Before the
Federal Communications Commission
Washington, D.C. 20554

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

REPLY COMMENTS OF FREE CONFERENCING CORPORATION RELATED TO

NOTICE OF PROPOSED RULEMAKING ON RURAL CALL COMPLETION

June 11, 2013

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Free Conferencing Corporation has more than 20 million active FreeConferenceCall.com customers and wishes to express concern for the integrity of our national telecommunications system with regard to ongoing call completion problems.

Free Conferencing Corporation's customers call into our bridges located in urban and rural regions throughout the United States. Whether urban or rural, we have seen some call completion problems with long-distance carriers, wireless carriers, and Voice over Internet Protocol (VoIP) providers.

It is the view of Free Conferencing Corporation that a combination of the data retention and reporting, a call answer rate standard, and vigorous enforcement against violators will resolve the current problems with call completion.

One of the fundamental lawful conditions of providing telecommunications service in the United States is that calls, whether from a landline phone, a cellular phone, or an online calling service, must be completed as dialed. Various telecommunications companies have intentionally not implemented this condition to the tremendous detriment of consumers and rural phone companies alike.

The Commission, in its November 2011 Order and subsequent February 2012 Declaratory Ruling made clear that call blocking, reducing, or restricting telephone traffic is prohibited both for Public Switched Telephone Network ("PSTN") and VoIP/PSTN telecommunications.[1] The Order and Declaratory Ruling were issued in direct response to consumer complaints about call completion and poor service quality on long distance calls to certain areas – including some geographic areas where FreeConferenceCall.com hosts conference bridges.

We concur with Commissioner Clyburn, who stated that the Commision "confirmed that carriers cannot block, choke, or reduce or restrict traffic in any way, and the Bureau followed up with a second Order shortly thereafter, that clarifies that originating carriers can be held liable for knowing that there are completion issues and not correcting them."[2]

The Commission's reform of the intercarrier compensation (ICC) system and rates established a predictable trajectory for rates and long-term structure for the telecom industry. Any carriers or VoIP providers who engage in self-help gambits are acting in direct contradiction of the Order and the structure it established.

<u>Reply to Initial Comments</u>

The initial comments to the NPRM fall into familiar patterns, with regulators, consumer advocates, and small carriers generally supportive of the NPRM and often seeking stronger measures, while the large ILECs, wireless and VoIP providers wish to minimize the

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[1] FCC 11-161, Section 973-974, 11/18/11
[2] NPRM, FCC 13-18, p 35

problem and seek weaker measures. FreeConferenceCall.com, because we see the effect on our consumers, sides with the former.

The main argument against the Commission taking action is that there is not sufficient proof of the rural call completion problem. Verizon states that in its review of complaints, "nearly half of the complained-of call completion difficulties could not be substantiated by Verizon's call records."[3] This pattern is repeated in several comments – they claim that the Commission is basing this NPRM on anecdotal evidence and these parties counter with anecdotes of their own to question whether a problem exists.

The Voice on the Net Coalition similarly complains, "…nor is there any evidence of a problem with VoIP services that requires the creation of an industry-wide rule."[4] This is contradicted by FreeConferenceCall.com's customer experiences with various VoIP providers and one such example in Verizon's Comments, "…rural carriers have complained that MagicJack, a VoIP service, refused to complete calls to rural destinations and admitted this to its customers on its website."[5] Comptel shows further problems with VoIP, "…NECA has submitted test call data showing that over the top VoIP providers "maintain an unacceptably high overall call incompletion rate of 30% and 'total issues' rate greater than 50%."[6]

Another means of deflection is to focus on an aspect of the Commission's NPRM, the role of terminating access rates in rural call completion problems. The US Telecom Association spends an inordinate amount of its comments on this issue, "…call completion should be measured by the rate of call completion to carriers with various levels of terminating access rates, which do not necessarily correlate with the urban or rural status of an area."[7] The clear answer to this rationalization is that the ICC Reform initiated by the Commission is well underway, with access rates dropping on an ongoing basis, and a call is a call is a call – a carrier or a VoIP provider can never differentiate if we are to have reliable telecommunications in the United States.

FreeConferenceCall.com submits that knowing they must report on call quality is a key deterrent in and of itself, and is made stronger when combined with rigorous enforcement. In terms of the onerous record-keeping and reporting, it is clear that these companies keep thorough records in order to charge customers and other carriers and providers – there is no disincentive to track billable calls and have strong customer service.

On a positive note, the National Association of Regulatory Utility Commissioners (NARUC) raises the related issue of false busy tones or inaccurate measures. We agree that all carriers and providers should, "be prohibited from causing an audible ring from being sent to the caller before the terminating provider has signaled that the called party is being

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[3] Verizon Comments, p 5, 5/13/13
[4] VON Coalition Comments, p 6, 5/13/13
[5] Verizon Comments, p 16, 5/13/13
[6] Comptel Comments, p 3, 5/13/13
[7] USTA Comments, p 4, 5/13/13

alerted."[8] But we also agree with NARUC that any form of caller deception, including false busy tones or inaccurate messages, should be prohibited in order to maintain the integrity of communications.

Data Retention and Reporting

Free Conferencing Corporation has monitored the call completion problems in rural America, and has specific complaints from customers. We acknowledge that customer complaints are only a percentage of those experiencing problems because they took the trouble to call, but they offer specific proof of call completion failures. Commissioner Pai highlighted this issue as well, "…consumer complaints likely represent only a small fraction of actual incidents, we should try to make it easier for consumers to reach us."[9]

In order to help the Commission in their efforts (and at the Commission's suggestion), FreeConferenceCall.com has shared detailed monthly information on customer complaints with the Commission's Enforcement Bureau since the Declaratory Ruling. Of the customer complaints, MetroPCS, MagicJack, and Google Voice consistently reported as the primary offenders, although there are several other lesser offenders as well. This pattern demonstrates an ability and willingness to impair call completion and must be stopped.

This proposed Rulemaking appropriately focuses on near-universal data retention and reporting. Free Conferencing Corporation is willing to continue to supply the data that gets to the very heart of this matter in order to support the efforts of the Commission. Because we receive real- and near real-time complaints from callers, Free Conferencing Corporation can provide a check on the practices and performance of carriers and providers as they provide information to the Commission.

Call Answer Rate

Moving forward, the Commission should outlaw any Call Answer Rate (the currently termed Answer Seizure Ratio) below 99.99999% efficiency for carriers or a corresponding efficiency for Packet Drop with VoIP. As pointed out in the ex parte of the Rural Broadband Alliance, "Five Nines" is a standard that carriers are familiar with, and regardless of the technology, customers have a right to expect the highest level of performance.[10] Comptel points out, "ATIS suggests that originating providers require their intermediate providers to meet Direct Measures of Quality for call completion and voice and fax quality and to report on their performance with the metrics established."[11]

At the same time, the Commission retains the right to punish specific carriers or VoIP providers that have multiple call completion incidents to specific locations but falling within the .00001% range of inefficiency. The Commission must therefore establish an

[8] NARUC Comments, p 7, 5/13/13
[9] NPRM, FCC 13-18, p 37
[10] Rural Broadband Alliance ex parte, p 2, 4/29/13
[11] Comptel Comments, p 5, 5/13/13

equivalent performance standard for call completion in rural regions – "The Commissioner (sic) should strive for nothing less than parity in call quality and completion rates between rural and non-rural areas."[12]

Enforcement

We look forward to the time when the Commission will proceed to the enforcement phase. We agree with Chairman Genachowski that the Commission must take this data and "vigorously enforce our rules."[13] The Commission is empowered to administer penalties of up to $150,000 for each violation, and collectively up to $1.5 million for a single act or failure to act. Only through active enforcement and fines will carriers and VoIP providers be deterred from degrading call quality in the United States, particularly in rural areas.

We suggest that an expedited enforcement process be established to address repeated bad actors – perhaps allowing complaints from multiple carriers or VoIP providers in a certain location to be combined into a collective complaint that can be investigated and acted upon rapidly.

Reporting is helpful to establish baselines and monitor the market, but enforcement is essential to dissuade the bad actors in telecommunications. "The Commission – and other parties, including state commissions, consumer advocates, and rural carriers – must carefully examine those reports in order to ensure appropriate enforcement action".[14] We believe that the Enforcement Bureau has specific information on repeated call completion incidents, enough to trigger the "per violation" penalties at any time and encourage the Commission to do so.

With the three-part approach of data retention and reporting, a call answer rate standard, and vigorous enforcement against violators, the Commission will protect the integrity of telecommunications service in our country, whether urban or rural.

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[12] NECA/NTCA/WTA/ERTA Comments, p ii, 5/13/13
[13] NPRM, FCC 13-18, p 33
[14] NASUCA Comments, p 4, 5/13/13