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January 30, 2013

Ex Parte Notice

Ms. Marlene H. Dortch,
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Rules and Regulations Implementing the Truth in Caller ID Act of 2009, WC Docket No. 11-39

Dear Ms. Dortch:

On Tuesday January 29, 2013 the undersigned and Bob Gnapp on behalf of the National Exchange Carrier Association (NECA) together with Steve Pastorkovich from the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO); Derrick Owens from the Western Telecommunications Alliance (WTA), and Jill Canfield from the National Telecommunications Cooperative Association (NTCA), (collectively, Rural Representatives or Group) met with Priscilla Delgado Argeris of Commissioner Rosenworcel's Office to discuss rural call completion issues.

The Group discussed proposals for combating the growing call completion problem. It was noted that despite falling ICC rates, call completion problems in rural areas persist and are likely to persist without further Commission action.

As an initial matter, the Rural Representatives note yet again that this problem has been under examination for almost eighteen months. The Group also observes that the Commission's February 2012 Declaratory Ruling – and prior decisions – clearly reaffirmed the Commission's authority to investigate and prohibit blocking, choking, reducing, or restricting telephone traffic. The Group urges the Commission to adopt a compressed comment cycle in its forthcoming *notice* and seek expedited publication in the Federal Register. Because the threat call completion problems pose to public safety is

well documented in the record, good cause for a mandatory data request exists.¹ However, we welcome a *notice of proposed rulemaking* and all efforts to support swift and effective enforcement action.

To help identify and mitigate the source of these problems, the Rural Representatives propose the Commission require originating carriers retain call completion performance data for at minimum one year. This data should include at a minimum Answer/Seizure Ratio (ASR) and² Network Efficiency Ratio (NER), Average Call Duration (ACD)³, Post Dial Delay (PDD)⁴, and a summary of Call Cause Codes. This information should be provided separately for consumers in both rural⁵ and non-rural areas. Tracking these metrics are not an indictment of any carrier or carrier practices, but would provide a necessary and essential tool in identifying problem areas in the network and lead to better overall call quality.

The Commission should also establish minimum performance threshold ratios, based on the above, as well as rural versus non-rural performance deltas as a trigger to require additional reporting requirements and/or originating carrier investigation.

The Rural Representatives also propose a rule that would prevent false or “phantom” ring-back signals that lead to the calling party hearing ringing before the call has properly set-up. The Group also proposed requiring originating carriers to report when they contract with or otherwise use a Least Cost Route (LCR) provider who is charging rates below applicable terminating intercarrier compensation charges.

The Group discussed which entities should be subject to these proposed rules and whether there would be any exemption for a subset of service provider or underlying technology. The Group urged the Commission to adopt a technologically neutral approach in considering any proposals to combat this growing problem and expressed doubts on any proposal exempting, or providing a safe harbor to, any particular originating carrier from these requirements.

To help facilitate industry cooperation and communication, we also discussed expansion of the carrier-to-carrier contact list. The Commission should require all of the nation’s largest carriers to provide up-to-date rural call completion contact information.

The Group responded to questions about whether there were carriers overtly refusing to complete calls to high cost areas or to areas where an interconnection agreement has not yet been established.

¹ 5 U.S.C. §§ 553(b)(3)(B) (notice and comment not required “when the agency for good cause finds ... that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest”).

² The ASR and NER are industry defined measurements of call completion success.

³ Average Call Duration (ACD) – ACD is a measurement of call quality. Shorter average call durations indicate a higher volume of calls were abandoned because the quality was unacceptable or unusable.

⁴ Post Dial Delay (PDD) – PDD is an industry defined measurement of call setup delay.

⁵ An incumbent local exchange carrier not subject to price cap regulation as that term is defined in 47 C.F.R. § 61.3. See 47 C.F.R. § 54.5.

The Rural Representatives also discussed planning that is underway for a collaborative test call project among rural local exchange carriers and members of the Alliance for Telecommunications Industry Solutions (ATIS) Next Generation Interconnection and Interoperability Forum (NGIIF). While details are still being finalized, the test call project is designed to allow real time detection and resolution of call completion problems and the identification of common call failure points. The Group made it clear the project is open to all originating providers regardless of technology used to transport calls.

The Group also expressed support for providing a streamlined online form that consumers could use to alert the Commission to call completion problems. The current instructions⁶ and FCC Form 2000B⁷ can be confusing to consumers and carriers alike. The Group suggested a new streamlined form that would only include required fields for the calling number, called number, and the date of the problem. Any additional fields should each be clearly labeled as optional.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. If you have any questions, please do not hesitate to contact me at (202) 682-2496 or csandy@neca.org.

Sincerely,



Attachment

cc:

Priscilla Argeris
Julie Veach
Terry Cavanaugh
Margaret Dailey
Bill Dever
Lisa Gelb
Chris Killion
John Healy
Richard Hovey
Travis Litman
Theodore Marcus

⁶ See <http://transition.fcc.gov/eb/rcc/Welcome.html>.

⁷ See http://transition.fcc.gov/eb/rcc/RCC_Form2000B.html.