

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matters of	)	
	)	
Technology Transitions	)	GN Docket No. 13-5
	)	
AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition	)	GN Docket No. 12-353

**COMMENTS OF CENTURYLINK**

CenturyLink submits these comments in the above referenced matter<sup>1</sup> in response to the Application of Iowa Network Services, Inc. (“INS”) for Authority to Conduct a Service-Based Experiment Concerning the TDM-to-IP Transition for Centralized Equal Access (“INS Application”).<sup>2</sup>

**I. INTRODUCTION AND SUMMARY**

The Commission’s *Technology Transitions Order* establishes a framework for the evaluation of experiments designed to assist in furthering the ongoing technology transition in communications networks. However, the Commission stresses in the *Order* that the focus of any

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<sup>1</sup> *Technology Transitions; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition; Connect America Fund; Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Numbering Policies for Modern Communications, Order, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative, GN Docket Nos. 13-5 and 12-353, WC Docket Nos. 10-90 and 13-97, CG Docket Nos. 10-51 and 03-123, FCC 14-5, rel. Jan. 31, 2014 (“Order” or “Technology Transitions Order”).*

<sup>2</sup> Applications of Iowa Network Services, Inc. for Authority to Conduct a Service-Based Experiment Concerning the TDM-to-IP Transition for Centralized Equal Access Service, GN Docket No. 13-5, filed Feb. 20, 2014; and *also see* Public Notice, Commission Seeks Comment On Proposal Of Iowa Network Services, Inc. for Service-Based Technology Transitions Experiment, GN Docket Nos. 12-353 and 13-5, DA 14-238, rel. Feb. 21, 2014.

experiments should be to allow the Commission and the public “to evaluate how customers are affected by the historic technology transitions that are transforming our nation’s voice communications services.”<sup>3</sup> The Commission cautions that it is not seeking, in these experiments, “to resolve the legal and policy questions arising from the technology transitions...”<sup>4</sup>

That is exactly what the INS Application seeks to accomplish. Specifically, it ignores the requirement stated in the *Order* that any experiments maintain the intercarrier compensation (“ICC”) status quo ante. Status quo ante would mean that traffic included in the trial be subject to the same ICC rights and obligations that applied immediately before the experiment. But, the central focus of the INS proposal appears to be to try and extend the existing legacy ICC regulatory framework, including underlying requirements such as equal access, to new all-IP network functionality and networks where they do not apply today.

The INS Application also fails to provide much of the supporting detail specified in the *Technology Transitions Order* for service-based experiment proposals. What it does provide suggests that INS is merely seeking, in the guise of a service trial, to build-out new IP-network functionality that numerous providers already possess -- for example, IP-TDM conversion capability.

For all these reasons, the Commission should reject INS’ application in its current form.

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<sup>3</sup> *Order* ¶ 1.

<sup>4</sup> *Id.*

## II. BACKGROUND

### A. The *Technology Transitions Order*'s Requirements for Service-Based Experiments

The *Technology Transitions Order* invites proposals for a variety of different experiments, including “voluntary service-based experiments [that] will examine the impacts of replacing existing customer services with IP-based alternatives in discrete geographic areas or ways.”<sup>5</sup> In the *Order*, the Commission stresses that these service-based experiments should focus on resolving “operational challenges that result from transitioning to new technology and that may impact users.”<sup>6</sup> It specifically cautions that “service-based experiments are not intended to . . . resolve legal or policy debates.”<sup>7</sup>

The *Order* also sets forth “value-based conditions, presumptions and relevant factors” that the Commission will use to evaluate proposals.<sup>8</sup> Among these, and related to the core value of “competition,” the *Order* specifies the following presumption:

[A]pplicants will maintain the intercarrier compensation (ICC) status quo ante in their experimental arenas in accordance with the Commission’s *USF/ICC Transformation Order*, which addresses ICC revenue flows, including the ICC applicable to VoIP-PSTN traffic and related subsidies. For example, to the extent that it already applies, we expect that the ongoing ICC rate transition and ICC recovery mechanism will continue in participating wire centers, and that traffic, including VoIP traffic, originating from and terminating to participating wire centers will be subject to the same ICC rights and obligations that applied to such traffic immediately before the experiment.<sup>9</sup>

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<sup>5</sup> *Id.* ¶ 5.

<sup>6</sup> *Id.* ¶ 25.

<sup>7</sup> *Id.*

<sup>8</sup> The Commission places the burden on applicants to provide it with sufficient information to demonstrate that those principles will be satisfied. Appendix B of the *Order* specifies the types of information that the Commission would expect to see in applications that would allow an applicant to demonstrate that its burden has been met. *Order*, Appendix B ¶ 1.

<sup>9</sup> *Order* ¶ 63 (footnote omitted).

Finally, the *Order* specifies that “[a]ll proposals must provide sufficiently detailed information about how the experiments will be designed to allow meaningful public comment and thorough Commission evaluation of the proposed experiment.”<sup>10</sup> The Commission states that it expects it will need to evaluate at least the following factors for any given experiment:

- The purpose and proposed metrics for measuring success;
- Experimental scope or arena (which could be a geography, product, or service offering);
- Technical parameters, including description of any physical or other network changes and how they will: (a) affect customers and other providers and (b) impact product or service offerings;
- Timelines for experiment, including timelines for the proposed network changes, the timing of any impacts on customers, and when the experiment is likely to be complete;
- What temporary regulatory relief or other Commission action would be required to conduct the proposed experiment.<sup>11</sup>

## **B. INS and The INS Application**

INS is a centralized equal access (“CEA”) service provider. INS’ primary function is to enable equal access for rural Iowa LECs -- *i.e.*, to enable those LECs to comply with the legacy regulatory requirement that a LEC’s customers be permitted to choose their long distance operator or IXC. INS provides the network capability that allows a rural Iowa LEC customer’s chosen IXC to originate or terminate access traffic from or to the LEC.

The INS Application states that its purpose is “to study the impact on customers and rural communities as INS’ voice communications service converts from a CEA network based on

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<sup>10</sup> *Id.* ¶ 34.

<sup>11</sup> *Id.*

time-division multiplexed (“TDM”) circuit-switched voice services to a CEA network using new IP technologies (“IP CEA”).”<sup>12</sup>

But, in essence, what the INS Application proposes to “trial” is the extension of the existing ICC structure for TDM-based networks and underlying legacy regulatory requirements such as equal access to all-IP networks.

INS proposes to accomplish this in three cumulative phases.<sup>13</sup> In Phase I, INS would solicit “voluntary IP interconnection” pursuant to which INS would allow its access customers to now terminate and originate traffic to and from INS in IP format.<sup>14</sup> INS would perform the necessary IP-TDM conversion for such traffic to enable it to originate and terminate on INS’ current TDM network.<sup>15</sup> In Phase II, INS would convert its TDM CEA network functionality to IP. Thus, INS would start providing, for any subtending LECs that “connect with INS’ network on an IP basis,” an all-IP CEA network functionality “in the middle” -- *i.e.*, between INS’ access customers and those LECs.<sup>16</sup> Finally, in Phase III, INS proposes to test “IP equal access” which it describes as enabling the operation of all-IP facilities from an originating end user of a LEC subtending its tandems to IXCs selected by those end users and ultimately to the terminating IP facilities of a second LEC subtending INS’ tandems.<sup>17</sup> For all three phases of its trial, INS proposes to simply apply its tariffed CEA access rates to each stage of new IP network functionality.<sup>18</sup>

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<sup>12</sup> INS Application at 4.

<sup>13</sup> *Id.* at 7.

<sup>14</sup> *Id.* at 7-8.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 8.

<sup>18</sup> *Id.* at 7-8.

### III. DISCUSSION

#### A. The INS Application Fails to Comply With the Conditions and Presumptions Established in the *Technology Transitions Order*

The INS Application fails to comply with the presumption in the *Technology Transitions Order* related to intercarrier compensation. In doing so, it seeks to do what the Commission has prohibited – conduct a trial that seeks to resolve legal or policy debates. As noted above, the *Technology Transitions Order* specifies that service-experiment applicants must maintain the ICC status quo ante in their experimental arenas. The ICC status quo ante is that legacy PSTN telephone network traffic and VoIP-PSTN traffic are subject to the FCC’s legacy ICC framework as modified over time -- most recently in the *USF/ICC Transformation Order*. All-IP traffic is not subject to that legacy framework. However, the apparent driving purpose of the INS Application is to now subject INS’ new all-IP CEA services to legacy ICC treatment, including tariffed access charges.

The INS Application also seeks to extend the legacy regulatory requirement of equal access to all-IP networks. The *Technology Transitions Order* states that:

[A] proposed experiment may not result in the cessation or impairment of service for providers, or for the end-user customers of such providers, that are interconnected in an experiment arena (e.g., a wire center). Additionally, we must be able to evaluate whether customers in experiment arenas will be able to select their own interexchange carrier (IXC) and how IXCs will terminate interstate interexchange or international calls to customers participating in the experiment.<sup>19</sup>

But, the Commission has not extended an equal access requirement to all-IP networks and doing so would make no policy or technical sense given the any-distance nature of all-IP services. Yet, the INS Application seeks to do just that.

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<sup>19</sup> *Order* ¶ 62.

The INS Application impermissibly seeks to resolve policy and legal debates by extending legacy ICC and equal access regulatory requirements to IP functionality where it does not exist today. Accordingly, it should be rejected.

**B. The INS Application Fails to Supply the Supporting Information Specified in the *Technology Transitions Order***

The INS Application also fails to provide much of the supporting detail required in the *Technology Transitions Order* for service-based experiments. Indeed, it provides virtually none of the specified types of information that the Commission has stated will be essential to enabling meaningful public comment and thorough Commission evaluation of these experiments.

INS provides only high level and vague descriptions of the proposed scope of its “experiment” (*e.g.*, the specific product/service offering entailed) and the proposed metrics for measuring success of its proposed experiment.

It also appears to provide incomplete information regarding the expected geographical scope of the trial. For example, a vague reference to state-wide IP CEA on page 6 of its proposal might be read to suggest that INS intends to trial at least part of its new IP CEA functionality on a statewide basis.<sup>20</sup> But, INS does not come out and say that in its proposal. And, even if that is a fair assumption for at least some parts of the proposed trial, others appear to necessarily entail something less than a statewide deployment. For example, INS’ description of Phase III appears to indicate LEC-by-LEC deployment -- *i.e.*, more limited geographic areas.<sup>21</sup>

Finally, the INS Application provides no information regarding potential timelines for the various phases of its trial.

In light of the above, it is difficult to comment meaningfully on the proposal.

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<sup>20</sup> INS Application at 6.

<sup>21</sup> *Id.* at 8.

Moreover, it is noteworthy that the types of new IP functionality that INS proposes to “trial” are already being deployed by a variety of providers in the marketplace -- for example, IP-TDM conversion capability and IP equivalents to existing access functionality. There is nothing wrong with INS deploying such capabilities or in its seeking customers for such services. But, since these capabilities and services already exist in the marketplace, this seems to be a further indication that the primary purpose of INS’ proposal is to seek the extension of new regulatory requirements to such functionality.

#### **IV. CONCLUSION**

For all the reasons stated above, the INS Application should be rejected in its current form.

Respectfully submitted,

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