

**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;
EASTERN RURAL TELECOM ASSOCIATION; and the
NATIONAL EXCHANGE CARRIER ASSOCIATION, Inc.
on
CONSOLIDATED COMMUNICATIONS’
PETITION FOR LIMITED WAIVER OF THE COMMISSION’S
CALL SIGNALING RULES**

Consolidated Communications, Inc. (“Consolidated”), on behalf of its operating company subsidiaries, requests a limited waiver of the new call signaling rules for a number of specific

circumstances identified in its Petition.¹ Consolidated states it requires the requested relief because the Commission's rules impose burdens with respect to call signaling that Consolidated cannot reasonably meet, particularly in the instances where Consolidated uses Multi-Frequency ("MF") signaling or Dual Tone Multi-Frequency ("DTMF") signaling technology in its network.²

The above-named Associations, representing rural rate-of-return regulated incumbent local exchange carriers ("RLECs"),³ do not oppose grant of a waiver to Consolidated that is limited to circumstances identified in its petition, provided such waiver is subject to the same limitations and conditions as those the Associations recommended for prior waiver requests.⁴ These

¹ See Petition of Consolidated Communications, Inc. for a Limited Waiver of the Commission's Call Signaling Rules in 47 C.F.R. § 64.1601, WC Docket No. 10-90, *et al.* (filed May 11, 2012) (*Petition*).

² *Id.* at 1.

³ 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 Eastern Rural Telecom Association (ERTA) is a trade association representing approximately 68 rural telephone companies operating in states east 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).

⁴ 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 6 (filed Mar. 19, 2012) (Comments on Verizon's Petition); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 6-7 (filed May 4, 2012) (Comments on FairPoint's Petition); Comments of NTCA, OPASTCO, WTA, and NECA, WC Docket No. 10-90, *et al.*, at 6 (filed May 14, 2012) (Comments on Level 3's Petition).

limitations and conditions would include a requirement that companies obtaining waivers provide lists of the switch locations covered by such waivers, provide to terminating carriers information necessary to audit Percent Interstate Usage (“PIUs”) and/or call records, and submit reports to the Commission at regular intervals detailing the status of the carrier’s efforts to upgrade its network to come into compliance with the rules.

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 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.⁶ 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.⁷ The Commission also amended its rules to require service providers still using MF signaling to pass

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

⁶ *Id.* ¶ 714.

⁷ *Id.*

the number of the calling party (or CN, if different) in the MF Automatic Number Identification (“ANI”) field.⁸

Consolidated requests a waiver of the new call signaling rules for the following specific circumstances. When Consolidated is acting as an ILEC, it claims it requires a waiver when:

- It is the originating carrier and it is using MF signaling to exchange local Extended Area Service (“EAS”) traffic with rural LECs and competitive LECs;
- It serves as a LATA tandem and some trunks connecting to end offices use MF signaling;
- An originating customer interconnects to its switch via DTMF signaling trunk groups and Consolidated does not receive CPN or CN from the originating customer, so it typically assigns a CN to a DTMF trunk group as a means to bill the customer;
- Consolidated does not receive CPN or CN on intraLATA traffic with respect to Operator Service/Directory Assistance (“OS/DA”) calls where the signaling is from an MF trunk; and
- Enterprise customers that have multiple telephone numbers routed through a single private branch exchange (“PBX”) populate the CPN field with a number that is not their CPN.

Consolidated also requests a waiver for when it is acting as an interexchange carrier (“IXC”) and customers originate traffic over dedicated access facilities that use MF signaling and the customers transmit a number in the MF ANI field that does not reflect the CPN. In such circumstances, Consolidated indicates it will include a pseudo CN number in the SS7 CN field when handing off the call to the next carrier using SS7 signaling to identify the trunk group from which the call originates, thus allowing the terminating carrier to determine jurisdiction.

⁸ *Id.* ¶ 716.

II. DISCUSSION

Consolidated states it requires a waiver because the Commission's rules impose burdens with respect to call signaling that Consolidated cannot reasonably meet, particularly in the instances where Consolidated uses MF signaling or DTMF signaling technology in its network.⁹

Consolidated argues compliance with the rule, absent a waiver, would require it to invest scarce capital resources to replace its existing MF equipment.¹⁰ Consolidated observes this investment would be wasteful unless the terminating carriers with whom Consolidated exchanges traffic also upgrade their networks to support SS7 signaling. Consolidated argues it should not be forced to allocate capital to retro-fitting obsolete network equipment and should instead be allowed to use that capital to expand its investment in broadband and Internet protocol ("IP") networks.¹¹

Consolidated also explains it has no control over what the PBX-based customers choose to include as the CPN. It indicates under some limited circumstances, Consolidated is able to screen the CPN and if the CPN does not match Consolidated's switch database, Consolidated will insert a "pseudo" number as the CPN to reflect the trunk group. Consolidated argues good

⁹ *Petition* at 1. The Commission declined to adopt a general technical infeasibility exception to its revised call signaling rules, indicating parties seeking limited exceptions or relief of the rules may avail themselves of the Commission's established waiver procedures. 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. 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.

¹⁰ *Petition* at 7.

¹¹ *Id.*

cause exists to grant its waiver with respect to the insertion of the “pseudo” number because this allows calls from these customers to be properly jurisdictionalized and billed.¹²

When acting as an IXC, Consolidated explains that when customers originate traffic over dedicated access facilities that use MF signaling, Consolidated will hand off the call to the next carrier using SS7 signaling and pass the number included in the MF ANI field in the SS7 CPN field. Consolidated explains, however, that in cases where the customer does not include the CPN in the MF ANI field, it will include a pseudo CN number in the SS7 CN field to identify the trunk group from which the call originates. Consolidated submits this will allow the terminating carrier to determine jurisdiction.¹³

The Associations do not oppose grant of a waiver to Consolidated for the specific circumstances identified in its petition. The Associations suggest that any waiver include requirements for Consolidated to publish a list of switches covered by the waiver, provide terminating carriers with information necessary to audit PIUs and/or call records, and submit reports at regular intervals detailing the status of its efforts to upgrade its network to come into compliance. The Associations agree that any investment to upgrade or retro-fit network equipment that uses MF technology (or DTMF technology) would be wasteful. As Consolidated has already indicated it plans to use this capital to expand its investment in broadband and IP networks, this should allow it to come into compliance with the Commission’s new call signaling rules, and thus reports detailing such plans should not be unduly burdensome.

¹² *Id.* at 8. Consolidated further argues good cause exists to grant a waiver for the circumstances where Consolidated does not screen the numbers that customers pass as CPN because these numbers are not “numbers associated with an intermediate switch, platform or gateway” at all. Consolidated argues including these numbers in the signaling stream for legitimate reasons, such as to provide a number of a customer service call center, does not undermine the Commission’s goal of eliminating phantom traffic. *Id.* at 9.

¹³ *Id.* at 10.

III. CONCLUSION

The Associations do not oppose grant of a waiver to Consolidated for the specific circumstances detailed in its Petition, provided such waiver is conditioned on the requirements discussed above.

Respectfully submitted,

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June 22, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Associations' Comments was served this 22nd day of June, 2012, by electronic filing and e-mail to the persons listed below.

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