



September 25, 2013

***Ex Parte Notice***

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

**Re: *In the Matter of Rural Call Completion, WC Docket No. 13-39***

Dear Ms. Dortch:

On Monday, September 23, 2013, I met with Priscilla Delgado Argeris, advisor to Commissioner Jessica Rosenworcel, to discuss the above-referenced matter. We talked about the substance of rules that could help address data collection efforts to help resolve rural call completion problems.

It is NTCA – the Rural Broadband Association’s (“NTCA’s”) position that the Commission should adopt no safe harbors at this time that would permit a carrier to avoid an obligation to gather and then report on its call completion data. There is no concrete evidence (at least in the public record) that any safe harbors are appropriate or that certifying to one would address call completion issues. To be clear, NTCA is not opposed to safe harbors as a pragmatic matter, but they should be “earned.” That is, if after a period of collecting data the Commission determines empirically on a public record that certain practices help ensure that rural calls complete, a safe harbor could perhaps be permitted based specifically on that evidence.

We discussed a safe harbor that would require carriers to retain data for several months, but to avoid the reporting requirements, if the carrier limited the number of intermediate carriers in every call completion path to no more than two. NTCA reiterated its position that safe harbors are inappropriate, but emphasized that if such a safe harbor were adopted, the Commission must not artificially limit the definition of “intermediate provider.” As just one example, the Commission should not exclude tandems as intermediate carriers. Any intermediate carrier could call itself a “tandem provider,” thereby creating a very large loophole that would undercut any rules adopted in this proceeding.

NTCA further stressed that rural AND urban call completion rates should be captured. The Commission and others must have the ability to compare an individual carrier’s rural and urban data to determine if there is a discrepancy and potential discrimination. It was pointed out that carriers already capture all of the data sought for a variety of other purposes (*e.g.*, billing and verification) and thus the additional cost of storing data already collected is minimal.

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Addressing the issue of whether autodialed numbers should be excluded from reporting, NTCA observed that there is no evidence in the record that autodialing affects rural call performance differently than urban call performance. Similarly, there is no evidence whatsoever that cause release codes are inaccurate more often in a rural setting than in an urban one. NTCA suggested the Commission collect all of the data as an initial matter, and then consider whether and to what degree to address autodialing and inaccurate cause codes as a separate matter in a further notice of proposed rulemaking.

NTCA also asked that a further notice of proposed rulemaking ask questions about the treatment of intermediate providers, and whether specifically they should be required to register with the Commission and held to quality standards to help shed greater light on this critical, but opaque, market. NTCA also requested that the Commission create and retain a carrier contact list for call completion problems and that the consumer complaint form be simplified.

Finally, NTCA stressed that all data collected by the Commission should be made publicly available. For example, state commissions need access to the data to make determinations about carriers' performance in their states, and the public and other carriers in the industry would benefit from disclosure so that they can make informed decisions when choosing providers.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

/s/ Jill Canfield

Jill Canfield  
Director of Legal and Industry,  
Assistant General Counsel

cc: Priscilla Delgado Argeris