

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
RURAL CALL COMPLETION) **WC Docket No. 13-39**
)

**COMMENTS OF THE
INDEPENDENT TELEPHONE & TELECOMMUNICATIONS ALLIANCE**

The Independent Telephone & Telecommunications Alliance (“ITTA”) hereby submits its comments in response to the *Report and Order and Further Notice of Proposed Rulemaking* issued by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding.¹ In the *Report and Order*, the Commission adopted various rules to address significant concerns about completion of long-distance calls to rural areas. The rules are designed to enhance the Commission’s ability to monitor the delivery of calls to rural areas and assist it in policing providers’ call completion practices.² In the *FNPRM*, the Commission seeks comment on additional measures that may help it ensure reasonable and nondiscriminatory service to rural areas.³ ITTA applauds the Commission’s efforts to eliminate the rural call completion problem and offers its views herein on several of the issues raised in the *FNPRM*.

¹ *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-135 (rel. Nov. 8, 2013) (“*Report and Order*” or “*FNPRM*”).

² *Report and Order* at ¶ 2.

³ *Id.*

DISCUSSION

The *FNPRM* seeks additional comment regarding the treatment of autodialer traffic. The Commission recognizes that autodialer traffic may skew call completion performance results and that segregating autodialer calls for reporting purposes therefore may be useful, assuming such calls can reliably be excluded from call data reports.⁴ The *FNPRM* notes, however, that there is significant uncertainty regarding providers' ability to identify and segregate autodialer calls and seeks comment on whether providers are able to isolate autodialer traffic.⁵

There are two fundamental types of autodialer traffic. A survey of ITTA members reveals that they are unable to identify non-dedicated autodialer traffic in real time.⁶ The only alternative available to distinguish non-dedicated autodialer traffic is to perform a time-consuming manual process on the back end of calls. A provider would have to monitor all traffic and identify potential autodialer activity and then conduct an investigation. The provider would need to call certain numbers to categorize questionable traffic and separate autodialer calls from outbound telemarketing and other non-autodialer traffic. This cumbersome process still would not identify all autodialer traffic, however, since the only traffic that would be investigated is traffic that rises above the specific levels set by the provider. Moreover, it is possible that autodialer companies would adjust their processes to mask their traffic through use of multiple originating numbers or other means once they become aware that providers are watching.

Since the only process identified by ITTA members for distinguishing autodialer traffic would be time-intensive and cumbersome to administer and, most importantly, unlikely to

⁴ *FNPRM* at ¶ 121.

⁵ *Id.* at ¶ 120.

⁶ Non-dedicated autodialer traffic is autodialer traffic that is not delivered to the initial provider on a dedicated trunk group. Traffic on such a trunk group may include both autodialer and non-autodialer calls.

produce complete or accurate data, the Commission should refrain at this time from requiring providers to file separate reports that segregate non-dedicated autodialer traffic from other traffic.

The second type of autodialer traffic is autodialer traffic that is delivered to the initial provider on a dedicated trunk group. Autodialer traffic that is delivered on a dedicated trunk group can be identified, marked and excluded in real time from the larger set of calls being measured. However, dedicated autodialer traffic also should not be subject to separate reporting since, as the *FNPRM* recognizes, call answer rates associated with such traffic are significantly lower than conventional traffic.⁷ Requiring separate reporting of dedicated autodialer traffic therefore is unlikely to produce meaningful information.⁸

The *FNPRM* also seeks comment on whether to extend the rules adopted in the *Report and Order* to intermediate providers and questions whether it should impose intra-industry compliance certification requirements on intermediate providers as a supplement to the data collection, retention and reporting adopted in the *Report and Order*.⁹ While the imposition of rules on intermediate providers may be warranted, ITTA believes that the most prudent course may be to allow the requirements adopted in the *Report and Order* to operate for a reasonable time period before concluding whether additional regulatory intervention is necessary.

ITTA member companies are both facilities-based providers of long-distance services and incumbent local exchange service providers in both rural and non-rural areas. As such, they have a significant interest in ensuring that their long-distance customers have their calls terminate as intended and that their local exchange customers, both rural and non-rural, receive the calls

⁷ *FNPRM* at ¶ 121.

⁸ Should the Commission nonetheless determine to require separate reporting for either type of autodialer traffic (which it should not), such call attempts should be excluded from any analysis of call completion performance.

⁹ *FNPRM* at ¶¶ 122-23.

placed to them. In addition, typically, ITTA member companies conduct business as intermediate providers for the long-distance calls of other long-distance providers. Thus, ITTA members' interests in this proceeding are wide-ranging.

As rural local exchange carriers experiencing call completion issues, ITTA members welcome Commission action aimed at curbing the problem. At the same time, as facilities-based providers of long-distance services, the significant burdens associated with the collection, retention and reporting requirements adopted in the *Report and Order* will fall squarely on the shoulders of ITTA members and further stretch their already burdened personnel and resources. Further, as ITTA members have pointed out in earlier comments, it is not necessarily the case that all call completion problems can reasonably be ascribed to the use of intermediate providers.¹⁰ These varied considerations each must be taken into account and require a balanced approach by the Commission.

ITTA suggests that the appropriate balance here is to allow time to assess the effects of the requirements adopted in the *Report and Order* before moving forward to adopt additional collection, retention and reporting requirements.

¹⁰ See e.g., Comments of CenturyLink, WC Docket No. 13-39 (filed May 13, 2013), at 13.

CONCLUSION

For all of the foregoing reasons, the Commission should refrain at this time from requiring providers to segregate dedicated or non-dedicated autodialer calls for reporting purposes. Similarly, the Commission should allow time to consider the impact of the collection, retention and reporting requirements adopted in the *Report and Order* before adopting any additional requirements on facilities-based or intermediate providers.

Respectfully submitted,

By: /s/ Genevieve Morelli

Genevieve Morelli
Micah M. Caldwell
ITTA
1101 Vermont Ave., NW
Suite 501
Washington, D.C. 20005
(202) 898-1520
gmorelli@itta.us

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