

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Rural Call Completion)

) WC Docket No. 13-39
)

REPLY COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (“VON”) hereby submits its reply to the comments in the above-referenced matter, regarding the Commission’s proposal to mandate the collection of data and filing of reports with the Commission concerning long distance calls made to rural telephone numbers.

In its comments, VON urged the Commission not to impose a burdensome reporting and collection requirement on Voice over Internet Protocol (“VoIP”) providers. As several commenters observed, there is insufficient evidence to support the assertion of an industry-wide “epidemic” of rural call completion issues,¹ and, as Time Warner asserts, “there is no evidence that interconnected VoIP providers or other originating providers are responsible for any problems with the delivery of calls to rural customers.”² Although comments from NASUCA and COMPTTEL reference a NECA report regarding call completion failures,³ several other commenters have pointed out that the surveys utilized for this report were conducted “without meaningful input or participation from long-distance providers or neutral third parties,”⁴ and lack important details regarding their methodology. This raises significant questions concerning the

¹See, e.g., Comments of Sprint Nextel, p. 2; Comments of Verizon, p. 2; Comments of CTIA, p. 3.

² Comments of Time Warner, p. 2.

³ Comments of NASUCA, p. 15; Comments of Comptel, pp. 3-4.

⁴ Comments of CenturyLink, p. 7.

information's reliability,⁵ particularly given that all other evidence in the public record is merely anecdotal. Broad new obligations should not be based on such incomplete and insufficient data. In the absence of reliable evidence demonstrating that VoIP providers are contributing to rural call completion problems, it makes little sense to subject VoIP providers to burdensome requirements designed to correct such problems.

Nor can the reporting obligations suggested in the NPRM be justified on the basis that they might uncover whether there are issues with completion of VoIP-originated rural calls. In the first place, such information could be obtained from common carriers under the Commission's Title II jurisdiction, without attempting to assert ancillary authority over interconnected VoIP providers. Secondly, to the extent that collecting data from VoIP providers were deemed truly necessary, voluntary collections and/or appropriately designed studies of particular local areas for short periods of time would suffice. It cannot be necessary to burden an entire industry, for an indefinite period of time, in order to find out if there is even a problem that needs to be addressed.

VON and other commenting parties also noted that the marketplace ultimately requires a high quality of service at reasonable rates, and that the incentives provided by competition will drive performance. As Sprint comments, in the case of incomplete or poor quality calls, it is the providers who will feel the sharp and painful impact of customer complaints and service cancellation.⁶ As such, providers will offer the most reliable and high quality service that they can. For example, Vonage discusses its voluntary implementation of a "Scorecard" system by which improved metrics and routing have resulted in substantial improvements in call-

⁵ For an exhaustive list of unanswered questions regarding the results and methodology of such surveys, *see* Comments of Sprint, pp. 5-7.

⁶ Comments of Sprint, p. 3.

completion performance as well as cost savings through fewer calls to Customer Care.⁷ This action was undertaken independent of Commission regulation and demonstrates the impact of competition on service delivery.

Lastly, VON and others argued that the Commission already possesses sufficient enforcement mechanisms through existing rules to address any problems with rural call completion that may arise. These rules prohibit telecommunications carriers and VoIP providers from blocking, choking, reducing, or restricting traffic. The Commission has recently shown its strong interest in pursuing enforcement against companies that it believes may be violating these rules.⁸ The comments of AT&T, Vonage, and others confirm that the threat of such Commission enforcement creates an additional incentive to deter actions that may lead to rural call completion problems and to effectively and immediately resolve such problems should they be discovered.⁹

Conclusion

Therefore, based on the foregoing, the VON Coalition urges the Commission to take action consistent with these comments.

Respectfully submitted,

VOICE ON THE NET COALITION

/s/

Glenn S. Richards
Executive Director

June 11, 2013

⁷ Comments of Vonage, pp. 4-5.

⁸ NPRM ¶ 11. See also, Consent Decree, File No. EB-12-IH-0087, DA 13-371, rel. Mar. 12, 2013 (wherein Level 3 Communications, LLC agreed to pay \$975,000 and implement a detailed compliance plan in order to terminate an FCC investigation related to Level 3's call completion practices to rural areas).

⁹ See, e.g., Comments of AT&T, p. 2; Comments of Vonage, p. 11; Comments of CTIA, pp. 2-3.