

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

PETITION OF USTELECOM AND ITTA FOR RECONSIDERATION OR, IN THE ALTERNATIVE, FOR WAIVER OR EXTENSION OF TIME TO COMPLY

I. INTRODUCTION AND SUMMARY

It is imperative that all Americans have the ability to make and receive calls, including calls to rural areas, and the United States Telecom Association (“USTelecom”) and The Independent Telephone & Telecommunications Alliance (“ITTA”) fully support the goals of the Commission’s *Rural Call Completion Order*.¹ Ensuring that calls are completed in rural America is an important issue, and we support the Commission taking reasonable steps to address rural call completion problems.

USTelecom and ITTA file this petition only to address a very narrow category of calls that falls within the scope of the Commission’s new rules for which the cost of compliance will substantially exceed the marginal value of such data. Specifically, it appears that most incumbent local exchange carriers (“LECs”) (and their affiliated competitive LECs) lack the capability to collect and report call attempt data for a small amount of traffic – intraLATA interexchange/toll calls that are either carried entirely over the originating LEC’s network (that

¹ *Rural Call Completion*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 13-39, FCC 13-135 (rel. Nov. 8, 2013) (“*Rural Call Completion Order*”).

is, originated and terminated by the same carrier) or handed off by the originating LEC directly to the terminating LEC.

The Commission's rules require that call attempt data related to intraLATA interexchange/toll traffic be included for aggregate reporting purposes, despite the fact that this on-network traffic does not involve multiple carriers in the call completion path. Because intraLATA interexchange/toll calls do not involve the use of intermediate providers, which the Commission identified as a key contributor to call completion problems in rural areas, these calls do not implicate the concerns set forth by the Commission in the *Rural Call Completion Order*. Thus, no reason exists to include call attempt data related to intraLATA interexchange/toll calls in the reports the Commission intends to utilize to ensure that calls are completed in rural areas.

Furthermore, while USTelecom and ITTA members are only in the preliminary stages of implementing the new recordkeeping and reporting rules, it appears that none of the largest LECs currently has the capability to capture and report all required data for intraLATA interexchange/toll traffic. For example, because *uncompleted* calls are not billed, carriers generally do not collect or retain all the necessary data for intraLATA interexchange/toll calls that are not answered by the called party – including call treatment (release codes) records. There has never been a business reason for LECs to design their networks to capture such information – and implementing such capability into legacy networks at this time would be time-consuming and prohibitively expensive, requiring extensive and expensive system modifications.

USTelecom and ITTA members estimate that to capture call attempt information for intraLATA interexchange/toll traffic as required by the Commission's rules would take at least 18 to 24 months to implement, and possibly longer, and cost the industry in excess of \$100 million. Imposing such burdens on covered providers would raise serious issues under the

Paperwork Reduction Act (“PRA”), particularly when information regarding intraLATA interexchange/toll call attempts would not aid the Commission’s information collection or otherwise facilitate its ability to address rural call completion problems.²

Accordingly, for this limited universe of calls, USTelecom and ITTA request that the Commission reconsider or, in the alternative, grant a waiver from or extend the time to collect and report call attempt data for intraLATA interexchange/toll calls.³ If this request is granted, the Commission will still receive data for the vast majority of long distance calls (interLATA calls) as contemplated by the *Rural Call Completion Order*. If there is somehow a need for data for intraLATA interexchange/toll calls down the line, the Commission could revisit the issue.

II. THE COMMISSION SHOULD REVISIT ANY REQUIREMENT THAT ON-NETWORK INTRALATA INTEREXCHANGE/TOLL TRAFFIC BE INCLUDED IN THE DATA THAT COVERED PROVIDERS MUST RETAIN AND REPORT.

In its efforts to address the completion of calls to rural consumers, the Commission determined that it was necessary to require certain providers to comply with recording, retention, and reporting requirements to increase its ability to identify and redress the causes of this problem. As a general matter, these obligations apply to any “call attempt” from a covered provider “to a rural OCN from subscriber lines for which the covered provider makes the initial long-distance call path choice.” *Rural Call Completion Order*, App. A (§ 64.2103(a)). Even though the Commission has emphasized that the focus of this inquiry is on long-distance calls

² It may be less burdensome for some carriers to collect and retain data for *completed* intraLATA interexchange/toll traffic, since some records relating to these calls may exist for billing purposes. However, reporting based solely on billable call records for this traffic would be problematic because the universe of total call attempts—the “denominator” for the various percentages that Commission wishes to calculate—would not be available. In addition, release cause codes for billable calls may not be available. Accordingly, USTelecom and ITTA are seeking reconsideration or waiver of the requirements to retain and report call attempt data for *all* intraLATA interexchange/toll traffic.

³ See 47 C.F.R. § 1.3; 47 C.F.R. § 1.429.

that fail to complete to LECs, particularly those calls that traverse the network of one or more traditional inter-exchange carriers (IXCs), the Commission acknowledged that in some instances the burden of its information collection will fall on the LECs themselves. *Id.* ¶ 21.

The Commission required that call attempt data subject to its rules must include information related to “calls delivered on-network” – that is, long distance traffic that a covered provider originates and terminates on its own network or hands off directly to the terminating carrier. *Rural Call Completion Order* ¶ 51. The problem that USTelecom and ITTA members have discovered in implementing the Commission’s new rules is that they currently lack the ability to capture call attempt information for intraLATA interexchange/toll traffic. Incumbent LECs (and their affiliated competitive LECs) generally only collect data for calls that are billable. Incumbent LECs have no billing or other business purpose to record information relating to intraLATA interexchange/toll call attempts, including those required to be retained and reported by the Commission’s new rules.

1. The volume of on-network intraLATA interexchange/toll traffic is relatively small. One of USTelecom’s largest members preliminarily estimates that intraLATA interexchange/toll calls comprise less than three percent of the total traffic on its network. In addition, data related to intraLATA interexchange/toll calls would not provide the Commission with meaningful information in any event. Thus, excluding intraLATA interexchange/toll calls from the aggregate call attempt data that covered providers must report would not affect the efficacy of the Commission’s rules or its efforts to monitor rural call completion performance.

As the Commission explained, its rural call completion rules were intended as a “critical step to eliminating” the problems associated with the “completion of long-distance calls to rural areas.” *Rural Call Completion Order* ¶¶ 1-2. According to the Commission, a “key reason” for

the problems with rural call completion “is that a call to a rural area is often handled by numerous different providers in the call’s path,” which creates incentives to hand off calls to providers that can route the call more cheaply. *Id.* ¶ 17. However, on-network intraLATA interexchange/toll calls typically are carried by a single provider on its own network or are handed off directly to the terminating LEC. Thus, by definition, they are not “handled by numerous different providers” and are unlikely to be the source of the rural call completion problems about which the Commission is concerned and that its rules are designed to address.

While acknowledging that on-network traffic “would not likely cause call completion issues,” the Commission reasoned that on-network traffic should be included in a covered provider’s call attempt data “because it provides an important benchmark for issue-free performance.” *Rural Call Completion Order* ¶ 51. However, it is not clear that such traffic would truly provide a benchmark for “issue-free performance,” particularly when problems can still arise in handing off on-network calls to a rural carrier for termination (*e.g.*, an interconnection trunk fails or is at full capacity). And to the extent such traffic provides a benchmark for performance in the absence of intermediate providers, there will be sufficient data regarding on-net terminations for interLATA traffic to provide the requisite information. At a minimum, given the extensive burdens associated with collecting, processing, and reporting on intraLATA interexchange/toll traffic, which are discussed below, the Commission should wait to see whether in fact interLATA call attempt data provide sufficient information before requiring carriers to report intraLATA call attempt data.

In short, on-network intraLATA interexchange/toll calls do not implicate the underlying rationale for the Commission’s rural call completion rules, and the absence of call attempt data regarding such traffic would not affect the Commission’s efforts to ensure that calls are

completed in rural areas. Thus, the Commission should reconsider or waive any requirement to include intraLATA interexchange/toll traffic within the scope of its new rules.

2. In addition to serving no practical utility, implementing the capability to collect and retain data on all intraLATA interexchange/toll calls would require significant time and resources. Industry-wide, USTelecom and ITTA estimate that it would take at least 18 to 24 months and cost in excess of \$100 million to deploy this capability.

At this time, industry members preliminarily understand that the most effective way to capture each attempted intraLATA interexchange/toll call would be to deploy a significant network of non-intrusive SS7 probes throughout their networks. The probes, which would need to be purchased from one or more outside vendors, cost between \$120,000 - \$240,000 for a large LEC. One USTelecom member has determined that it would need approximately 75 SS7 probes to capture all attempted intraLATA interexchange/toll calls on its network.

Once acquired, deploying the probes throughout a LEC network would involve additional costs, including:

- *Mounting and wiring.* At each location, a new frame/relay rack would need to be installed in the central office to house the probe hardware, and physical cabling would be required from every SS7 link to the new probe hardware. The estimated installation cost of this work is \$20,000 per site.
- *Additional hardware.* SS7 link multiplexing hardware for SS7 data collection and monitoring would be needed for each site. SS7 Low Speed Links (LSL) from the central offices must be aggregated via a non-intrusive access unit into a High Speed Signaling Link (HSL) to interface with the new probe hardware. Additional central office transport hardware and non-

intrusive monitoring platforms will be required. The estimated cost of this additional hardware is \$50,000 per site.

- *Power.* Power installation costs are expected to be approximately \$25,000 per site, which includes the cost of power cable runs from the power plant to the frames, minor fuse panel additions, or in some instances, additional power plant modifications and distribution fuse panels. Some smaller locations may require a power plant/battery upgrade, which would involve additional costs.

- *Engineering time.* Additional engineering time would be required to prepare the vendor orders, administer the project, receive equipment, cover any unidentified materials, and manage each installation job. The cost of these work activities would be appropriately \$50,000 per site.

Based on the network of a large LEC deploying 75 SS7 probes, the cost to that single LEC to capture all attempted intraLATA interexchange/toll calls would exceed \$20 million. These costs – which are associated with activities that serve no business purpose other than to gather data required by the Commission’s rules – are substantial.

3. Requiring that covered providers collect and report information regarding intraLATA interexchange/toll call attempts also would raise unique serious issues under the PRA, which requires that an information collection have “practical utility.” *See* 5 C.F.R. § 1320.1. The PRA defines “practical utility” as “the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion.” 44 U.S.C. § 3502(11). OMB’s rules clarify that “practical utility means the actual, not merely the theoretical or potential, usefulness of information.” 5 C.F.R. § 1320.3(l). Because intraLATA interexchange/toll calls do not involve the use of any intermediate providers and thus do not

implicate the concerns the *Rural Call Completion Order* is intended to address, collecting data regarding such calls would not have any “practical utility.”

Furthermore, the central purpose of the PRA is to “*minimize the paperwork burden*” for reporting entities.⁴ That purpose would not be served if covered providers were required to report information related to unsuccessful intraLATA interexchange/toll call attempts.

Requiring that the industry spend approximately \$100 million to deploy the capability solely to collect information about intraLATA interexchange/toll calls would maximize, not minimize, the burden on covered providers.

III. CONCLUSION

For the foregoing reasons, the Commission should grant USTelecom’s Petition for Reconsideration or, in the Alternative, for Waiver or Extension of Time To Comply.

Respectfully submitted,

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⁴ 44 U.S.C. § 3501(1) (emphasis added). The term “burden” is broadly defined to include all of the “time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency.” 44 U.S.C. § 3502(2). The burden-hour estimate for an information collection is a function of: (1) the frequency of the information collection; (2) the estimated number of respondents; and (3) the amount of time that the agency estimates it takes each respondent to complete the collection.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Reconsideration Or, In The Alternative, For Waiver was filed electronically or via US Mail on this 16th day of January 2014 to the parties listed below.

/s/ Bennett L. Ross

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