

**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 the
ALASKA RURAL COALITION’S PETITION FOR LIMITED WAIVER OF THE
COMMISSION’S
CALL SIGNALING RULES**

The Alaska Rural Coalition (“ARC”) seeks a limited waiver of the Commission’s newly-adopted call signaling rules for its member companies for the circumstances described in its

petition.¹ ARC claims its member companies share similar network architectures and agree with ACS and GCI that all eligible telecommunications carriers (“ETCs”) providing service in remote Alaska face similar challenges in reconciling some of their existing signaling arrangements with the new signaling rules.² In addition, ARC seeks a broader waiver for its member companies to “continue to evaluate [their] compliance with the new rules, develop remediation plans, and seek further additional waivers as appropriate.”³

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. Rather than granting a broad waiver, however, the FCC should encourage ARC member companies to continue to evaluate their specific circumstances, and if they should discover they require additional waivers to address specific circumstances, the Associations encourage the FCC to grant such additional waivers expeditiously.

¹ The Alaska Rural Coalition’s Petition for Limited Waiver, WC Docket No. 10-90, *et al.* (filed Mar. 23, 2012) (*Petition*).

² *Id.* at 3-4.

³ *Id.* at 5.

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).

I. INTRODUCTION

In its November 18, 2011 USF and ICC Transformation Order,⁵ 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 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

ARC requests a waiver of the new call signaling rules to permit its member companies to address essentially the same four specific call signaling and routing challenges in rural Alaska as GCI identified in its waiver petition.⁹ ARC explains its membership consists of nearly all of the

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, *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, 26 FCC Rcd 17663 (2011) (*USF and ICC Transformation 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 Internet protocol (“IP”) technologies and invite additional opportunities for arbitrage.

⁹ *Petition* at 3.

RLECs in Alaska, and the issues raised by GCI in its Petition for Limited Waiver¹⁰ and by ACS in its Petition for Limited Waiver¹¹ accurately reflect the reality faced by all carriers serving rural and remote areas of Alaska. It explains that in remote Alaska, infrastructure challenges, financial constraints and technological issues have precluded universal adoption of SS7 for signaling, and most of the RLECs operating in Alaska have some component of their network that does not comply with the Commission's revised signaling requirements.¹²

The four circumstances identified by ARC for which it requests a waiver on behalf of its member companies are for when they:

- must substitute their own data in lieu of the calling customer's data when relying upon long distance transport within their local service territories;
- experience signaling challenges related to the provision of toll-free calling on a wireless platform;
- use data fields available in signaling to assign the cost of the service to the called party rather than the unsuspecting calling party when performing call forwarding and wireless roaming functions; and
- rely on traditional MF signaling in rural and remote areas of Alaska.¹³

ARC also requests a waiver to permit its member companies to “continue to evaluate [their] compliance with the new rules, develop remediation plans, and seek further additional waivers as

¹⁰ See Petition for Limited Waiver of General Communication, Inc., CC Docket No. 01-92, *et al.* (filed Feb. 27, 2012).

¹¹ See Alaska Communications Systems Group, Inc. Petition for Limited Waiver, WC Docket No. 10-90, *et al.* (filed Mar. 16, 2012).

¹² *Petition* at 4.

¹³ *Id.* at 4-5.

appropriate,” similar to the requests by ACS and GCI.¹⁴ ARC suggests granting its member companies the same type of waiver sought by ACS and GCI serves the public interest as efforts towards compliance would divert scarce resources from the provision of essential core services.¹⁵

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.¹⁶ 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.¹⁷

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 ARC explains, Alaska presents unique challenges for provisioning telecommunications services and for transmitting call signaling information, and Alaska carriers have developed their

¹⁴ *Id.* at 5.

¹⁵ *Id.*

¹⁶ *Order* ¶ 723.

¹⁷ 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 Transformation 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.

own set of arrangements to allow for accurate intercarrier billing for intra-Alaska calls.¹⁸ 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 ARC member companies to publish a list of switches covered by the waiver and to ensure their interexchange carriers provide terminating carriers with information necessary to audit Percent Interstate Usage (“PIUs”) and/or call records.¹⁹

Rather than grant ARC’s request for a general waiver for its member companies, however, the FCC should encourage ARC member companies to continue to evaluate their specific circumstances, and if they should discover they require additional waivers to address specific circumstances, the Associations encourage the FCC to grant such additional waivers expeditiously.

III. CONCLUSION

The Associations do not oppose grant of a limited waiver to ARC and its member companies that is confined in scope to the four specific circumstances described in ARC’s petition. 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 ARC member companies to publish a list of switches covered by the waiver and to ensure their interexchange carriers provide terminating carriers with information necessary to audit PIUs

¹⁸ *Petition* at 3-4.

¹⁹ *See, e.g.*, Comments of NECA, NTCA, OPASTCO, and WTA, WC Docket No. 10-90, *et al.*, at 5-7 (filed Feb. 9, 2012) (Comments on AT&T’s Petition); Comments of NECA, NTCA, OPASTCO, and WTA, WC Docket No. 10-90, *et al.*, at 6 (filed Feb. 29, 2012) (Comments on CenturyLink’s Petition); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 5 (filed Apr. 9, 2012) (Comments on Hawaiian Telecom’s Petition); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 6 (filed Mar. 19, 2012) (Comments on Verizon’s Petition).

and/or call records. The Commission should not, however, grant requests for blanket waivers of the new call signaling rules, but instead encourage further evaluation by carriers to identify any additional circumstances that might require additional waivers.

Respectfully submitted,

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May 4, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Associations' Comments was served this 4th day of May, 2012, by electronic filing and e-mail to the persons listed below.

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