

then decide the merits of the *Petition*.² Alternatively, the Rural Associations propose that the Commission limit the relief to calls carried “on-network.”³ Similarly, the Oregon Public Utility Commission (“Oregon PUC”) recommends an inquiry into the issue because the Oregon PUC is unclear whether data regarding intraLATA interexchange/toll calls carried off-network can be reported if on-network calls cannot.⁴ A delay makes little sense here, particularly when the effective date is months, if not weeks, away and Petitioners have amply demonstrated the significant burdens associated with this limited category of calls. And a one-year delay as the Rural Associations suggest is tantamount to denying the *Petition* since the estimated industry-wide costs of over \$100 million would have to be incurred for the initial reports in that first year.

In any event, the Commission can act promptly because there is no material dispute. Petitioners are not opposed to the Rural Associations’ suggestion to limit the relief to calls carried on-network,⁵ provided that the relief encompasses calls delivered on-network to the terminating tandem as well as to the terminating carrier. Many rural LECs can only be reached through these tandems, and covered providers have no involvement in the selection of these tandems or their performance. They exist largely due to the legacy structure of the networks and are the equivalent of a direct network connection. As a result, the mere delivery of a call via such a tandem should not limit Petitioners’ requested relief, even though a terminating tandem may fall within the Commission’s definition of an “intermediate provider.” Indeed, the Commission has

² See Rural Associations Comments at 11.

³ *Id.* (emphasis added).

⁴ See Oregon PUC Comments at 4.

⁵ *Id.* (emphasis added).

expressly found that “when a call does reach the terminating tandem, regardless of ownership, it is completed by the rural incumbent LEC with a high degree of reliability” and declined to count the tandem as an additional intermediate provider with respect to its safe harbor.⁶

Accordingly, the Commission should promptly grant the *Petition*.

Respectfully submitted,



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⁶ *Rural Call Completion, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 13-39, FCC 13-135 ¶ 91. (rel. Nov. 8, 2013).