

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

**COMMENTS
of the
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION,
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES,
WESTERN TELECOMMUNICATIONS ALLIANCE, and
NATIONAL EXCHANGE CARRIER ASSOCIATION, Inc.
ON
GCI'S PETITION FOR LIMITED WAIVER OF THE COMMISSION'S
CALL SIGNALING RULES**

General Communications, Inc. (“GCI”) seeks a limited waiver of the Commission’s newly adopted call signaling rules for the circumstances described in its petition.¹ GCI claims compliance with the new rules is currently technically infeasible, and claims Alaska presents

¹ See Petition for Limited Waiver of General Communication, Inc., CC Docket No. 01-92, *et al.* (filed Feb. 27, 2012) (*Petition*).

unusual call signaling challenges that can prevent simple compliance.² GCI suggests a waiver will permit it to continue the nonstandard arrangements existing in Alaska and thereby avoid unnecessary disruption.³ In addition, GCI seeks a broader waiver to permit it to continue to evaluate its compliance with the new rules, develop remediation plans, and seek further additional waivers as appropriate.

The above-named Associations, representing rural rate-of-return regulated incumbent local exchange carriers (“RLECs”),⁴ do not oppose grant of the requested waiver for the four specified circumstances described in the petition, subject to certain conditions as described herein. The Associations oppose, however, GCI’s request for a broader waiver as unreasonably vague. As discussed below, a blanket waiver could potentially relieve GCI of any obligation to adhere to the call signaling rules for a significant portion of its traffic, and therefore should be denied.

I. INTRODUCTION

In its November 18, 2011 USF and ICC Reform Order,⁵ the Commission amended its call signaling rules to require transmission of call signaling information on all traffic originating or

² *Id.* at 1-2.

³ *Id.* at 2, 6-7.

⁴ The National Telecommunications Cooperative Association (NTCA) is a national trade association representing more than 580 rural rate-of-return regulated telecommunications providers. The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) is a national trade association representing approximately 460 small ILECs serving rural areas of the United States. The Western Telecommunications Alliance (WTA) is a trade association that represents over 250 small rural telecommunications companies operating in the 24 states west of the Mississippi River. The National Exchange Carrier Association, Inc. (NECA) is responsible for preparation of interstate access tariffs and administration of related revenue pools, and collection of certain high-cost loop data. *See generally*, 47 C.F.R. §§ 69.600 *et seq.*; *MTS and WATS Market Structure*, CC Docket No.78-72, Phase I, Third Report and Order, 93 FCC 2d 241 (1983).

⁵ *Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, *High-Cost Universal Service Support*, WC Docket No. 05-337,

terminating on the public switched telephone network (“PSTN”). In addition to rules requiring transmission of Calling Party Number (“CPN”) data on all calls, the Commission also imposed a requirement that the Charge Number (“CN”) be passed unaltered where it is different from the CPN.⁶ The Order further made clear that the CN field may only be used to contain a calling party’s charge number, and not contain or be populated with a number associated with an intermediate switch, platform, or gateway, or other number.⁷ The Commission also amended its rules to require service providers still using Multi-Frequency (“MF”) signaling to pass the number of the calling party (or CN, if different) in the MF Automatic Number Identification (“ANI”) field.⁸

GCI requests a waiver of the new call signaling rules to permit it to address what it identifies as specific call signaling and routing challenges in rural Alaska. GCI identifies four circumstances for which it requests a waiver. The first is related to GCI’s provision of resold intrastate long distance service.⁹ GCI explains when it resells retail long distance, it must, in some instances, populate the CN field with a number associated with GCI, not the original

Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92, *Federal-State Joint Board on Universal Service*, CC Docket No. 96- 45, *Lifeline and Link-Up*, WC Docket No. 03-109, *Universal Service – Mobility Fund*, WT Docket No. 10-208, FCC 11-161 (rel. Nov. 18, 2011) (*USF and ICC Reform Order or Order*).

⁶ *Id.* ¶ 714.

⁷ *Id.*

⁸ *Id.* ¶ 716. This was intended to ensure consistent treatment across signaling systems. The Commission was also concerned a categorical exclusion could create a disincentive to invest in IP technologies and invite additional opportunities for arbitrage.

⁹ *Petition* at 2.

calling party, to ensure that GCI (and not its customer) is billed by the underlying long distance carrier.¹⁰

The second case involves rural wireless toll-free calls.¹¹ GCI explains it offers wireless service in many satellite-served remote Alaska villages, and when users roam to different villages and call a toll-free number, GCI uses the CN field to insert a telephone number associated with the village from which the toll-free call is placed. GCI claims doing so allows it to bill the cost of the transport from the remote village appropriately to the toll-free provider. GCI seeks a waiver to permit it to continue this practice.¹²

The third case involves GCI's offering of call forwarding and mobile roaming.¹³ GCI explains in order to ensure proper billing when a customer forwards his/her calls to a distant location, GCI inserts a CN associated with the called party to ensure that the called party properly bears the cost of the forwarded leg of the call. Likewise, GCI explains in certain circumstances it inserts the wireless roamer's number in the CN field at the roamer's home switch so that the calling party does not bear the cost of the call from the home location to the wireless roamer's temporary location.¹⁴ GCI indicates in this circumstance it also provides an Originating Line Identification, or OLI, of 63, as provided for in ANI II digit assignments, which indicates that the call is to a wireless roamer.¹⁵

¹⁰ *Id.* at 2-3. GCI further explains Alaska prohibits restrictions on the resale of long distance, and denying GCI's waiver would effectively contravene Alaska law by preventing GCI, as a practical matter, from continuing this practice. *Id.* at 3.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 4.

¹⁴ *Id.*

¹⁵ *Id.* at 4-5.

The fourth case for which GCI seeks a waiver is for privacy protection when using MF signaling.¹⁶ GCI claims industry standards permit it not to transmit CPN when using MF signaling in the origination or termination of the call so as to protect users' privacy. GCI explains that the MF signaling protocol does not include a provision for passing privacy indicators, and thus passing the originating number in the ANI field, as required by the rules, would cause GCI, in some instances, to pass a number that should not be disclosed.¹⁷ Additionally, GCI requests that any waiver applicable to MF signaling extend to its use of Dual Tone MultiFrequency ("DTMF") signaling. GCI explains it relies on DTMF signaling in some areas of remote Alaska "where GCI's wireless directly connects to existing switches in very small villages that have neither SS7 nor PRI ability and do not subtend a tandem switch."¹⁸

GCI states that in addition to its request for a waiver to address the specific circumstances detailed above, it seeks a waiver to permit it to continue to evaluate its compliance with the new rules, develop remediation plans, and seek further additional waivers as appropriate.¹⁹ GCI agrees with Verizon that it would be "inappropriate for the Commission to expect carriers to make significant changes to call signaling practices for intercarrier billing purposes where any investment in the technology and equipment necessary to do so would be wasted after just a few years."²⁰

¹⁶ *Id.* at 5.

¹⁷ *Id.* at 5-6.

¹⁸ *Id.* at 6.

¹⁹ *Id.* at 7.

²⁰ *Id.* at 7-8, citing Petition for Clarification or, In the Alternative, for Reconsideration of Verizon, WC Docket No. 10-90, *et al.*, at 10 (filed Dec. 29, 2011).

II. DISCUSSION

The Commission indicated that parties seeking limited exceptions or relief in connection with the new call signaling rules may avail themselves of the Commission's established waiver procedures.²¹ While the Commission has stated on many previous occasions that waivers under section 1.3 of the rules "will not be granted routinely," it has frequently cited hardship, equity, and public policy considerations as reasons for granting requested waivers.²²

The Commission must be very mindful when considering waiver petitions of this type that they should be strictly limited in scope to a few instances involving technology that is neither SS7 nor Internet Protocol ("IP"). Moreover, the Commission should require in each case that the switch locations falling under such waivers can be specifically identified. A waiver cannot be considered "limited" – and the Commission's phantom traffic rules will be of little effect – if a waiver recipient has *carte blanche* to manipulate call signaling information at any given time in undetectable ways across its network.

Thus, consistent with comments filed with respect to similar waiver petitions filed recently by AT&T, CenturyLink, and Verizon, the Associations suggest that any waiver include requirements for GCI to: (1) publish a list of switches covered by the waiver; (2) provide terminating carriers frequently (*i.e.*, monthly) with information necessary to audit PIUs and/or

²¹ *Order* ¶ 723.

²² Traditional standards for grant of Commission waivers were reviewed in *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166. In its *USF and ICC Reform Order*, however, the Commission announced without explanation that it will apply far more stringent standards to petitions for waiver of rules limiting high-cost support levels, despite extensive showings such rules will have unintended and unreasonable impacts on RLECs and rural consumers. *See, e.g.*, Petition for Reconsideration and Clarification of NECA, OPASTCO and WTA, WC Docket No. 10-90, *et al.*, at 19-22 (filed Dec. 29, 2011). It is critical the Commission apply uniform standards to parties seeking waivers of its rules. In the absence of a reasoned explanation for revising its standards, the Commission must continue to apply criteria previously developed under section 1.3 of its rules.

call records; and (3) submit reports at six month intervals detailing the status of GCI's efforts to upgrade its network to come into compliance with the new call signaling rules.²³

Subject to the foregoing conditions, the Associations do not oppose GCI's waiver request for the four specific and narrow circumstances GCI describes in its petition: for its provision of resold intrastate long distance service; for its provision of rural wireless toll-free calls; for its offering of call forwarding and mobile roaming; and for calls that employ MF signaling. The Associations understand that the unique network circumstances existing in Alaska, including the extensive use of satellite transmission, require carriers to employ creative signaling and billing arrangements in order to provide service to the residents of Alaska.

However, the Commission should deny GCI's request for an open-ended waiver to permit it "to continue to evaluate its compliance with the new Rules, develop remediation plans, and seek further additional waivers as appropriate."²⁴ As Windstream pointed out in its comments on Verizon's similar blanket request, "[s]uch a waiver could serve as the basis for widespread noncompliance with the Commission's call signaling rules."²⁵ Granting such a waiver request could potentially relieve GCI of any obligation to adhere to the call signaling rules for a significant portion of its traffic. Such blanket waivers will create loopholes that will essentially swallow the new rules, and should not be granted by the Commission.

²³ See, e.g., Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 6 (filed Mar. 19, 2012).

²⁴ *Petition* at 7.

²⁵ Comments of Windstream Communications, Inc., WC Docket No. 10-90, *et al.*, at 3 (filed Mar. 19, 2012).

III. CONCLUSION

The Associations do not oppose grant of a limited waiver to GCI that is confined in scope to the four specific circumstances described in some detail in GCI's petition. The waiver should be contingent, however, upon GCI's publication of a list of all legacy switch locations that would fall under this limited waiver so that terminating carriers can identify such calls. In addition, the Commission should require GCI to provide terminating carriers frequently (*i.e.*, monthly) with information necessary to audit PIUs and/or call records, and submit reports at six month intervals detailing the status of GCI's efforts to upgrade its network to come into compliance with the new call signaling rules. The Commission should not, however, grant GCI's request for a blanket waiver of the new call signaling rules for other, non-specific circumstances.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION

By: /s/ Jill Canfield

Jill Canfield

Director, Legal and Industry

Michael Romano

Senior Vice President – Policy

4121 Wilson Boulevard, 10th Floor

Arlington, VA 22203

(703) 351-2000

ORGANIZATION FOR THE
PROMOTION AND ADVANCEMENT
OF SMALL TELECOMMUNICATIONS
COMPANIES

By: /s/ Stuart Polikoff

Stuart Polikoff

Vice President – Regulatory Policy and
Business Development

2020 K Street, NW, 7th Floor

Washington, DC 20006

(202) 659-5990

WESTERN TELECOMMUNICATIONS
ALLIANCE

By: /s/ Derrick Owens

Derrick Owens

Vice President of Government Affairs

317 Massachusetts Avenue N.E.,

Ste. 300C

Washington, DC 20002

(202) 548-0202

By: /s/ Gerard J. Duffy

Gerard J. Duffy

Regulatory Counsel for

Western Telecommunications Alliance

Blooston, Mordkofsky, Dickens, Duffy &

Prendergast, LLP

2120 L Street NW (Suite 300)

Washington, DC 20037

NATIONAL EXCHANGE CARRIER
ASSOCIATION, INC.

By: /s/ Richard A. Askoff

Richard A. Askoff

Linda A. Rushnak

Its Attorneys

Teresa Evert, Senior Regulatory Manager

80 South Jefferson Road

Whippany, NJ 07981

(973) 884-8000

April 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Associations' Comments was served this 2nd day of April, 2012, by electronic filing and e-mail to the persons listed below.

By: /s/ Elizabeth R. Newson
Elizabeth R. Newson

The following parties were served:

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC. 20554

Belinda Nixon
Federal Communications Commission
445 12th Street, SW
Washington, DC. 20554
Belinda.Nixon@fcc.gov

Best Copy and Printing, Inc.
Room CY-B402
445 12th Street, SW
Washington, DC 20554
fcc@bcpiweb.com