

**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
TELEPHONE COMPANIES,**

**WESTERN TELECOMMUNICATIONS ALLIANCE, and the
NATIONAL EXCHANGE CARRIER ASSOCIATION, Inc.**

On

**ALASKA COMMUNICATIONS SYSTEMS GROUP, Inc.’s
PETITION FOR LIMITED WAIVER OF THE COMMISSION’S
CALL SIGNALING RULES**

Alaska Communications Systems Group, Inc., on behalf of its operating subsidiaries (“ACS”), seeks a waiver of the Commission’s newly-adopted call signaling rules with respect to certain SS7 network elements, multi-frequency (“MF”) signaling equipment, and Internet

Protocol (“IP”) traffic exchanges.¹ ACS states it requires a waiver because compliance is not possible at this time due to deficiencies in the company’s currently deployed equipment, and due to the absence of necessary industry standards.² ACS claims even if it had the technical capability to comply with some of the new call signaling rules by investing in equipment upgrades, the costs of compliance would outweigh the potential benefits.³

The above-named Associations, representing rural rate-of-return regulated incumbent local exchange carriers (“RLECs”),⁴ do not oppose grant of a waiver to ACS that is limited to circumstances identified in similar petitions filed by AT&T, CenturyLink, and Hawaiian Telcom, provided that such waiver is subject to the same limitations and conditions as those the Associations recommended for AT&T, CenturyLink, and Hawaiian Telcom’s waiver requests.⁵ These limitations and conditions would include a requirement that companies obtaining waivers

¹ Alaska Communications Systems Group, Inc. Petition for Limited Waiver, WC Docket No. 10-90, *et al.* (filed Mar. 16, 2012) (*Petition*).

² *Id.* at 2.

³ *Id.* at 6.

⁴ The National Telecommunications Cooperative Association (NTCA) is a national trade association representing more than 580 rural RoR regulated telecommunications providers. The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) is a national trade association representing approximately 420 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 See Comments of NECA, NTCA, OPASTCO, and WTA, WC Docket No. 10-90, *et al.* (filed Feb. 9, 2012) (*Comments on AT&T’s Petition*); Comments of NECA, NTCA, OPASTCO, and WTA, WC Docket No. 10-90, *et al.* (filed Feb. 29, 2012) (*Comments on CenturyLink’s Petition*); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.* (filed Apr. 9, 2012) (*Comments on Hawaiian Telecom’s Petition*).

provide lists of the switch locations covered by such waivers and provide terminating carriers with information necessary to audit PIUs and/or call records.

I. INTRODUCTION

In its November 18, 2011 USF and ICC Transformation Order,⁶ the Commission amended its call signaling rules to require transmission of call signaling information on all traffic originating or terminating on the public switched telephone network (“PSTN”). In addition to rules requiring transmission of the 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.⁷ The Order further makes 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.⁸ The Commission also amended its rules to require service providers still using MF signaling to pass the number of the calling party (or CN, if different) in the MF Automatic Number Identification (“ANP”) field.⁹ This was intended to assure consistent treatment across signaling systems. The

⁶ *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 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, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF and ICC Transformation Order* or *Order*).

⁷ *Id.* ¶ 714.

⁸ *Id.*

⁹ *Id.* ¶ 716.

Commission was also concerned a categorical exclusion could create a disincentive to invest in IP technologies and invite additional opportunities for arbitrage.¹⁰

ACS requests waiver of the new call signaling rules with respect to its SS7 switches, MF signaling equipment, and IP traffic exchanges. First, ACS requests a waiver of the requirement to originate and pass CN (if different from CPN) for calls traversing its SS7 switches.¹¹ ACS states while its Primary Rate Interface (“PRI”) trunk groups are set up to send out both CPN and CN, its SS7 switches do not send CN when it differs from CPN, and in order to do so ACS would be required to upgrade its SS7 switches.¹² It notes, however, this would not solve the lack of SS7 capability more broadly in Alaska because SS7 was never universally implemented by Alaska carriers, and notes GCI’s observation that Alaska’s carriers have negotiated non-standard arrangements to solve traffic completion problems that may be unique to the state.¹³

Second, ACS requests a waiver with regard to MF signaling. ACS indicates in certain instances its network does not support the capability to pass CPN or CN in the ANI field.¹⁴ Moreover, ACS concurs with GCI that the MF signaling protocol does not have the ability to pass privacy indicators that a caller may have selected, and carriers should not be required to pass CPN or CN when they cannot ensure that the caller intended the CPN or CN to remain private.¹⁵ ACS states it would need to upgrade switches or even replace certain equipment to implement the new rules, but in remote and rural areas of Alaska, switch upgrades to SS7 are not

¹⁰ *Id.*

¹¹ *Petition* at 4.

¹² *Id.*

¹³ *Id.* at 5.

¹⁴ *Id.*

¹⁵ *Id.*

economically viable at this time. ACS argues the Commission should not mandate such switch upgrades.¹⁶

Finally, ACS requests a waiver for Voice over IP (“VoIP”) traffic connecting to the PSTN. ACS claims there is no standardized signaling for IP traffic.¹⁷ This, it asserts, limits and may prevent CPN and CN information from being passed, and makes any provided data unreliable. ACS argues that requiring carriers to develop individualized solutions in advance of industry standards will cause carriers to incur unnecessary costs.¹⁸

II. DISCUSSION

As ACS notes, the Commission declined to adopt a general technical infeasibility exception to its revised call signaling rules,¹⁹ indicating parties seeking limited exceptions or relief of the rules may avail themselves of the Commission’s established waiver procedures.²⁰ 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.²¹

¹⁶ *Id.* at 6.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 2-3, citing *Order* ¶ 723.

²⁰ *See id.*

²¹ 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 the *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

The Associations do not object to grant of waivers of the new call signaling rules that are limited in scope to instances involving older generation technology that is neither SS7 nor IP. As ACS and GCI both explain, Alaska presents unique challenges for provisioning telecommunications services and for transmitting call signaling information, and Alaska carriers have developed their own set of arrangements to allow for accurate intercarrier billing for intra-Alaska calls. The Associations remain concerned, however, that carriers in the lower 48 states still receive the call signaling information necessary for proper call identification and billing. Consistent with comments filed on similar waiver petitions, the Associations suggest that any such waiver include requirements for ACS to publish a list of switches covered by the waiver and to provide terminating carriers with information necessary to audit PIUs and/or call records.²²

However, with regard to ACS's waiver request for VoIP traffic connecting to the PSTN, the Associations disagree with ACS's claim that "there is no standardized signaling for IP traffic, which limits and may prevent CPN and CN information from being passed to a terminating carrier."²³ There are several standardized approaches to deploying VoIP/IP networks and ensuring seamless PSTN (SS7) interoperability, and the Association's understand that none of the commonly-deployed signaling protocols prohibit transmission of calling party information

a reasoned explanation for revising its standards, the Commission must continue to apply criteria previously developed under section 1.3 of its rules.

²² See, e.g., *Comments on AT&T's Petition* at 5-7; *Comments on CenturyLink's Petition* at 6; *Comments on Hawaiian Telecom's Petition* at 5; Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 6 (filed Mar. 19, 2012); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 6-7 (filed Apr. 2, 2012).

²³ *Petition* at 6.

over IP networks.²⁴ Indeed, the Commission noted in the *Order* that service providers may rely on calling party identifying information contained in IP sessions or messages for VoIP calls, citing to widely used Internet Engineering Task Force (“IETF”) standards.²⁵ The Commission should not grant broad waivers for VoIP traffic absent a more detailed description of instances where such waivers would be required.

III. CONCLUSION

The Associations recognize there may be some limited circumstances where the costs of compliance with the Commission’s new call signaling rules outweigh the benefits, and accordingly do not oppose grant of limited waivers as described above. Because carriers in the lower 48 states do not participate in the unique billing arrangements that exist between Alaska carriers, the Associations suggest that any such waiver include requirements for ACS to publish a list of switches covered by the waiver and to provide terminating carriers with information

²⁴ In fact, protocols such as Media Gateway Control Protocol (“MGCP”) and Session Initiated Protocol (“SIP”) are widely used to deliver VoIP, and SIGnaling TRANsport (“SIGTRAN”) is well suited for transporting SS7 signaling over IP-based networks. SIP-for-Telephones (“SIP-T”) identifies efficient PSTN-to-IP-to-PSTN mechanisms necessary for interworking, and details how SIP provides for both ‘encapsulation’ (bridging the PSTN signaling across a SIP network) and ‘translation’ (gatewaying) of signaling information between the two. For example, SIP-T encapsulates SS7 messages into IP packets without altering SS7 fields, and states “SS7 information should be available in its entirety and without any loss to trusted parties in the SIP network across the PSTN-IP interface.” See <http://www.rfc-editor.org/rfc/pdf/rfc3372.txt.pdf>.

²⁵ *Order* ¶ 708.

necessary to audit PIUs and/or call records. The Commission should decline to grant general waiver requests involving IP-based signaling absent a detailed description of the specific circumstances in which such waivers are required.

Respectfully submitted,

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April 23, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Associations' Comments was served this 23rd day of April, 2012, by electronic filing and e-mail to the persons listed below.

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