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September 30, 2013

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Rural Call Completion*, WC Docket No. 13-39

Dear Ms. Dortch:

On September 26, 2013, the undersigned, on behalf of Level 3 Communications, LLC (“Level 3”), met with Nicholas Degani and Michael Williams of the Office of Commissioner Pai regarding the above-captioned matter. During the conversation, I made the following points.

Level 3 supports prompt Commission action on the pending draft order and further notice of proposed rulemaking to address persistent problems with call completion to rural America. Level 3 believes, however, that it is critical for the Commission to ensure that it collects actionable data—and that it take action on it. The Commission’s focus in this data collection order should be to collect data that will enable it to set appropriate standards for rural call completion. But the Commission can do more than collect data, even in the short term. The Commission already has the authority to take enforcement action in appropriate cases. It should do so. Taking prompt action on the pending data collection order and in enforcement proceedings would send a strong signal to market participants that they must take seriously their obligation to complete calls. People living in rural America deserve no less.

With particular respect to the draft order, Level 3 believes that it is important to collect data from both originating carriers and intermediate providers. In the Notice of Proposed Rulemaking, the Commission pinpointed its concern that “some ... intermediate providers ... may be failing to deliver a significant number of calls to rural telephone company customers.”¹ Level 3 agrees that intermediate providers are a source of particular concern. Accordingly, any data collection order should require intermediate providers to report data as well.² In addition, the Commission should focus on collecting the most useful data. As Level 3 explained in its

¹ *Rural Call Completion*, WC Docket No. 13-39, Notice of Proposed Rulemaking, FCC 13-18, ¶ 1 (rel. Feb. 7, 2013).

² See Comments of Level 3 Communications, LLC, WC Docket No. 13-39, at 4 (filed May 13, 2013).

comments, providers should report data on calls to incumbent LECs in rural and non-rural areas and should exclude from their reports mass-dialed calls and other types of calls that would distort results.³ Providers should report Answer Seizure Ratio (ASR) data, which will enable the Commission to compare performance across providers and across geographies to identify potential call completion issues. ASR data are the most trustworthy data readily available for these purposes and are likely to prove the most useful to the Commission.

Finally, Level 3 urges the Commission to ensure that, as a result of any order, Level 3 is not subject to duplicative or inconsistent obligations. While Level 3 has recommended that the Commission use the Level 3 consent decree as a model,⁴ reports suggest that the Commission is considering an order that varies from those requirements in material respects. It will be unnecessarily burdensome for Level 3 to create and operate two separate monitoring systems and to generate two sets of reports, each designed to achieve similar goals but with different requirements. Moreover, a key goal of any reporting mechanism adopted by the Commission will be to enable like-to-like comparisons. A single, industry-wide approach best achieves that goal. And there is little public benefit to requiring Level 3 to shoulder a second set of overlapping yet distinct obligations. Accordingly, the Commission should relieve Level 3 of its obligations under its consent decree insofar as they differ from the requirements adopted in any order.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

/s/ Joseph C. Cavender
Joseph C. Cavender

cc: Nicholas Degani
Michael Williams

³ See *id.* at 9-11.

⁴ See, e.g., Reply Comments of Level 3 Communications, LLC, WC Docket No. 13-39, at 4 (filed June 11, 2013).