

activate generally available test lines in each of their end offices. Making such test lines available to originating and intermediate service providers will permit these providers to establish an automated test call process, monitor their call completion performance on a real-time basis, and address any service problems promptly. In addition to these changes, the Commission should continue to encourage, but not require, providers to report auto-dialer calls separately if they have the technical capability to segregate such traffic.

II. LIMITED REPORTING OBLIGATIONS SHOULD EXTEND TO TERMINATING SERVICE PROVIDERS.

Without certain modifications, the recently adopted reporting requirements will not provide the Commission with a reliable, comprehensive method of identifying problems associated with completing calls to rural exchanges. The mandatory reporting requirements adopted in the Order apply solely to originating and, in some cases, intermediate voice service providers. In certain circumstances, however, calls delivered by those providers to the terminating carriers may not complete because of a problem affecting the tandem or terminating service provider's network, or the transmission facilities between those two networks. As the Alliance for Telecommunications Industry Solutions ("ATIS") has noted, "[i]t is understood that 'call failures' may occur at any point in the path a call takes, from the point of origination to the point of termination."³ The Commission, therefore, should expand the current reporting requirements to include rural incumbent LECs and the tandem providers that serve those rural areas.

Specifically, rural incumbent LECs and tandem providers serving those LECs should be required to file quarterly reports that provide basic information about the

³ ATIS, *Intercarrier Call Completion/Call Termination Handbook*, at 4.3.5 (2012), <http://www.atis.org/docstore/product.aspx?id=26780> ("ATIS Handbook").

performance of the networks they utilize for long distance call termination. Rural incumbent LECs should document and report the number of long distance calls they receive on a monthly basis and the number of those calls that are completed to the called locations on their networks. In addition, rural incumbent LECs should provide quarterly reports that show the monthly availability of local loops, end office switches, and, if applicable, tandem trunk groups. Tandem switching service providers that deliver traffic to rural exchanges similarly should be required to furnish quarterly reports on both the number of calls that they received each month destined for rural exchanges and the number of calls handed off to the terminating local exchange access provider as well as their tandem trunk group availability.

Compiling and reporting this performance information should not impose a significant burden on a service provider that actively monitors its network. The availability of the resulting end-to-end performance information, however, would add an essential component to the Commission's efforts in identifying the sources of apparent problems in completing toll calls to rural exchanges. In particular, the information provided by rural incumbent LECs and tandem providers would help to identify local exchanges that have experienced network service problems that may have prevented the termination of interexchange calls. As parties in the record have noted, requiring filings that "increase the information available to the Commission to solve the problem . . . make[s] sense."⁴

⁴ Reply Comments of the National Association of State Utility Consumer Advocates at 15; *see also* Comments of COMPTTEL at 8 ("the Commission should consider requiring the rural carriers that are experiencing call failures to report on call flows of long distance calls within their own networks in an effort to better understand

III. THE COMMISSION SHOULD REQUIRE ALL TERMINATING RURAL CARRIERS TO ACTIVATE A TEST LINE IN EACH OF THEIR END OFFICES THAT WILL ACCOMMODATE FULLY AUTOMATED TESTING.

One common characteristic of the recordkeeping, retention, and reporting measures adopted by the Commission in the initial Order in this proceeding is that they all are designed to obtain backward-looking performance information. Although these measures may be useful in identifying certain rural call completion problems after they have occurred, the Commission also should implement proactive measures that will help carriers to identify, test, and address call completion problems on a more timely basis.

Specifically, originating and intermediate service providers need the ability to perform comprehensive, ongoing tests of their ability to complete calls to all rural incumbent LEC end offices and, when necessary, to implement remedial measures on a real-time basis. Toward this end, the Commission should require *all* rural incumbent LECs to: (1) activate a Milliwatt line in *each* of their end offices that originating and intermediate carriers can use to establish a *fully automated* test call process;⁵ and (2) publish the test line number in an easily accessible database such as the Local Exchange Routing Guide. The Commission's adoption of these basic requirements would enable originating and intermediate carriers to conduct synchronized, automated tests of call completion performance in rural exchanges across the country at any time of

and eliminate possible bottlenecks"); Comments of IntelPeer, Inc. at 6-7 ("IntelPeer suggests that the Commission adopt a rule requiring any terminating RLECs, subject to the reporting requirements, to submit in electronic form a monthly report to the Commission once per calendar quarter.").

⁵ In particular, rural incumbent LECs should be required to activate the appropriate functionality in the end office switch that allows a single test line number to be used to terminate multiple test calls simultaneously.

the day.⁶ Moreover, these requirements are consistent with ATIS’s “best practices,” which provide that:

As a best practice, . . . service providers should publish test numbers associated with specific NPA/NXX in the LERG . . . , so that originating carriers can make test calls to test call quality proactively and to test when any customer or carrier refers a call quality issue to the originating provider. Without such capability, the originating provider can only test its portion of the network and must rely upon the third party IXC to test its portion of the network that may be involved in the call flow.⁷

As parties have noted in the record, requiring unrestricted test lines “will allow providers the continuous opportunity to test and address any issues found without impacting customers of any party.”⁸ The Commission should make that opportunity available to all originating and intermediate service providers by adopting the two simple requirements discussed above.

IV. PROVIDERS SHOULD CONTINUE TO BE ENCOURAGED TO REPORT AUTO-DIALER TRAFFIC SEPARATELY WHEN DOING SO IS TECHNICALLY FEASIBLE.

In its Order, the Commission permitted, but did not require, providers to segregate auto-dialer traffic from other traffic in their rural call completion reports.⁹ In the Further Notice, the Commission sought comment on a proposal that “all covered providers be required to file a separate report that segregates autodialer traffic from other traffic, accompanied by an explanation of the method the provider used to identify the autodialer

⁶ Reply Comments of the National Cable & Telecommunications Association at 5-6.

⁷ ATIS Handbook at 6.1.2.5.

⁸ Reply Comments of CenturyLink at 3.

⁹ Order and FNPRM ¶¶ 52-54.

traffic.”¹⁰ For the reasons discussed below, the Commission should continue to encourage, but not require, providers to segregate such traffic.

Comcast continues to believe that the retail business customers that typically initiate auto-dialer traffic “have call completion expectations and capacity requirements that differ from those of residential and business callers.”¹¹ For example, many auto-dialers are programmed to hang up after just a few rings, before a call attempt is answered by voicemail or an answering machine.¹² Additionally, as Verizon has explained:

[A]n auto-dialer or telemarketer may make repeated attempts to a particular number if the initial call is not answered. Moreover, an auto-dialer or telemarketer may dial sequential numbers in a rate center, even though in rural areas, there is a greater chance that the numbers are unassigned due to the smaller and less dense populations of rural areas.¹³

¹⁰ *Id.* ¶ 121.

¹¹ *Id.* ¶ 52; *see also* Comments of Comcast Corporation at 8.

¹² Order and FNPRM ¶ 52.

¹³ Comments of Verizon and Verizon Wireless at 4. *See also, e.g.*, Comments of Level 3 Communications, LLC at 9-10 (“The market recognizes that these types of calls are different and have different calling patterns (mass dialers may, for example, make more calls to unallocated numbers if using a predictive dialer). Generally, if a mass dialer’s call is not completed it can be placed automatically again – and again. Further, these customers purchase services managed to lower quality than non-mass dialers. In addition, these calls can be seasonal on a localized basis, such as around the times of elections, which can vary from location to location.”); Comments of Windstream Corporation at 3-4 (“[C]ollecting data on auto-dialer traffic is not relevant to ensuring that customers in rural areas receive long-distance calls and faxes and experience good call quality. As the Commission recognizes, retail business customers generating auto-dialer traffic often have call completion expectations and capacity requirements that are different from those of residential and business customers. In addition, for various reasons, the call answer rates of auto-dialer traffic are likely to be lower than for standard traffic.”).

Consequently, if auto-dialer calls represent a substantial percentage of a provider's call volume to a particular rural operating company number ("OCN"), including these call attempts in the provider's quarterly reports would produce an artificially low call completion percentage and a misleading view of the provider's performance in completing calls to that OCN.

The Commission should, therefore, continue to encourage providers to report separately the auto-dialer data whenever possible to avoid "skew[ed] call completion performance results."¹⁴ As CenturyLink notes, "auto-dialer call attempts should be excluded from data reporting where they can be reliably identified."¹⁵ Originating service providers should not, however, be *required* to segregate auto-dialer traffic from other originating minutes at this time. The record suggests that certain service providers lack the technical capability needed to identify and segregate auto-dialer traffic reliably.¹⁶ Moreover, for many originating service providers, auto-dialer traffic may not constitute a meaningful portion of the toll traffic they deliver, so the inclusion of auto-dialer traffic would not skew the call completion results for these providers enough to justify the effort to segregate such traffic.

¹⁴ Order and FNPRM ¶ 54.

¹⁵ Comments of CenturyLink at 15.

¹⁶ *See, e.g.*, Comments of ATIS at 6 ("While the exclusion of auto-dialer traffic may be beneficial and would be supported by the ATIS NGIIF, the NGIIF notes that it is not feasible to distinguish auto-dialer traffic from other telecommunications traffic."); Comments of CenturyLink at 15 ("It is not possible . . . for CenturyLink to reliably identify auto-dialer traffic from its Wholesale Carrier customers. Traffic from those customers could include both auto-dialer and non-auto-dialer traffic over the same dedicated trunk group.").

V. CONCLUSION

For the foregoing reasons, the Commission should require rural incumbent LECs and tandem switching providers serving rural areas to comply with a few basic reporting obligations. The Commission also should implement measures designed to reduce rural call completion difficulties by requiring rural incumbent LECs to activate a test line in each of their end offices that allows originating and intermediate providers to carry out automated testing. Finally, the Commission should continue to permit, but not require, providers to report auto-dialer traffic separately.

Respectfully submitted,

/s/ Kathryn A. Zachem

Kathryn A. Zachem

Mary McManus

Regulatory Affairs

Lynn R. Charytan

Brian A. Rankin

Andrew D. Fisher

Legal Regulatory Affairs

A. Richard Metzger, Jr.

Emily J. H. Daniels

Pamela S. Miranda

LAWLER, METZGER, KEENEY & LOGAN, LLC

2001 K Street NW, Suite 802

Washington, DC 20006

Attorneys for Comcast Corporation

COMCAST CORPORATION

300 New Jersey Avenue NW, Suite 700

Washington, DC 20001

(202) 379-7134

(202) 379-7141

January 16, 2014