



October 22, 2013

Ex Parte Notice

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

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

Dear Ms. Dortch:

On Monday, October 21, 2013, the undersigned, on behalf of NTCA–The Rural Broadband Association (“NTCA”), spoke via telephone with Nicholas Degani, legal advisor to Commissioner Ajit Pai, to discuss matters in the above-referenced proceeding. We specifically talked about proposed rules to establish data collection obligations that would help track and resolve rural call completion problems.

NTCA believes that obtaining call completion reports from originating carriers and VoIP providers will help to set much-needed incentives for more proper management of underlying providers and thus better rates for completion of calls throughout communications markets generally. At the same time, NTCA supports the ultimate capture of additional data from intermediate providers *in addition to* originating carriers and VoIP providers. NTCA specifically recommends that, if reports from intermediate providers are not within the scope of the order currently under consideration in this matter, the Federal Communications Commission (the “Commission”) should at a minimum include detailed proposals with respect to obtaining greater visibility into the practices of intermediate providers in a further notice of proposed rulemaking that is released as part of the same item. For example, a further notice should include specific proposals regarding the establishment of a registry for intermediate providers, the development of acceptable standards of call completion by both originating *and* intermediate providers, and a reporting of rural performance metrics by originating carriers and VoIP providers with respect to each of the intermediate providers they use. In short, NTCA asserts that a near-term order requiring reports from originating carriers and VoIP providers would be a welcome and much-needed development, but even such an order must ultimately be paired with swift and effective enforcement based upon shortcomings flagged in that data as well as ongoing efforts to inject greater transparency into the opaque niches in which intermediate providers currently operate.

NTCA also discussed the extent to which any rules adopted in this proceeding should be periodically reviewed or might “sunset” after a lapse of time. NTCA believes it would be premature to impose a date certain for default expiration of the rules when there as of yet still such little visibility into call completion failures. Moreover, because any rules adopted would require certain Paperwork Reduction Act approvals and thus might not be implemented until months after adoption, a “sunset” date of just a few years following adoption of the rules might result in the rules only having effect for several calendar quarters. Indeed, given that it has taken almost three years and dozens of filings since NTCA first brought this issue to the Commission’s attention just to get to the point of imposing a fundamental obligation to track call failures, NTCA cannot support a “sunset” that would cause the rules to lapse in short order and then require affirmative reauthorization thereafter. Instead, NTCA urges the Commission to commit expressly in the order to review and refresh the record on a recurring periodic basis regarding the scope of any rules adopted in this proceeding to ensure that they have achieved and will continue to achieve their intended purpose.

NTCA further discussed the specific performance metrics that should be included within any reports required under new rules. In particular, consistent with prior comments filed in this proceeding, NTCA urged the Commission to require reporting not only of answer seizure ratios or call answer rates, but also Network Effectiveness Ratios (“NERs”). *See, e.g.*, Comments of NTCA, *et al.*, WC Docket No. 13-39 (filed May 13, 2013), at 14-16. The NER would help to distinguish between carrier/provider network-related failures and failures that are associated with end user cause values. Indeed, the inclusion of such data should be to the benefit of reporting providers that may have reason for a particular failure or set of failures, and would greatly help in isolating precisely where problems arise in the performance of originating carriers or VoIP providers and the intermediate providers they utilize. Such an objective measure would be a vast improvement over suggestions to allow carriers to make subjective and likely self-serving determinations regarding what types of calls to include or exclude in their reports.

Finally, NTCA noted its concurrence with recent *ex parte* communications by Verizon that, as long as reporting entities were required to submit aggregate information consistent with that proposed in Figure 1 of the Notice of Proposed Rulemaking and to retain sufficient data on the completion (or lack thereof) of individual calls to *rural* locations as indicated in such reports, there should be no need to retain months of data with respect to performance in the completion of individual *non-rural* calls.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Michael R. Romano
Michael R. Romano
Senior Vice President – Policy

cc: Nicholas Degani