

that such a waiver is warranted for good cause and would be in the public interest, and therefore, AT&T urges the Commission to grant CenturyLink's request.⁶

AT&T has consistently supported the Commission's efforts, manifested in the *Rural Call Completion Order* and the Commission's implementing regulations, to ensure the reliable and efficient operation of the nation's telephone network.⁷ But there is a long and persuasive record in this proceeding demonstrating that in some cases strict compliance with those rules is not in the public interest. The Commission came to the same conclusion in its *Rural Call Completion Order*. Recognizing providers' legitimate concerns about new regulatory burdens, the Commission adopted the "Managing Intermediate Provider Safe Harbor" ("Safe Harbor") and a waiver process.⁸ Under that process, the Bureau considering whether to grant a waiver assesses whether the provider satisfies the Safe Harbor, implements industry best practices, and monitors its own performance on an ILEC-by-ILEC basis.⁹

As discussed in its Petition, CenturyLink will satisfy these considerations in the two limited circumstances for which it requests a waiver.¹⁰ Specifically, CenturyLink seeks a waiver of the rural call completion rules where technical limitations of "historical technology that is not designed for such reporting" prevents strict compliance with the rules: (1) calls using MF

⁶ 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown."). The Commission may exercise its discretion to waive a regulation where the particular facts make strict compliance inconsistent with the public interest. *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)).

⁷ *See, e.g.*, AT&T Waiver Petition at 2; AT&T Comments, WC Docket No. 13-39 at 1 (filed May 13, 2013); AT&T Reply Comments, WC Docket No. 13-39 at 1 (filed June 11, 2013).

⁸ *See Rural Call Completion Order* at paras. 85-97.

⁹ *See id.* at para. 96.

¹⁰ *See* Petition at 6-9.

signaling; and (2) intraLATA toll calls.¹¹ In both cases, such a waiver would not undermine the goals of the rural call completion rules (and therefore would not harm consumers) and would be in the public interest given the relative costs and benefits of compliance.

MF Signaling. Like AT&T, CenturyLink seeks a limited waiver of the rural call completion rules when using MF signaling.¹² As CenturyLink explains, recording, retaining and reporting in full compliance with the rules is technically infeasible on its switching equipment using MF signaling.¹³ As the Commission is aware, there are significant technical limitations associated with MF signaling¹⁴ and it does not support the capability to gather all elements of Call Attempt Records.¹⁵ Given the small number of calls at issue¹⁶ and the fact that implementing technical solutions for MF signaling would likely be prohibitively expensive (if technically feasible at all), a waiver for calls using MF signaling is warranted for good cause and in the public interest.¹⁷

IntraLATA Toll. CenturyLink also seeks a waiver, if necessary, for intraLATA/interexchange toll traffic where the originating provider hands the traffic directly to

¹¹ *Id.* at 2.

¹² See Petition at 9-10; AT&T Waiver Petition at 14-15.

¹³ See Petition at 9.

¹⁴ See AT&T Waiver Petition at 14-15; 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), *petitions for rev. denied sub nom, In re FCC 11-161*, --- F.3d ---, 2014 WL 2142106 (10th Cir. May 23, 2014), *petitions for rehearing en banc on other grounds pending* (July 7, 2014).

¹⁵ See Petition at 9; AT&T Waiver Petition at 15; see also 47 C.F.R. § 64.2103.

¹⁶ See Petition at 10 (estimating that such calls involve approximately 2 percent of the CenturyLink network).

¹⁷ See Petition at 9-10; AT&T Waiver Petition at 15 (noting that “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.”).

the terminating provider or where the CenturyLink LEC both originates and terminates the call.¹⁸ As is the case with other carriers, CenturyLink'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, CenturyLink would have to expend substantial resources to program and retrofit rapidly obsolescing equipment for no business purpose.¹⁹ 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 any ostensible regulatory benefit in recording, retaining, and reporting data on this limited amount of traffic, and thus a waiver is warranted for good cause and is in the public interest.²⁰ This is an industry-wide problem, and as the Commission is aware, United States Telecom Association ("USTelecom") and The Independent Telephone & Telecommunications Alliance ("ITTA") have filed a Petition for Reconsideration of this requirement.²¹ AT&T strongly supports the USTelecom/ITTA Petition and urges the Commission to grant reconsideration of this burdensome requirement.²² In the alternative, the Commission should grant the waivers requested by CenturyLink and AT&T for intraLATA toll traffic.

For these reasons, AT&T respectfully urges the Commission to promptly grant both CenturyLink and AT&T a limited waiver of the Commission's rural call completion rules for the

¹⁸ See Petition at 10-11; AT&T Waiver Petition at 13-14.

¹⁹ See Petition at 10; AT&T Waiver Petition at 13-14.

²⁰ See Petition at 10; AT&T Waiver Petition at 14.

²¹ 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 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.").

²² See AT&T Waiver Petition at 14.

circumstances described in our respective petitions. Each of these petitions demonstrates that the requested waiver is warranted for good cause and grant of the waiver is consistent with the public interest.

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Respectfully submitted,

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