

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Rural Call Completion) **WC Docket No. 13-39**
)

**COMMENTS OF
ITTA – THE VOICE OF AMERICA’S BROADBAND PROVIDERS**

ITTA – The Voice of America’s Broadband Providers (ITTA) hereby submits its comments in response to the *Second FNPRM* proposing to revise the Commission’s rules addressing problems in the completion of long-distance telephone calls to rural areas, otherwise known as rural call completion problems.¹ ITTA urges the Commission to adopt its proposal to eliminate its existing rural call completion recording, retention, and reporting rules. In addition, rather than adopting new rural call completion requirements for covered providers, the Commission should devote its time and resources towards implementing the requirements of rural call completion legislation that is likely on the cusp of enactment.

I. RURAL CALL COMPLETION PROBLEMS HAVE DIMINISHED SIGNIFICANTLY

The *Second FNPRM* acknowledges that “the reduced number of rural call completion complaints that [the Commission] now receive[s] suggests some progress” in addressing rural call completion problems.² Recounting a 57 percent decrease in consumer rural call completion

¹ *Rural Call Completion*, Second Further Notice of Proposed Rulemaking, FCC 17-92 (July 14, 2017) (*Second FNPRM*).

² *See id.* at 1, para. 1.

complaints and a 45 percent decline in such complaints by rural carriers from 2015 to 2016,³ the *Second FNPRM* observes that rural call completion problems may be partially abating, and that the ongoing transition to bill-and-keep will continue to reduce the “incentive structure” that contributes to rural call completion problems.⁴ The Commission seeks comment on this view, including on the prevalence and scope of current rural call completion problems.⁵ While ITTA believes that it is premature to declare the problems eradicated, in the experience of ITTA’s members, they have decreased substantially.⁶ This decrease, combined with intermediate providers being the most likely root of any lingering problems, militates towards the Commission limiting future remedial measures to those that directly curtail any misdeeds by intermediate providers.

II. THE COMMISSION SHOULD ABANDON THE RECODING, RETENTION, AND REPORTING REQUIREMENTS FOR COVERED PROVIDERS

The *Second FNPRM* seeks comment on three different proposals to either modify or eliminate the existing rural call completion recording, retention, and reporting requirements.⁷ ITTA supports the third proposed approach, to eliminate these requirements.⁸

While rural call completion problems have been abating, it is not due to the recording, retention, and reporting requirements. As the Commission concedes, these requirements have

³ *See id.* at 5, para. 8.

⁴ *Id.* at 6, para. 10.

⁵ *See id.*

⁶ *See, e.g.,* CenturyLink Comments on Wireline Competition Bureau Report of June 22, 2017, WC Docket No. 13-39, at 2 (Aug. 3, 2017) (“In CenturyLink’s experience, FCC complaints related to call completion have dropped dramatically since CenturyLink adopted Safe Harbor. Any complaint at all is now a rarity.”). Another ITTA member reports that it has received no rural call completion complaints over the past year-and-a-half.

⁷ *See Second FNPRM* at 11-13, paras. 25-28.

⁸ *See id.* at 12-13, para. 28.

been ineffective in facilitating the goals underlying their adoption, namely, to improve the Commission's ability to monitor rural call completion problems, and aid enforcement action in connection with those problems.⁹ Instead, the requirements have been fraught with data quality issues, rendering the data unreliable to accurately identify problems or as a foundation upon which to initiate enforcement action.¹⁰ In light of these findings, the burdens of the requirements inherently outweigh the benefits. Moreover, in the *RCC Data Report*, the Wireline Competition Bureau found that even if the Commission was to retain and modify the recording, retention, and reporting requirements to address the data quality issues, it is not clear that the benefits of such modification would outweigh the costs.¹¹ Such costs and burdens are also misdirected at covered providers, rather than intermediate providers.

In the face of these collective infirmities, the recording, retention, and reporting requirements cannot stand.

III. THE COMMISSION SHOULD REFRAIN FROM ADOPTING THE *SECOND FNPRM'S PROPOSED NEW RURAL CALL COMPLETION REQUIREMENTS FOR COVERED PROVIDERS*

The record in the Rural Call Completion docket evinces that the real source of rural call completion problems has been the multitude of intermediate providers that are often links in the path of a long distance call to a rural area.¹² As the Commission asserted in 2013:

Our experience in investigating and resolving rural call completion complaints suggests that problems with routing calls to rural areas typically arise where more than two intermediate providers are involved in transmitting a call. . . . Moreover,

⁹ *See id.* at 12, para. 25.

¹⁰ *See id.* (citing *Rural Call Completion*, Report, 32 FCC Rcd 4980, 4995-96, para. 38 (WCB 2017) (*RCC Data Report*)).

¹¹ *See id.* at 12-13, para. 28 (citing *RCC Data Report*, 32 FCC Rcd at 4996, paras. 39-40).

¹² *Id.* at 6, para. 10 (“we continue to believe that a key reason for rural call completion problems is that calls to rural areas are often handled by multiple intermediate providers in the call path”).

our examination of carrier practices during enforcement proceedings and when responding to complaints has revealed that the proliferation of rural call completion problems in recent years has coincided with the proliferation of intermediate providers, the use of which appears to contribute to call completion problems and often results in nearly untraceable call routes.¹³

The *Second FNPRM* recognizes that there is pending legislation addressing rural call completion problems. Such legislation was passed by the House of Representatives prior to issuance of the *Second FNPRM*.¹⁴ Subsequent to adoption of the *Second FNPRM*, the Senate passed identical legislation.¹⁵

The Improving Rural Call Quality and Reliability Act of 2017 will “increase the reliability of intermediate providers by bringing transparency and standards to the intermediate provider market.”¹⁶ It requires intermediate providers to provide the Commission with information for a registry that the Commission must make publicly available on the Commission’s website. Intermediate providers also must comply with service quality standards that the Commission must establish within one year of enactment of the legislation. Furthermore, covered providers are required to only use registered intermediate providers.¹⁷ These requirements represent “commonsense improvements . . . to bring these intermediate providers out from the shadows and into the light so that we can hold them accountable to the

¹³ *Rural Call Completion*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, 16192, paras. 87-88 (2013).

¹⁴ See *Second FNPRM* at 5-6, para. 9 (citing Improving Rural Call Quality and Reliability Act of 2017, H.R. 460, 115th Cong. (2017)).

¹⁵ Improving Rural Call Quality and Reliability Act of 2017, S. 96, 115th Cong. (2017) (passed Aug. 3, 2017) (2017 RCC Act).

¹⁶ S. Rep. No. 115-6, at 2-3 (2017).

¹⁷ 2017 RCC Act § 2 (to be codified in pertinent part at 47 U.S.C. § 262 (a)-(d)).

consuming public.”¹⁸ Furthermore, as articulated by Representative David Young, who sponsored the 2017 RCC Act in the House of Representatives: “There simply is no excuse for these intermediate providers to not fulfill their contracts and leave our rural constituents with unreliable communication service. Dropped, looped, or poor quality calls . . . give[] unfair blame to our essential local service providers when they are not the problem, they are the solution.”¹⁹

With enactment of the 2017 RCC Act likely imminent, the *Second FNPRM*'s proposals to adopt new rural call completion requirements for covered providers are misplaced. This is so for three reasons.

First, by directly addressing intermediate providers rather than circuitously addressing them via increased monitoring burdens on covered providers, the 2017 RCC Act's measures are properly focused, unlike the *Second FNPRM*'s proposals. Second, at this juncture it would not be in the public interest for the Commission to expend scarce time and staff resources on its own proposals when the legislation ambitiously requires the Commission to promulgate two sets of implementing rules within one year of enactment.²⁰ Third, contrary to the *Second FNPRM*'s claims that its proposals would impose limited burdens on covered providers,²¹ the proposals raise the prospect of significant burdens on covered providers, such as performance metrics covered providers must use to monitor and assess the call completion performance of their

¹⁸ 163 Cong. Rec. H584 (daily ed. Jan. 23, 2017) (statement of Rep. Leonard Lance). “For the most part, consumers are unaware of these intermediate providers, which has allowed them to be held unaccountable.” *Id.*

¹⁹ 163 Cong. Rec. H585 (daily ed. Jan. 23, 2017) (statement of Rep. David Young).

²⁰ See 2017 RCC Act § 2 (codifying rulemaking requirements in 47 U.S.C. § 262 (c)).

²¹ See *Second FNPRM* at 6, para. 12.

intermediate providers,²² conducting monitoring on a rural OCN-by-OCN basis for all call attempts to all LECs,²³ and audits to ensure compliance.²⁴

In sum, given the likely imminent enactment of rural call completion legislation targeted towards the misdeeds of intermediate providers, the *Second FNPRM*'s proposed new requirements for covered providers would be the wrong mandates at the wrong time.

IV. CONCLUSION

For the foregoing reasons, the Commission should act now to remove its rural call completion recording, retention, and recordkeeping requirements, but should not adopt its proposed new monitoring and enforcement requirements for covered providers. The Commission should focus its efforts on implementing the legislation whose enactment is likely close at hand and which is properly fixed directly upon intermediate providers.

Respectfully submitted,

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²² *See id.* at 7, para. 16.

²³ *See id.* at 8, para. 16.

²⁴ *See id.* at 9, para. 18.