests that the FCC consider its comments concerning the specific proposals presented in the *NPRM* before doing so.

Industry standards for both traditional and new voice services technologies align with the FCC's proposed ring signaling integrity rules. Should the FCC adopt its proposed ring signaling

integrity rules, service provider compliance with industry standards in this area should constitute compliance with the FCC's rules.

Respectfully submitted,

CENTURYLINK

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