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## I. Background

On November 8, 2013, the Commission released a Report and Order and Further Notice of Proposed Rulemaking on rural call completion.<sup>3</sup> Under the new rules promulgated with the *Rural Call Completion Order*, “covered providers” must record and retain specified information for each inter- or intrastate long-distance call attempt (excluding toll-free).<sup>4</sup> “Covered providers” are providers of long-distance voice service (including LECs, interexchange carriers, CMRS providers, and VoIP providers) that make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines, counting the total of all business and residential fixed-line subscriber lines and mobile phones, aggregated over all of the providers’ affiliates.<sup>5</sup> Covered providers are required to retain data for six months and to file quarterly reports with the Commission.<sup>6</sup>

AT&T has consistently supported the Commission’s efforts, manifested in the *Rural Call Completion Order*, to ensure the reliable and efficient operation of the nation’s telephone network.<sup>7</sup> AT&T believes that a reliable network benefits both customers and carriers, and is critical to fuel economic development and enable social connections in our communities. That is no less true in rural areas of the nation. All customers—whether they live in rural areas or not—should expect their calls to go through.

It is critical, however, that any requirements are as narrowly tailored and minimally burdensome as possible to achieve the Commission’s objectives, and that those rules subject

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<sup>3</sup> See generally *Rural Call Completion Order*.

<sup>4</sup> See *id.* at paras. 19-24; C.F.R. § 64.2101-64.2105.

<sup>5</sup> See *Rural Call Completion Order* at paras. 20-23; 47 C.F.R. § 64.2101.

<sup>6</sup> See *Rural Call Completion Order* at paras. 61-64, 84; 47 C.F.R. § 64.2105.

<sup>7</sup> See AT&T Comments, WC Docket No. 13-39 at 1 (filed May 13, 2013) (“AT&T RCC Comments”); AT&T Reply Comments, WC Docket No. 13-39 at 1 (filed June 11, 2013) (“AT&T RCC Reply”).

carriers to new, additional information collection and record retention requirements only where warranted.<sup>8</sup> The Commission came to the same conclusion in its *Order*. Recognizing providers' legitimate concerns about new regulatory burdens, the Commission adopted the "Managing Intermediate Provider Safe Harbor" ("Safe Harbor") and a waiver process to ensure that the regulatory burden is appropriately tailored based on the conduct of the provider and targeted to achieve the Commission's objectives. Through this approach, the Commission "hope[s] to encourage providers to adopt practices and processes to prevent rural call completion problems from occurring in the first place."<sup>9</sup>

To reduce the burden on covered providers, the Commission adopted a safe harbor and a waiver process that would decrease the requirements to record, retain and report call attempt data.<sup>10</sup> Under the Safe Harbor, a provider that, among other things, limits intermediate providers (not including terminating tandems) to no more than two in any call path would only have to retain data for three months and would be relieved of the requirement to file quarterly reports after one year.<sup>11</sup> In addition, the Commission adopted a waiver process in which the burdensome record retention and reporting requirements could be significantly reduced by allowing a provider to record, retain and report information based on a statistical sampling method approved by the Wireline Competition Bureau.<sup>12</sup> To grant such a waiver, the Bureau would consider whether the provider satisfies the Safe Harbor, implements industry best practices, and monitors its own performance on an ILEC-by-ILEC basis.<sup>13</sup>

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<sup>8</sup> See AT&T RCC Comments at 2-3; AT&T RCC Reply at 1.

<sup>9</sup> *Rural Call Completion Order* at para. 97.

<sup>10</sup> See *id.* at paras. 85-97; 47 C.F.R. § 64.2107.

<sup>11</sup> See *Rural Call Completion Order* at paras. 86-94; 47 C.F.R. § 64.2107.

<sup>12</sup> See *Rural Call Completion Order* at paras. 95-97.

<sup>13</sup> See *id.* at para. 96.

## II. Waiver Proposal

Consistent with the Commission's tiered approach to regulatory obligations to address rural call completion, AT&T hereby requests a limited waiver of the call attempt recording, retention and reporting requirements in section 64.2103-64.2105 of the Commission's rules.<sup>14</sup> The Commission, of course, may waive its rules, in whole or in part, for good cause,<sup>15</sup> and it is well established that the Commission may exercise its discretion to waive a regulation where the particular facts make strict compliance inconsistent with the public interest.<sup>16</sup> Such is the case here. Coming into full compliance with the Commission's new rules would require AT&T to invest millions of dollars in developing and executing costly and resource-intensive workarounds and retrofits, diverting resources from other priorities. At the same time, granting this waiver would not result in the rural call completion problems that the rules were designed to prevent. Rather, AT&T would continue to employ its well-tested management of intermediate providers and use of industry best practices to ensure quality call completion. As discussed in detail below, AT&T will satisfy all considerations for a waiver outlined by the Commission and will retain and report data based on a statistically valid sample of calls to rural and nonrural areas that will allow AT&T to monitor call completion on an ILEC-by-ILEC basis.<sup>17</sup> Thus, granting AT&T this waiver is consistent with the public interest and warranted for good cause.

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<sup>14</sup> 47 C.F.R. § 64.2103-64.2105; *see also* Letter to Marlene H. Dortch, Secretary, FCC, from Christi Shewman, AT&T, WC Docket No. 13-39 (filed Mar. 10, 2014).

<sup>15</sup> 47 C.F.R. § 1.3.

<sup>16</sup> *See Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*citing WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

<sup>17</sup> *See Rural Call Completion Order* at para. 96.

## A. Safe Harbor

Under the Safe Harbor, a covered provider that, among other things, limits intermediate providers (not including terminating tandems) to no more than two in any call path only has to retain data for three months and is relieved of the requirement to file quarterly reports after one year.<sup>18</sup> In addition, the Commission required the Bureau to consider whether a provider has demonstrated that it qualifies for the Safe Harbor in evaluating a provider's waiver request.<sup>19</sup>

More specifically, section 64.2107 requires a provider operating under the Safe Harbor to file one of two certifications, signed by an officer or director, annually on a quarterly filing date.<sup>20</sup> Under the first option, the covered provider certifies that it uses no intermediate providers. Under the second option, the covered provider must certify that (1) by contract, it limits the use of intermediate providers to two in the call path;<sup>21</sup> (2) any nondisclosure agreement with the intermediate provider permits the covered provider to reveal the identity of intermediate providers in a call path to the Commission and the relevant rural ILEC; and (3) it has a process in place to monitor performance of intermediate providers.<sup>22</sup>

AT&T does not generally use intermediate providers. However, in limited circumstances (discussed in detail below), AT&T routes traffic to intermediate providers and thus intends to

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<sup>18</sup> *See id.* at para. 86.

<sup>19</sup> *See id.* at para. 96.

<sup>20</sup> *See* 47 C.F.R. § 64.2107.

<sup>21</sup> Indeed, managing intermediate providers by contract in this way was AT&T's practice well before it was adopted as part of the Safe Harbor. *See* AT&T RCC Comments at 3 (citing Presentation of Penn Pfautz, AT&T, FCC Rural Call Completion Workshop (Oct. 18, 2011), *available at* [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-310507A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-310507A1.pdf); Statements of Kim Meola, AT&T & Penn Pfautz, AT&T, Rural Call Completion Workshop video, *available at* <http://www.fcc.gov/events/rural-callcompletion-workshop> (visited Apr. 9, 2014) (describing AT&T's practice of limiting by contract the services provided by call termination suppliers to one additional intermediate provider)); AT&T RCC Reply at 2.

<sup>22</sup> Covered providers that file the second certification must describe the process they have in place to monitor the performance of their intermediate providers. *See* 47 C.F.R. § 64.2107(a)(2).

certify under the second option.<sup>23</sup> As required by the rules, AT&T will file its certification on the first quarterly filing date and annually thereafter. Thus, AT&T will qualify for the Safe Harbor and will satisfy this consideration for a waiver.

## **B. Best Practices**

In requesting a waiver of the rule, a provider must demonstrate that it has processes in place to ensure that call attempts to rural ILECs successfully reach their destinations, such as by adopting industry best practices.<sup>24</sup> AT&T meets this requirement as well. AT&T holds itself and its vendors to high standards for handling all traffic—our customers expect nothing less.<sup>25</sup> Accordingly, AT&T ensures proper, high-quality routing and signaling through internal procedures, including rigorous oversight of intermediate providers.<sup>26</sup> Another critical part of that quality control is compliance with industry best practices. Among others, AT&T complies with and has been actively involved in development of call-completion best practices through ATIS.<sup>27</sup> Together, AT&T's company procedures and industry best practices ensure that no systemic routing problem exists and that, in the event an isolated problem is identified, AT&T can quickly and effectively resolve the issue. Thus, AT&T satisfies the industry-best-practices consideration for a waiver.

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<sup>23</sup> For the reasons discussed below, this certification will not include AT&T's newly acquired Cricket affiliate until its traffic is migrated onto the AT&T Core Network. *See* Section II.C below.

<sup>24</sup> *See Rural Call Completion Order* at para. 96.

<sup>25</sup> *See* AT&T RCC Comments at 3; AT&T RCC Reply at 2-3.

<sup>26</sup> In some cases, rural call completion problems may be caused by various schemes to exploit the access charge regime outside the relationship between AT&T and its intermediate providers (for example, fraudulent use of "simboxes" that reoriginate large amounts of traffic onto wireless networks in an attempt to shift the cost of terminating these calls from the originating provider to the wireless provider). These schemes are employed at the expense of AT&T and other interexchange carriers—and ultimately their customers. Thus, AT&T aggressively investigates such fraud and takes action as appropriate when it is identified.

<sup>27</sup> *See* "Alliance for Telecommunications Industry Solutions, ATIS Standard on Intercarrier Call Completion/Call Termination Handbook," ATIS-0300106, available at <https://www.atis.org/docstore/product.aspx?id=26780> (rel. Mar. 2013). We note that AT&T complied with the ATIS call-completion best practices well before compliance with industry best practices was adopted as a consideration for a waiver under the *Rural Call Completion Order*. *See* AT&T RCC Comments at 3; AT&T RCC Reply at 3.

### C. Monitoring Performance

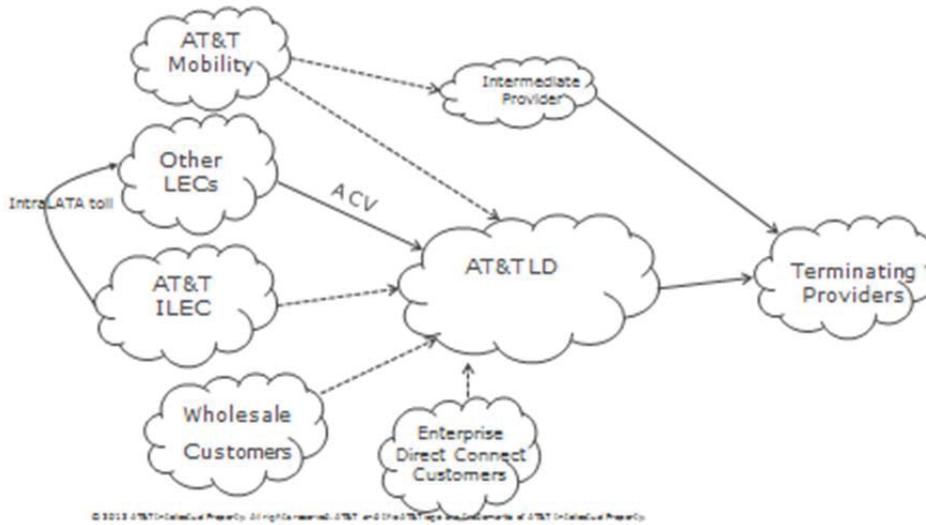
In addition to satisfying the Safe Harbor and best practices considerations supporting its waiver request, AT&T has developed a comprehensive proposal to retain and report data based on a statistically valid sample of inter- and intrastate calls to rural and nonrural areas that will allow AT&T to monitor call completion on an ILEC-by-ILEC basis. AT&T proposes to sample data using systems that AT&T already has in place for business purposes. This approach will entail a large sample of calls on the AT&T Core Network and will be broadly representative of AT&T's traffic on the network overall. When the required systems development is complete, AT&T will collect and analyze the sample on an ILEC-by-ILEC basis by rural operating company numbers ("OCNs"). Under the terms of the Safe Harbor, AT&T will report the required data using this sampling method quarterly for one year and will retain data for three months. Going forward, AT&T will continue to monitor call completion on an ILEC-by-ILEC basis using this method. In the limited cases where AT&T uses intermediate carriers, the proposal explains those exceptions and requests waivers as appropriate. AT&T will continue to monitor its performance to ensure that no systemic rural call completion concerns arise and to quickly resolve any isolated incidents<sup>28</sup> in cooperation with the Commission and the relevant rural ILEC.<sup>29</sup>

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<sup>28</sup> We note that a *de minimis* number of call completion failures is unavoidable. Even in urban areas, a certain number of calls fail to complete in the normal operation of the network and do not result from network arrangements that cause systemic call completion problems.

<sup>29</sup> AT&T takes all complaints about rural call completion seriously and actively investigates each one—regardless of whether the complaint comes from an AT&T customer, a rural LEC, or a rural end user with no relationship with AT&T. Indeed, AT&T's internal tracking of call completion complaints and voluntary testing in cooperation with rural LECs shows that the vast majority of rural call completion troubles reported to AT&T were not problems related to AT&T service. In the uncommon instances when that was not the case, AT&T has been able to quickly troubleshoot the problem and resolve any technical issues. *See* AT&T RCC Reply at 3.

## AT&T LD Traffic Flow and Sampling



**AT&T Core Network.** The vast majority of interexchange traffic transported by AT&T on a retail or wholesale basis is transported by the AT&T Core Network.<sup>30</sup> The Core Network transports traffic from (1) AT&T and non-AT&T LEC customers that presubscribe to AT&T's interexchange service; (2) wholesale customers;<sup>31</sup> (3) enterprise direct connect customers;<sup>32</sup> and (4) AT&T Mobility. AT&T does not currently hand off traffic from the Core Network to any intermediate provider. All Core Network traffic is terminated either to the terminating tandem or directly to the terminating end office. Once a call enters the Core Network, the call is routed through the network to the called party in the same way regardless of where it comes from. For example, the Core Network does not make routing choices for a particular call depending on whether the customer is a retail or wholesale customer, whether the call is originated by an

<sup>30</sup> The Core Network is owned and operated by AT&T Corp., AT&T's primary interexchange service provider affiliate.

<sup>31</sup> Depending on the nature of services AT&T provides to its wholesale customers, AT&T could be the "covered provider" for some wholesale traffic (such as in a pure resale arrangement) or, in some cases, AT&T would be an intermediate provider with no direct obligations under the current rural call completion rules. *See Rural Call Completion Order* at paras. 20, 26.

<sup>32</sup> In AT&T's legacy interexchange network, certain customers (*i.e.*, customers purchasing PBX and Centrex services) typically have dedicated access to the toll switch.

AT&T LEC or an unaffiliated LEC, or any other factor related to origination of the call.

Moreover, AT&T ensures high-quality call completion regardless of the destination, rural or otherwise.

AT&T does not make a record of all call attempts in the Core Network. Because call detail records are used for billing purposes, AT&T generally does not record data that is not used for billing, including for unanswered calls. In order to come into compliance with the rural call completion rules without the proposed waiver (even with the Safe Harbor), AT&T would have to expend significant resources to modify legacy infrastructure to try to accommodate recording all call attempts with the data parameters set forth by the Commission. AT&T has estimated those costs would be no less than \$3 million, and as much as \$5 million.<sup>33</sup> Further, it is by no means clear that it would be technically feasible to undertake these modifications in all cases. The services at issue are provided over switching platforms, such as Lucent 4ESS™ switches and Nortel switches, for which technical support may no longer be available from the manufacturer. Particularly insofar as much of this equipment is already scheduled for retirement from the AT&T network in coming years, it would be imprudent to require AT&T to incur the costs necessary to modify this equipment to comply with the rules, and thus to divert scarce capital from other priorities, even if such a solution were possible.

This is especially true given that a less burdensome, more carefully tailored approach to achieving the Commission's policy objectives is readily available under AT&T's waiver proposal. For other business purposes, AT&T already records call attempts, including for unanswered calls with cause codes, for a limited subset of calls on the Core Network.

Specifically, AT&T's Originating Access Charge Verification ("O-ACV") records are made

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<sup>33</sup> See Letter to Marlene H. Dortch, Secretary, FCC, from Brian Benison, AT&T, WC Docket No. 13-39 (filed Oct. 23, 2013).

from a random sample of switched access call attempts that originate from non-AT&T LECs. AT&T uses these records to verify originating switched access bills received from non-AT&T LECs in the regular course of AT&T's business as an interexchange service provider. Because AT&T has no business need to verify access records in some cases, O-ACV records are not made for calls originating from AT&T Mobility, AT&T LECs, enterprise direct connect customers, and wholesale customers.

Under the waiver (if granted), these records would serve as the statistically valid sample, broadly representative of traffic on AT&T's Core Network. Because all calls are routed the same way on the network regardless of how they originate, these records are representative of all traffic, even for types of calls not included in the O-ACV records. In addition, these records provide a large, statistically valid sample. For example, on one representative day, roughly one-sixth of all interexchange calls on the Core Network (not including 8YY calls) created O-ACV records.<sup>34</sup> AT&T will develop systems necessary to track the calls in the sample on an ILEC-by-ILEC basis by rural OCNs and aggregate data for nonrural OCNs. This data will provide ample information for both the Commission and AT&T to establish that no systemic rural call completion problem exists on the AT&T Core Network and to quickly identify any future problem that could develop. This approach will fully achieve the Commission's objectives in a more efficient and cost-effective manner given the limitations of the AT&T legacy network. For these reasons, AT&T requests a waiver of the Commission's rural call completion rules to the extent necessary to implement retaining and reporting of call attempts using the sampling method described above.

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<sup>34</sup> This sample is tens of millions of records out of the hundreds of millions of calls on the AT&T Core Network on a given day.

**AT&T Mobility.** AT&T Mobility terminates inter-MTA traffic using two different methods: (1) through the Core Network (as described above); and (2) using a small set of carefully selected non-AT&T intermediate providers that comply with AT&T's high standards for call termination, including limiting the total number of intermediate carriers to two or fewer in a call path and complying with the ATIS Best Practices.<sup>35</sup> AT&T Mobility is currently unable to record and report all call attempts as required by the rural call completion rules. AT&T Mobility, however, routes no calls to rural OCNs through non-AT&T intermediate providers at this time. To the extent that AT&T Mobility routes calls through the Core Network, AT&T proposes to include that traffic within the scope of the waiver for the Core Network, addressed above. To the extent that AT&T Mobility routes calls through non-AT&T intermediate providers, AT&T seeks a waiver for that traffic—none of which goes to a rural OCN. AT&T would not route traffic to a rural OCN through an intermediate provider unless and until it could report call attempt data in compliance with the rules (if ever). Developing systems to record such data would be costly without any significant corresponding benefit given that the data would not directly relate to the issue at hand—completion of calls to rural areas. Thus, such a waiver would not undermine the goals of the rules, and given the relative costs and benefits, would be in the public interest.

**Cricket.** As the Commission is aware, AT&T completed its acquisition of Leap Wireless (operating under the Cricket brand) on March 13, 2014.<sup>36</sup> AT&T has already begun the process of integrating Cricket into AT&T's existing operations. Today, Cricket has contracts with a

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<sup>35</sup> To be clear, when AT&T uses an intermediate provider, the contract provides that the intermediate provider itself may use no more than one additional intermediate provider, resulting in a total of no more than two intermediate providers in any call path. *See, e.g.,* AT&T RCC Reply at 2.

<sup>36</sup> *See* AT&T Newsroom, *AT&T Completes Acquisition of Leap Wireless* (Mar. 13, 2014), available at [http://about.att.com/story/att\\_completes\\_acquisition\\_of\\_leap\\_wireless.html](http://about.att.com/story/att_completes_acquisition_of_leap_wireless.html) (visited Apr. 9, 2014).

number of intermediate carriers for transport of interexchange traffic, including to rural OCNs.<sup>37</sup> AT&T plans to migrate at least some of this traffic to the Core Network. Unless and until the Cricket traffic is migrated, AT&T proposes to treat that traffic separately from the other, non-Cricket traffic described in this petition for the purposes of the rural call completion rules.<sup>38</sup> As the traffic is migrated onto the Core Network, this traffic would fall within the waiver (if granted) outlined above for the Core Network. To the extent that the migration is not complete at the time that the rules go into effect, Cricket will have appropriate systems in place and would fully comply with the record retention and reporting rules only for the Cricket traffic not yet migrated.<sup>39</sup> AT&T seeks a waiver to the extent necessary to implement this approach for Cricket traffic.

**SBC Long Distance.** AT&T uses an intermediate provider in one other limited circumstance. SBC Services, Inc. and SBC Communications Inc. (together, “SBC Long Distance”) maintain a single, long-standing contract with an intermediate provider for resale “long-distance voice services,” as defined by the rural call completion rules.<sup>40</sup> SBC Long Distance, however, is not itself a “covered provider” under the rules.<sup>41</sup> The terms of the contract provide that the intermediate provider will terminate traffic both to rural and nonrural OCNs

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<sup>37</sup> Cricket makes the initial long-distance call path choice by selecting the path of the call based on the called number of the individual call.

<sup>38</sup> See *Rural Call Completion Order* at para. 24 & n.76 (giving covered providers flexibility in how they group affiliates for compliance purposes).

<sup>39</sup> Currently, Cricket does not satisfy the requirements of the “Managing Intermediate Provider Safe Harbor.” Unless and until the Cricket traffic is migrated to the Core Network, this traffic would not be included within the scope of the officer certification provided to claim the Safe Harbor for all other AT&T “covered providers.” See Section II.A above.

<sup>40</sup> See 47 C.F.R. § 64.2101(f).

<sup>41</sup> Although SBC Long Distance does not satisfy the definition of “covered provider,” we include the description of its arrangement with the intermediate provider out of an abundance of caution and to ensure that this waiver petition is accurate and complete. Because SBC Long Distance is not a covered provider under the rules, this traffic would not be included within the scope of the officer certification provided to claim the Safe Harbor for all other AT&T covered providers. See Section II.A above.

using purely resale services. SBC Long Distance simply hands off traffic without making the initial long-distance call path choice—specifically, SBC Long Distance does not make “a static or dynamic selection of the path for a long-distance call based on the called number of the individual call.”<sup>42</sup> Thus, SBC Long Distance is not required to record, retain and report call attempts under the rural call completion rules (and thus does not seek a waiver).

Since February 2014, AT&T has begun migrating the SBC Long Distance traffic from the resale contract with the intermediate provider onto the AT&T Core Network. This migration is expected to be complete by the end of 2015. The migration is taking place in stages, with all traffic from a particular customer (regardless of the called number) moving to the Core Network. For traffic that has migrated to the Core Network, SBC Long Distance does not make a call path choice (based on called number or otherwise) and instead AT&T Corp. (provider of the Core Network) is the “covered provider.” Thus, migrated SBC Long Distance traffic would fall within the scope of the waiver applicable to the Core Network (if granted). We note that some SBC Long Distance traffic would be included within the AT&T Core Network sample (as described above) because some non-AT&T-ILEC customers presubscribe to the SBC Long Distance interexchange services.

**IntraLATA Toll.** AT&T also seeks a waiver, if necessary, for intraLATA/interexchange toll traffic where the originating LEC hands the traffic directly to the terminating provider or where the AT&T LEC both originates and terminates the call. Like other carriers, AT&T’s ILECs (and affiliated CLECs) have no mechanism to track call attempt data for this category of traffic. In order to come into compliance with the rural call completion rules, AT&T would have to expend substantial resources on programming and retrofitting rapidly obsolescing equipment

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<sup>42</sup> 47 C.F.R. § 64.2101(d).

for no business purpose.<sup>43</sup> Given that there is no evidence that this traffic is the source of any material rural call completion problems, the burdens of compliance would far outweigh the limited regulatory benefit (if any) in recording, retaining, and reporting data on this limited amount of traffic.<sup>44</sup>

As such, United States Telecom Association (“USTelecom”) and The Independent Telephone & Telecommunications Alliance (“ITTA”) have filed a Petition for Reconsideration of this requirement.<sup>45</sup> AT&T strongly supports the petition and urges the Commission to grant reconsideration of this burdensome requirement. The Commission instead should allow covered providers to focus resources on already costly compliance with the remainder of the rules to ensure that the Commission gets the information that will be most effective in addressing rural call completion problems. To the extent that the Commission does not grant the petition, AT&T seeks a waiver for intraLATA/interexchange toll traffic for which compliance with the new rules is technically infeasible using currently deployed equipment.

**MF Signaling.** AT&T also seeks a limited waiver of the rural call completion rules when using Multi-Frequency (“MF”) signaling. Recording, retaining and reporting in full compliance with the rules is technically infeasible on the AT&T switching equipment using MF signaling. AT&T’s legacy interexchange network uses little MF signaling on termination<sup>46</sup>—essentially only where a terminating LEC does not support SS7. As the Commission is aware,

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<sup>43</sup> See Petition of USTelecom and ITTA for Reconsideration or, in the Alternative, for Waiver or Extension of Time to Comply, WC Docket No. 13-39, at 2 (Jan. 16, 2014) (“USTelecom/ITTA Petition”) (“USTelecom and ITTA members estimate that to capture call attempt information for interLATA 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.”).

<sup>44</sup> See *id.* at 4 (“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.”).

<sup>45</sup> See generally USTelecom/ITTA Petition.

<sup>46</sup> For example, on one type of switch used by AT&T’s legacy interexchange network, only about 1.3 percent of terminations use MF signaling. See AT&T Petition for Limited Waiver, WC Docket No. 10-90, *et al.*, at 7 (filed Dec. 29, 2011) (seeking a limited waiver of the signaling rules).

there are significant technical limitations associated with MF signaling<sup>47</sup> and it does not support the capability to gather all elements of Call Attempt Records.<sup>48</sup> Rather, the available data will allow AT&T to report only whether a particular call completed or not; additional call detail and cause codes are not available. At this time, technical solutions to come into compliance for MF signaling would require costly switch upgrades or replacement of legacy equipment (if technically feasible at all).<sup>49</sup> Thus, AT&T seeks a waiver to the extent necessary to provide only the call data available using the MF signaling standard.

**Implementation Schedule.** Grant of AT&T's limited waiver, as outlined above, would save significant resources—time and money—while directing investments to recording, retaining, and reporting data that will achieve the Commission's rural call completion goals in the most effective and efficient way possible under the current rules. Under the limited waiver (if granted), AT&T would still be required to record, retain and report data based on millions of call per day—no small task. To ensure that AT&T can record, retain and report based on the sample described above and track performance on an ILEC-by-ILEC basis using OCNs, AT&T will still need to make significant systems changes (albeit far less than without a waiver). Specifically, implementation of the proposed waiver provisions will require approximately \$1 million and six months for programming changes. Therefore, in addition to the limited waivers requested above for specific types of traffic, AT&T also requests a six-month waiver from the date the waiver is granted for all recording, retention, and reporting requirements to allow for

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<sup>47</sup> See General Communications, Inc. Comments, WC Docket No. 13-39, at 3-5 (filed Jan. 16, 2014). Cf. *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, para. 716 (2011) (acknowledging technical limitations of MF signaling), *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 8, 2011).

<sup>48</sup> See 47 C.F.R. § 64.2103-64.2105.

<sup>49</sup> Moreover, any such solution would not be entirely within AT&T's control because it would require the terminating LEC to replace equipment using MF signaling with equipment using SS7 or SIP.

these system changes. To the extent the waiver is granted six months or more before the information collection rules become effective, this would result in no delay in AT&T reporting according to the terms of the waiver. Thus, we urge the Commission not only to grant this provision of the waiver to allow for implementation of systems changes but also to act expeditiously to grant the waiver.<sup>50</sup>

### **III. Conclusion**

For these reasons, AT&T has demonstrated that a waiver, subject to terms above, is warranted for good cause and is in the public interest. Thus, AT&T respectfully requests a limited waiver of the Commission's rural call completion rules for the circumstances described above in which compliance with the new rules is technically infeasible using currently deployed equipment.

April 10, 2014

Respectfully submitted,

By: /s/ Christi Shewman

Christi Shewman

Gary L. Phillips

Lori A. Fink

AT&T Services Inc.

1120 20th Street, N.W., Suite 1000

Washington, D.C. 20036

(202) 457-3090 (phone)

(202) 457-3073 (fax)

*Attorneys for AT&T*

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<sup>50</sup> See *Rural Call Completion Order* at para. 97 n.250 (“We recognize that to maximize the benefit of the waiver, providers may need resolution of their waiver request before the data retention and reporting rules receive OMB approval and go into effect.”).