

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Rural Call Completion)	WC Docket No. 13-39
)	

**COMMENTS of the
NATIONAL EXCHANGE CARRIER ASSOCIATION, Inc.,
NTCA – THE RURAL BROADBAND ASSOCIATION, the
WESTERN TELECOMMUNICATIONS ALLIANCE, and the
EASTERN RURAL TELECOM ASSOCIATION**

May 13, 2013

TABLE OF CONTENTS

- I. SUMMARY i**
- II. INTRODUCTION..... 2**
- III. DISCUSSION. 6**
 - A. Rules Governing Data Reporting, Record Keeping and Retention Require Refinement to Achieve the Commission’s Goals in this Proceeding. 6**
 - 1. The Obligations of Monitoring and Reporting are Most Properly Placed Upon Facilities-based Providers With Control of the Initial Long Distance Routing, Regardless of Technology Chosen to Do So. 7**
 - 2. All Call Attempts Should Be Reported. 9**
 - 3. Rural Call Completion Data Should Be Collected on a Weekly Basis. 11**
 - 4. All Call Detail Data Should be Reported. 12**
 - 5. Both Call Answer Rates and Network Effectiveness Ratios Must Be Collected To Assure Accurate Analysis of Rural Call Completion Data. 14**
 - B. The Proposed Safe Harbors are Overly Broad and Will Create Exceptions that Swallow the Rule. 16**
 - 1. Certification that intermediate providers use no more than one additional intermediate provider in the call path provides no reasonable basis for a reporting “safe harbor.” 17**
 - 2. Reduced Data Retention Obligations for Providers who Self-Certify to Call Completion Thresholds Would Undermine the Commission’s Ability to Track Call Completion Rates While Offering Little Corresponding Benefit. 18**
 - C. The Public Should Have Access To Originating Provider Reports..... 20**
 - D. The Commission Should Not Set an Artificial or Arbitrary Date For Terminating Reporting Requirements; They Should Sunset When a Determination Is Made They Are No Longer Necessary..... 21**
 - E. Ring Signaling Integrity Requirements Must Provide An Accurate Indication Of Call Status To Telephone Users..... 23**
 - F. The Commission Should Revise the Scope of its Carrier and Consumer Complaint Processes to Permit Accurate Evaluation of Call Completion Performance..... 25**
 - 1. The Commission Should Create and Maintain a Mandatory Registry of Provider Contact Information to Facilitate the Resolution of Individual Call Completion Problems..... 26**

2.	The Commission Should Streamline its Call Completion Consumer Complaint Form.	27
IV.	CONCLUSION	28

I. SUMMARY.

The Rural Associations support meaningful rules requiring providers to capture and report data necessary for the Commission to monitor carrier call completion performance and aid in enforcement action. The rules proposed in the NPRM require clarification and refinement in order to assure the collection of meaningful data on rural call completion problems.

The Rural Associations submit that only facilities-based providers with control of the initial long distance routing should be subject to reporting requirements because they are best able to supply the necessary call performance data. The Commission should accordingly make clear that it seeks information specifically from those facilities-based originating providers with the ability to choose the initial call path for purposes of routing long distance calls.

The proposed reporting threshold of 100 calls per month per operating carrier number (“OCN”) threshold conflicts with the Commission’s collection and reporting goals. This threshold would fail to capture call completion failures at the smallest rural telephone companies. The Commission should also not limit reporting to peak hours. Such a limitation suggests call completion failures in rural areas are merely a symptom of network congestion. There is no evidence to support this notion.

The Rural Associations recommend the Commission require weekly call completion data to be reported by carriers on a quarterly basis. This frequency of collection and reporting would strike the appropriate balance between sufficient granularity (to aid in compliance, investigation, and enforcement) and burden on reporting carriers.

The Rural Associations support the Commission’s proposal to collect the calling party number, called party number, date and time; whether the call attempt was handed off to an intermediate provider and, if so, which intermediate provider; whether the call attempt was going

to a rural carrier and, if so, which rural carrier as identified by its OCN; whether the call attempt was interstate; and whether the call attempt was answered. To deal with call completion problems effectively the Commission should require full recording, retention and reporting of all data and not rely on statistical samples. The Rural Associations support collection of data necessary to permit development of a Call Answer Rate (“CAR”), but recommend the Commission also collect data to permit calculation of a Network Effectiveness Ratio (NER) as well. Collecting data on both factors will allow the Commission to differentiate failures associated with end user behaviors and failures caused within the network itself, and therefore provide a more granular assessment of rural call completion problems.

Regardless of the metric used to compare rural and non-rural areas, the Commission should not set an arbitrary delta of lesser call completion rates in rural areas or provide a safe harbor for providers operating within that delta. The Commissioner should strive for nothing less than parity in call quality and completion rates between rural and non-rural areas.

The Commission should not consider establishing “safe harbors” for reporting carriers until sufficient data has been obtained to assure call completion problems are under control. In any event, certification that intermediate providers use no more than one additional intermediate provider in the call path provides no reasonable basis for a reporting “safe harbor.” This proposed safe harbor is overly broad and provides no guarantee such a limitation would eliminate causes of call failure/quality issues. Reducing data retention obligations for providers who self-certify to call completion thresholds would also undermine the Commission’s ability to track call completion rates while offering little corresponding benefit.

The Rural Associations oppose the use of false ring-back or any other tone or message that misleads the calling party into believing the call has successfully reached its destination or

falsely indicates the terminating carrier's status. The Commission should mandate that originating providers may generate no noise, ringing, music or message that would could lead a calling party to believe that a call has properly completed, when it has not.

There should be no artificial sunset to rural call completion collection, retention, and reporting rules. Rural call completion problems need to be completely eliminated before the Commission relaxes or eliminates the reporting and recordkeeping requirements needed to support its investigation and enforcement efforts. It is highly unlikely the need for these rules will sunset with the elimination of access charges because the intermediate provider market will still exist.

The FCC should require originating providers to submit direct contact information for a responsible individual in their organization who can field calls from downstream carriers who experience call completion issues. To date, voluntary participation by originating carriers on a national carrier contact list has had mixed and limited success.

Complexity of the current web form used to collect consumer complaints has served as a deterrent to some would-be complainants. The Rural Associations herein provide suggestions for improving this form and request the Commission seek expedited approval of a simplified complaint form for consumers.

It is the Rural Association's hope that these proposed rules, modified as described herein, paired with enforcement action will eliminate the call completion problems that currently plague rural America.

**Before the
 FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554**

In the Matter of)	
)	
Rural Call Completion)	WC Docket No. 13-39

**COMMENTS of the
 NATIONAL EXCHANGE CARRIER ASSOCIATION, Inc.,
 NTCA – THE RURAL BROADBAND ASSOCIATION, the
 WESTERN TELECOMMUNICATIONS ALLIANCE, and the
 EASTERN RURAL TELECOM ASSOCIATION**

The National Exchange Carrier Association, Inc. (“NECA”), NTCA – The Rural Broadband Association (“NTCA), the Western Telecommunications Alliance (“WTA”), and the Eastern Rural Telecom Association (“ERTA”) (collectively, the “Rural Associations”)¹ hereby submit these comments in response to the Commission’s Notice of Proposed Rulemaking in the above-captioned proceeding.²

¹ 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). NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service local exchange carriers (LECs) and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities. Each member is a “rural telephone company” as defined in the Communications Act of 1934, as amended. WTA is a trade association that represents over 250 small rural telecommunications companies operating in the 24 states west of the Mississippi River. ERTA is a trade association representing rural community based telecommunications service companies operating in states east of the Mississippi River.

² *In the Matter of Rural Call Completion*, Notice of Proposed Rulemaking, WC Docket No. 13-39, FCC 13-18 (rel. Feb. 7, 2013) (“*NPRM*”).

II. INTRODUCTION

For over two years, the Rural Associations and others have advised the Commission that voice calls to consumers and businesses located in rural areas of the United States have been dropped or blocked before reaching the networks of rural rate-of-return regulated local exchange carriers (“RLECs”).³ Among those calls that do happen to reach RLEC networks, many are of such poor quality that the parties cannot communicate. These practices have reduced many rural communities and customers to second or third-class status within our nation’s telecommunications network. RLECs, whose resources are already stretched thin, have devoted many staff hours responding to angry customer complaints and have done their utmost to track down and troubleshoot these failed calls. And these known instances are almost certainly only the “tip of the iceberg,” given that it often takes a customer complaint to even recognize the problem is occurring. There are undoubtedly numerous additional instances when uncompleted or substandard calls are not being detected or reported.

Recognizing that practices that block, drop or degrade calls to rural destinations can only be deterred by meaningful rules and effective enforcement, the Rural Associations, individual carriers, state regulators, consumer advocates, and members of Congress, among others, have implored the Commission to take action to restore the integrity and reliability of the voice

³ *E.g.*, Letters from Colin Sandy, NECA, to Marlene H. Dortch, FCC, WC Docket No. 07-135 (filed Jan. 28, 2013 and May 21, 2012); Letter from Michael R. Romano, NTCA, to Marlene H. Dortch, WC Docket No. 07-135 (filed Mar. 11, 2011); Letter from Jill Canfield, NTCA, to Marlene H. Dortch, FCC, WC Docket No. 07-135 (filed Oct. 7, 2011); Letter from Stephen Pastorkovich, OPASTCO, to Marlene H. Dortch, FCC, WC Docket No. 07-135 (filed Jan. 26, 2012).

telephony system for users in all regions of the United States.⁴ To its credit, the Commission has recognized that this crisis results in “dire consequences.”⁵ As the Commission has stated: “Small businesses can lose customers who get frustrated when their calls don’t go through. Urgent long distance calls from friends or family can be missed. Schools may be unable to reach parents with critical alerts, including school closings due to extreme weather. And those in need of help may be unable to reach public safety officials.”⁶

The extent and ramifications of these problems, and the real costs to residential users and small businesses alike, cannot be understated – and their resolution needs to occur on a comprehensive and expedited basis. State regulators, members of Congress, the Commission, and RLECs have been inundated with real-life examples of how doctors have been unable to communicate with hospitals and pharmacies; worried family members cannot reach sick or elderly relatives; job opportunities have been missed; and sales have been lost, to name just a few.⁷

The Commission has held workshops, formed a task force, and issued a Declaratory Ruling⁸ reiterating that voice calls must go through and may not be degraded or blocked, and that

⁴ *E.g.*, Letter from U.S. Senators to FCC Chairman Genachowski (dated Jan. 18, 2013); Letter from Philip B. Jones, NARUC President, Commissioner, WUTC, to FCC Chairman Genachowski, WC Docket No. 07-135 (filed Feb. 11, 2013).

⁵ Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92, Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135, Declaratory Ruling, 27 FCC Rcd. 1351 (2012) ¶ 2 (*Declaratory Ruling*).

⁶ *Id.*

⁷ *See e.g.*, Letter from Shirley Bloomfield, NTCA, to FCC Chairman Genachowski, WC Docket No. 10-90, *et al.* (filed Sept. 20, 2011); Letter from Tim Schram, Chairman, Nebraska PSC, *et al.*, to FCC Chairman Genachowski, WC Docket No. 10-90, *et al.* (filed Dec. 1, 2011); Letter from Michael R. Romano, NTCA, *et al.*, to Theresa Z. Cavanaugh and Margaret Dailey, Enforcement Bureau, FCC (filed June 13, 2011) (*Associations’ June 13, 2011 Letter*).

⁸ *Supra* n.5.

even inadvertent instances may subject originating carriers to penalties.⁹ These initial actions have led to some improvements for brief periods and in limited geographic areas, but the problem has nonetheless grown worse.¹⁰

RLECs and their representatives have engaged with the FCC and others to conduct extensive surveys and tests and to develop voluntary best practices.¹¹ Thus far, these measures have done little more than refine what amounts to a game of regulatory “whack-a-mole.” After great effort, the problems are temporarily solved in one place but reappear in the same or similar areas days, weeks, or months later.¹² Most recently, the Commission entered into a consent decree with one provider.¹³ While a welcome and much-needed step, this action has not stemmed the accelerating deterioration in call completion statistics.¹⁴ Indeed, if treated and seen as a one-time event by others in the industry, the Rural Associations fear that others will feel the “coast is clear” and resume (or undertake) questionable routing practices with relative impunity.

Deliberate non-completion of calls is a national, rather than a rural, problem. It affects not only rural consumers and businesses, but also harms urban users when their ability to reach

⁹ *E.g.*, *FCC Announces Agenda for October 18 Rural Call Completion Workshop*, Public Notice DA 11-1715 (rel. Oct. 14, 2011); *FCC Launches Rural Call Completion Task Force to Address Call Routing and Termination Problems in Rural America*, News Release (rel. Sept. 26, 2011).

¹⁰ Association Joint October 2012 survey; 62% of respondents indicated complaints have remained the same or increased during the prior 7 months despite growing consumer reluctance to file complaints. *See* Letter from Colin Sandy, NECA, to Marlene H. Dortch, FCC, WC Docket No. 07-135, *et al.* (filed Nov. 15, 2012).

¹¹ *Id.* *See, e.g.*, Letter from Michael R. Romano, NTCA, to Marlene H. Dortch, FCC, WC Docket No. 07-135, attach. (filed Mar. 11, 2011).

¹² *See* Letter from Michael Romano, NTCA, to FCC Chairman Genachowski, WC Docket No. 07-135 (filed Dec. 13, 2012).

¹³ *See Level 3 Communications, LLC*, File No.: EB-12-IH-0087, Order and Consent Decree, DA 13-371 (rel. Mar. 12, 2013).

¹⁴ *See* Letter from Jill Canfield, NTCA, to Marlene H. Dortch, FCC, WC Docket No. 13-39 (filed Apr. 25, 2013).

family members, friends and rural businesses is compromised. Even for those who never call a rural area, the value of the voice network to them is diminished as the reliability of the nationwide network is degraded. There are severe adverse impacts to regional economies and the national economy if consumers and businesses in certain areas cannot reliably be reached.

Dangers to individual public safety are also significant.

The recounting of this history and the serious risks presented is not intended to impugn or express disregard for the Commission's efforts in seeking solutions for rural call completion problems. But this history highlights that even the best intentions have yet to find a result that fully protects consumers, ensures public safety, promotes commerce, or otherwise fulfills the basic mandate of this Commission to regulate:

interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communications¹⁵

The NPRM represents a positive step – but one that needs to lead rapidly to a clear and comprehensive Order and effective rules, and that is paired with swift, effective, and conclusive enforcement that will end, once and for all, an epidemic that threatens public safety, undermines commerce, and will at some point lead to injury, loss of property – or worse.¹⁶

¹⁵ 47 U.S.C. § 151.

¹⁶ The Rural Associations point out that the Commission recently issued a \$7.6 Million Notice of Apparent Liability and Forfeiture against a carrier accused of slamming and cramming violations within the last twelve months. The penalty was adjusted upward in part because the actions caused substantial harm or generated substantial economic gain for the violator. *See Advantage Telecommunications Corp.*, File No.: EB-TCD-12-00004803, Notice of Apparent Liability for

As discussed below, however, even some of the most promising proposals in the NPRM include exceptions or limitations that threaten to undermine, if not eviscerate, the efficacy of the Commission's efforts from the outset. As the past several years have proven, half-measures, delays, and a light touch in this matter will only result in consumers being further harmed by those who, whether by design or lack of diligence, are causing the nation's voice network to deteriorate, one failed or masked call at a time.

Put most simply, while certain steps in the NPRM could help to improve enforcement against and elimination of this problem, such enforcement can and must continue even as the NPRM is pending – and if certain proposals in the NPRM are watered down through imprecise “safe harbors” that become gaping “loopholes,” the NPRM will provide little, if any, aid in resolving these significant public safety and economic security concerns.

III. DISCUSSION.

A. Rules Governing Data Reporting, Record Keeping and Retention Require Refinement to Achieve the Commission's Goals in this Proceeding.

The Commission proposes to require facilities-based originating long-distance providers measure the call answer rate (“CAR”) for each rural operating company number (“OCN”) to which 100 or more calls were attempted during the calendar month. Originating long-distance providers would also be required to measure the overall CAR for non-rural call attempts. Carriers would be required to submit reports in electronic form detailing the monthly CAR for

Forfeiture, FCC 13-68 (rel. May 9, 2013). Call completion problems have persisted for more than two years and to date, there is only once instance of Commission action against a carrier that resulted in a consent decree with a relatively small fine in relation to the financial gain carriers obtain by engaging in substandard routing practices. Financial incentives are driving the call completion problems, and the harm that has been caused by call failures is great in terms of lost business, threats to public safety and harm to the nationwide communications network.

rural OCNs meeting the 100 attempt threshold, and also report non-rural monthly overall averages to the Commission once per calendar quarter.¹⁷

The Rural Associations support meaningful rules requiring providers to capture and report the data necessary to monitor carrier call completion performance. The rules proposed in the NPRM, however, require clarification and refinement to assure the collection of meaningful data on rural call completion problems. Specific suggestions for accomplishing these goals are outlined below.

1. The Obligations of Monitoring and Reporting are Most Properly Placed Upon Facilities-based Providers With Control of the Initial Long Distance Routing, Regardless of Technology Chosen to Do So.

The Commission proposes to adopt reporting requirements for facilities based originating long-distance providers.¹⁸ The NPRM states that such providers would include local exchange carriers, interexchange carriers, commercial mobile radio service (CMRS) providers, and interconnected VoIP service providers.¹⁹

The Commission should make clear that its record keeping and reporting requirements will apply to providers that “own” the calls and consider refining and clarifying its definition of “facilities-based originating long-distance providers” to avoid confusion in identifying which party bears the ensuing obligations and how the data can be efficiently analyzed by the Commission. Carriers or other providers that might be facilities-based in the local context (*i.e.*, owning the local loop and switching or routing facilities used to originate and terminate calls) but that merely re-sell another carrier’s wholesale long-distance service (or use another

¹⁷ *NPRM* ¶ 20.

¹⁸ *Id.* ¶ 13.

¹⁹ *Id.*

provider's IP-based routing service to transmit long-distance calls) have little ability to control the routing of calls once handed off to such wholesalers, and have little or no access to the performance information that the Commission seeks. The Commission should accordingly make clear that it seeks information specifically from those facilities-based originating providers (whether TDM or IP-based²⁰) with the ability to choose the call path for purposes of routing long-distance calls.

²⁰A substantial and increasing portion of LD toll calls are carried in whole or part over IP facilities. *See Migrating from TDM to IP: Getting the Ball Rolling*, Level 3 (June 2009), [http://www.broadcore.com/resources/files/Migrating_from_TDM_to_IP%20\(2\).pdf](http://www.broadcore.com/resources/files/Migrating_from_TDM_to_IP%20(2).pdf). Rules should be technology-neutral, and competitive equity requires that TDM and IP calls be subject to the same basic rules and policies. LCRs and other intermediate providers must not be granted a loophole to use IP routing techniques as “get out of compliance free” cards where call completion rules are neither applicable nor enforced. Indeed, if the Commission cannot regulate to establish and enforce rules that are essential to ensure fundamental, reliable connectivity between users of communications services regardless of the technology used to provide those services or the regulatory self-determination of the providers offering them, this would all but render the Commission's remaining regulatory oversight meaningless. Fortunately, as is unmistakably clear from the many Title II-like obligations that have been applied to VoIP communications in the past, the Commission's ancillary authority permits it to apply regulations to even non-carriers utilizing purportedly enhanced technologies where necessary to satisfy essential public policy objectives and fulfill duties under the Act. *See, e.g., Communications Assistance for Law Enforcement Act and Broadband Access and Services*, ET Docket No. 04-295, RM-10865, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd. 14989 (2005) ¶ 42; *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket No. 07-243, *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, *IP-Enabled Services*, WC Docket No. 04-36, *Telephone Number Portability*, CC Docket No. 95-116, *CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues Final Regulatory Flexibility Analysis Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order, Declaratory Ruling, Order on Remand and Notice of Proposed Rulemaking, 22 FCC Rcd. 19531 (2007) ¶ 28; *Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service, et al.*, Report and Order and Notice of Proposed Rulemaking, 21 FCC Rcd. 7518 (2006) ¶¶ 36, 53, 55 (*Interim USF Order*); *See IP-Enabled Services*, WC Docket No. 04-36, *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd. 10245 (2005), Statement of Kevin J. Martin.

There is precedent for defining reporting obligations based upon access to relevant information in the call routing context. In the Payphone Compensation Order²¹ for instance, after efforts to rely on inter-carrier contract terms to reconcile separate data records failed, the Commission assigned responsibility for maintenance of call completion data by “placing responsibility on the party with the most accurate information.”²² Similarly here, facilities-based long-distance providers (whether using traditional long-distance services or IP routing services) are the entities that choose from among a variety of “least cost routers” for the initial call path. These are also the entities that have financial incentives to choose less expensive, potentially lower quality routes. Thus, these facilities-based providers who hold themselves out as handling “long distance” traffic for local service carriers and VoIP providers that maintain only local facilities should bear the responsibility of tracking and reporting on their call completion results.

2. All Call Attempts Should Be Reported.

The NPRM proposes to set a threshold level of 100 call attempts per month per carrier as determined by OCN,²³ and seeks comment on whether reporting requirements should be limited to calls attempted in peak periods.²⁴ The Commission also states “it is necessary to measure performance at the individual rural telephone company level, as identified by the OCN, to ensure that poor performance to any individual rural telephone company is not masked.”²⁵ The proposed reporting threshold of 100 calls per month per OCN, and limiting data monitoring only

²¹ *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Report and Order, 18 FCC Rcd. 19975 (2003) (*Payphone Compensation Order*).

²² *Id.* ¶ 38.

²³ *NPRM* ¶ 20.

²⁴ *Id.* ¶ 21

²⁵ *Id.* ¶ 20 (emphasis added).

to peak hours, undermine this stated objective by excluding performance data associated with smaller call volume destinations and during critical non-peak periods (for example, during certain evening, late night and early morning hours when it may be necessary to check in on an elderly parent residing in a rural area).²⁶ These thresholds should therefore not be adopted.

Approximately 14 percent of RLECs have fewer than 500 total lines.²⁷ A 100 call-per-month threshold will almost certainly exclude relatively small RLECs (and perhaps some larger ones as well) from many originating providers' quarterly reports. This means an originating provider could fail to complete 98 out of 99 call attempts to a small RLEC, and yet this serious problem would not even appear on the Commission's radar screen. Taken across all OCNs, this means thousands of calls per month to rural consumers could deliberately be dropped, without being picked up in call completion reports, and responsible providers would not be subject to the necessary scrutiny and sanctions.

Affirmative reporting of all call attempts, irrespective of threshold as to any one terminating OCN, is unlikely to impose significant additional burdens on originating long-distance providers. Under the Commission's proposal, originating providers already need to record information for each long-distance call attempt they handle,²⁸ and such providers already track and aggregate these call attempts by terminating OCN. Once this tracking and aggregation has taken place, it actually takes less effort to report results for all OCNs than to separate out the

²⁶ Based on the data submitted for rural rate of return study areas in the 2012 Annual USF Submission -Year End 2011 data, 145 study areas out of a total of 1,076 had 500 or fewer category 1.3 working loops.

²⁷ Based on the data submitted for rural rate of return study areas in the 2012 Annual USF Submission -Year End 2011 data, 145 study areas out of a total of 1,076 had 500 or fewer category 1.3 working loops.

²⁸ *NPRM* ¶ 22.

results for those OCNs with less than 100 calls. Because this data will be essential to alleviating call completion problems for *all* Americans, no artificial reporting threshold should be set per OCN. The benefit of transparency and disclosure gained through reporting on every OCN far outweighs any purported “burden” of including these data, as the information must be tracked and aggregated in any event.

The NPRM also questions whether reporting requirements should be limited to calls attempted in peak periods, such as between noon and 6:00 p.m.²⁹ Limiting reporting to peak hours suggests call failures are attributable solely to network congestion. This is not the case, and there has never been any indication or allegation to this effect. Calls may be blocked or fail for many non-congestion related reasons including call looping, improper routing table set-up (translation errors), or improper compression (*e.g.*, CODEC algorithms). Calls may also be blocked by an intermediate provider.³⁰ Moreover, non-completed calls can have adverse public safety, social and economic impacts during non-peak hours as well as peak hours. Because the Commission and the industry need to understand and address all causes of call completion problems, the Commission should refrain from limiting reporting requirements to peak hours.³¹

3. Rural Call Completion Data Should Be Collected on a Weekly Basis.

The Commission should require originating providers to measure and record rural call completion data on a weekly basis. This approach is more granular than the monthly standard proposed in the NPRM, but is much more likely to capture the kinds of intermittent problems

²⁹ *Id.* ¶ 21

³⁰ ATIS Intercarrier Call Completion/Call Termination Handbook at 4.1.3.2, 4.2.1 and 4.3.5.

³¹ It is also worth noting that date and time of call are part of the call detail data that the Commission proposes to collect. Having access to such data would help to identify whether and to what degree network congestion during certain (peak) periods might in fact contribute to call failures, without limiting access to data that might indicate other causes for concern.

that plague consumers today and will better assist the Commission in investigating problems and enforcing solutions.

Information provided to the Rural Associations via various surveys and member company discussions indicate call completion issues are often sporadic.³² Cases may occur where a lower-quality least-cost router (“LCR”) is used for only a few days during the month. Under a monthly measurement approach, such short-term failures will likely be masked. Given the need to obtain accurate and representative data over the month, requiring carriers to collect call data on a weekly basis strikes a reasonable balance.

4. All Call Detail Data Should be Reported.

The NPRM proposes originating long-distance providers collect and retain data on calling party number, called party number, date and time; whether the call attempt was handed off to an intermediate provider and, if so, which intermediate provider(s); whether the call attempt was going to a rural carrier and, if so, which rural carrier as identified by its OCN; whether the call attempt was interstate; and whether the call attempt was answered.³³

All of the data sought by the Commission are useful and necessary for successful investigation and categorization of call failures. Calling party number and called party number data allows the Commission to identify who placed a call and the intended called party with respect to a non-completed call. The called party number is necessary in order to match whether the intended called number and the one recorded is the same, and may allow the call to be traced through the call path. Recording date and time could shed light on trends in call completion issues related to certain events or calling periods and allow matching of customer complaints

³² See *Associations’ June 13, 2011 Letter* at 3; App. A, comments 7 and 11.

³³ NPRM ¶ 22.

with call records. Tracking rural versus non-rural call information would identify the disparity in call completion rates between rural and non-rural areas, as evidenced in Association test calls. Identifying the carriers by OCN will aid in substantiating claims by rural telephone subscribers who have submitted complaints, and allow the Commission to identify regional issues. Originating providers collect and exchange most of this data for customer billing purposes and for verification of LCR provider bills and intercarrier compensation charges.³⁴ Thus, recording this call detail data for purposes of evaluating call completion results will not impose a significant burden on providers.

The Commission asks whether allowing providers to record and retain a statistically valid sample of these data would be sufficient to fulfill the purposes of data retention and provide the basis for required reporting while reducing burdens on providers.³⁵ The Commission further asks whether a statistical sample would be sufficient to support enforcement actions.³⁶

To deal with call completion problems effectively the Commission should require full recording, retention and reporting of data. Use of statistical samples in this instance will likely diminish the Commission's ability to obtain an accurate and complete sense of the problem and to thoroughly investigate individual consumer and carrier complaints. Recently the Commission considered whether it could reduce the burden of its special access data collection by collecting

³⁴ ATIS – 0406000-2300. The Exchange Message Interface (EMI) document is a message exchange guideline for the telecommunications industry. It is used as a standard method of interface between companies providing various services in the industry. The EMI is used to support customer billing and various customer and company support functions needed by the industry (e.g. account summary and tracking analysis).

³⁵ *NPRM* ¶ 23.

³⁶ *Id.*

all of its data from a sample.³⁷ The Commission rejected this idea because, among other reasons, 1) the burden of producing the sample would be similar to producing all the data, and 2) “the statistical error of any conclusions based on a sample could be significantly higher” than conclusions based on the entire data set.³⁸ The same logic would and should apply to call completion data collection.

Other problems would likely arise in developing statistically valid sampling techniques across a diverse set of conditions, and there would be inevitable challenges to whatever methodology is chosen. The Commission accordingly should require collection and retention of full data at least until such time that it can determine that call completion problems are well on their way to being resolved.

5. *Both Call Answer Rates and Network Effectiveness Ratios Must Be Collected To Assure Accurate Analysis of Rural Call Completion Data.*

The Commission proposes to use a call answer rate (“CAR”) as the basic measure of call completion performance.³⁹ Under the proposed approach, call attempts that are answered by the called party, including by voicemail, answering machine, or fax machines, would be included in call completion statistics.

Relying solely on CAR data may not provide sufficient information to evaluate rural call completion statistics. As the NPRM notes, CAR data captures “user cause” call failures

³⁷ See *Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25, Report and Order and FNPRM, 27 FCC Rcd. 16318 (2012) ¶ 25.

³⁸ *Id.*

³⁹ The NPRM (¶ 27) defines the CAR as the number of call attempts that result in an answer divided by the total number of calls attempted, expressed as a percentage.

including ring-no-answer, caller busy and unallocated number calls.⁴⁰ While the CAR can be very useful in determining network performance over time for a given area, the inclusion of such “user cause” values in this ratio complicates the process of evaluating network performance in diverse areas served by rural carriers. For example, percentages of ring-no-answer and end user busy calls can differ in areas based on user adoption rates of voice-mail service, answering machines, and FAX machines (*i.e.*, areas with higher voice-mail service and FAX machine penetration rates, such as those with greater business versus residential subscriber bases, may tend to have lower end-user failures and therefore lower CARs). This may make it challenging to identify abnormally high user-outcomes or to distinguish between user behaviors and network failures; in fact, it may yield a “false positive” with respect to rural call completion concerns when the reasons for differing completion rates arise out of user adoption preferences as noted above.

Collecting data on additional performance metrics could address this shortcoming. For example, the Commission could require originating providers to report both the CAR *and* the Network Effectiveness Ratio (“NER”). NER is an ITU measurement of network quality.⁴¹ The NER is similar to the CAR, but excludes values generated by end-user behavior. Collecting both factors will allow the Commission to differentiate failures associated with end user cause values and the network itself. Comparisons of this more granular data should greatly enhance the ability to identify poor originating provider performance at a national, state and OCN level.⁴² It

⁴⁰ *Id.* ¶ 29.

⁴¹ ITU-T Recommendation E.425.

⁴² The NER can be calculated simply by collecting one additional data point. Specifically, the Commission should require originating providers to report the number of calls with user call values. As the NPRM recognizes, the number of user-outcomes can be obtained from each call’s cause value. *NPRM* at n.54. The calculation of this ratio will be (calls answered + calls with user-

will also help the Commission determine if originating or intermediate providers are engaged in false or misleading signaling practices. Moreover, because originating providers must review each call's cause value in the first instance to calculate the CAR, capturing this additional data point will not present a significant incremental burden.

B. The Proposed Safe Harbors are Overly Broad and Will Create Exceptions that Swallow the Rule.

The Commission proposes two safe harbors by which providers can avoid or reduce their obligations under the data reporting and retention obligations. The stated purpose of the safe harbors is to minimize the burden of compliance without compromising the goals of the rules.⁴³ The Rural Associations remind the Commission that the industry has had years to solve the continuing call completion problems under threat of enforcement action and to date, little progress has been made. Overly broad safe harbors threaten to unravel the fabric of this rulemaking and create additional obstacles for parties, including the Commission, who seek access to the records to solve this persistent problem and pursue complaints and enforcement action against bad actors. In short, the exceptions provided by the proposed safe harbors run the real risk of swallowing the rules, leaving the Commission with few, if any, reporting entities and little, if any, meaningful data by which to justify enforcement – thereby leaving consumers and the industry in the very same limbo that persists today, rendering the work of this NPRM for naught.

outcomes) / call attempts. This information would permit the Commission to calculate network failures by subtracting calls answered and calls with user outcome from calls attempted. A modified reporting template containing the expanded collection is illustrated in Attachment 1 to these comments.

⁴³ *NPRM* ¶ 32.

1. *Certification that intermediate providers use no more than one additional intermediate provider in the call path provides no reasonable basis for a reporting “safe harbor.”*

The Commission proposes to relieve a provider of all call completion data retention and reporting obligations if it certifies on an annual basis that it restricts by contract directly connected intermediate providers to no more than one additional intermediate provider in the call path before the call reaches the terminating provider.⁴⁴ Cited for this provision is the *ATIS Handbook*, which indicates that as the number of providers handling a call increases, there is the potential for lengthier call setup delay and other impairments.⁴⁵ Providers seeking to take advantage of this safe harbor must further certify that any nondisclosure agreement with an intermediate provider permits the originating provider to reveal the identity of the intermediate provider to the Commission and to the rural carrier(s) whose incoming long-distance calls are affected by the intermediate provider’s performance, and that the provider has a process in place to monitor the performance of its intermediate providers in completing calls to individual rural telephone companies as identified by OCN.⁴⁶

The proposed safe harbor is overly broad as there is no evidence to suggest that limiting the number of hops in a call path will address most of the causes of call blocking or call failure/quality issues. If the first and/or second intermediate provider has network deficiencies, blocks traffic, or holds calls for unacceptable periods of time before releasing them, calls to rural areas will continue to fail at an alarming rate – and there will be no reported data for the Commission to act upon.

⁴⁴ *Id.* ¶ 33

⁴⁵ *Id.* n.57.

⁴⁶ *Id.* ¶ 33.

A more logical “safe harbor” than completely relieving providers of record retention and reporting requirements based upon the use of a minimal number of intermediate providers would be to allow providers to “earn their way” into such a classification. If, for example, after a year of gathering data, it is shown that providers who limit the number of intermediate providers effectively eliminate call completion problems, *then* it might be appropriate to consider a safe harbor for such providers. But such a decision should be based only on actual data and performance, rather than on unsubstantiated claims and speculation about network management and the number of LCRs employed in the middle of any given call flow.

2. *Reduced Data Retention Obligations for Providers who Self-Certify to Call Completion Thresholds Would Undermine the Commission’s Ability to Track Call Completion Rates While Offering Little Corresponding Benefit.*

The second proposed safe harbor proposed in the NPRM would reduce call data retention obligations and relieve the provider of all reporting obligations if the provider certifies on an annual basis that for each of the previous 12 months it has met the following performance standard: (1) the average call answer rate for all rural carriers to which the provider attempted more than 100 calls in a month was no more than 2 percent less than the average call answer rate for all calls it placed to non-rural carriers in the same month; (2) the call answer rates for 95 percent of those rural carriers to which the provider attempted more than 100 calls were no more than 3 percent below the average rural call answer rate; and (3) that it has a process in place to investigate its performance in completing calls to individual rural companies for which the call answer rate is more than 3 percent below the average of the rural call answer rate for all rural telephone companies to which it attempted more than 100 calls.⁴⁷

⁴⁷ *Id.* ¶ 35.

The Commission offers no reasoning for this proposed safe harbor or why it could be considered appropriate. In fact, the safe harbor offers little relief in terms of monitoring burden, but creates all sorts of concerns with respect to the availability of data for the FCC to use as a result. To establish eligibility for the proposed safe harbor in the first instance, a carrier would presumably need to develop and have in place processes to capture and analyze data by OCN on a monthly basis. The proposed safe harbor permits the provider to store the data for a shorter period of time, but savings associated with reduced data storage times are likely to be minimal. In short, this proposed safe harbor would undermine, if not eliminate, accountability and transparency with respect to call completion, while providing no corresponding benefit to the recipient of the safe harbor in terms of reduced data collection burdens.

The proposed safe harbor also establishes a default level of acceptance for rural call failure. The Commission should not send a message that calls to rural areas can be treated as substandard and permitted to fail at any rate higher than calls to non-rural areas. The Commission should strive for parity. But under the safe harbor, the average rural completion rate could be 2% lower than the non-rural completion rate and consumers served by individual rural carriers could experience failure rates that are much lower still. It is conceivable that individual rural consumers or businesses could go days without the ability to receive calls, but the offending originating carrier would still qualify for the safe harbor. The Commission should not sanction, and the Act does not permit, a call completion rate for rural consumers that is less than what any other American might expect.

It is understandable that the Commission would want to grant some degree of relief to “good” actors. Here again, however, it is important the Commission ensure that those qualifying for a safe harbor “earn” their way into being viewed as such based upon a demonstrable track

record of success rather than mere self-certification or claims of *de minimis* traffic being destined for certain areas. If the Commission finds that reduced data storage and certification provides sufficient benefit to warrant a “safe harbor,” the Associations propose a revocable safe harbor of annual certification (as opposed to quarterly reporting) to be made available only to those originating providers that first demonstrate, through quarterly reporting, consistently high rural call completion performance for a period of eight consecutive quarters. The safe harbor would be revoked and a provider would revert to regular reporting if complaints (formal, informal, or submitted to the Commission via web portal or emails) are filed by consumers or carriers against the provider. This approach would help the Commission gather complete data in the near term and establish those “good actors” that have shown themselves deserving of a safe harbor based on real data, rather than unverified assertions.

C. The Public Should Have Access To Originating Provider Reports.

The Commission asks whether the reports required by its proposed rules should be open to the public.⁴⁸ Allowing for public inspection of originating provider reports offers notable benefits. It creates a more transparent marketplace and rewards “good actors” by allowing consumers of such routing and wholesale long distance termination services to choose originating facilities-based providers with a visible track record of sound performance. In other words, disclosure sets the proper incentives and may in time help the market regulate itself better, helping to constrain the need for possible further regulatory intervention. Public disclosure would also provide terminating carriers, via comparisons with their own call detail

⁴⁸ *Id.* ¶ 21.

records, the ability to validate provider data and determine if appropriate ICC can be assessed and collected.⁴⁹

There is no reason for such information to be protected from public review – it will contain no sensitive information of the kind typically shielded by §§ 0.457 *et seq.* of the FCC’s rules. At most, such information should be subject only to limited protection under a protective order that enables any and all interested parties and stakeholders to view such information subject to agreeing to make proper use of it – that is, for purposes of enforcing and promoting the completion of calls with proper call detail information.⁵⁰

D. The Commission Should Not Set an Artificial or Arbitrary Date For Terminating Reporting Requirements; They Should Sunset When a Determination Is Made They Are No Longer Necessary.

The Rural Associations oppose any automatic termination of the proposed reporting and retention rules at the end of the presently scheduled transition period for intercarrier compensation (“ICC”) reform.

First, terminating access charges and reciprocal compensation are not the only costs of completing calls to RLEC customers. Eliminating these payments will not eliminate all

⁴⁹ The Commission has previously determined that financial information of carriers receiving high-cost funding and/or Connect America Fund (“CAF”) support should be made public so as to permit public interest watchdogs, consumer advocates and others who seek to ensure that recipients of support receive funding that is sufficient but not excessive. *See Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *et al.*, Report and Order and FNPRM, 26 FCC Rcd. 17663 (2011) ¶ 602, *pets. for review pending*, *Direct Commc'ns Cedar Valley, LLC v. FCC*, No. 11-9581 (10th Cir. filed Dec. 18, 2011). If data on use of “public resources” should be subject to public review, so too should data on a service that is essential to public safety.

⁵⁰ *E.g.*, *Petition by Pioneer Telephone Cooperative, Inc. Pursuant to 47 C.F.R Sections 36.3, 36.123-126, 36.141, 36.152-157, 36.191, and 36.372 -382 for Commission Approval to Unfreeze Part 36 Category Relationships*, CC Docket No. 80-286, Protective Order, DA 13-1009 (rel. May 7, 2013); *Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, Third Protective Order, DA 12-1418 (rel. Aug. 30, 2012).

incentives for certain retail and intermediate long distance toll service providers to avoid completing calls to rural customers. Many calls to RLEC exchanges must be carried over lengthy transport and transit routes operated by third parties, to whom compensation must be paid by toll service providers. Particularly where the RLEC destination exchanges are remote and reachable only via lightly trafficked routes, the transit/transport costs of delivering traffic to them are likely to remain above average well even after completion of the ICC reform transition period. In the highly competitive, low-margin long distance toll service market, LCR providers will still be tempted to reduce their transit/transport costs by taking networking shortcuts or blocking calls to such RLEC service areas even after terminating access and reciprocal compensation charges go to bill-and-keep.

There is also no solid evidence that previous reductions in RLEC terminating access rates and reciprocal compensation have reduced call completion problems. For example, the Commission implemented “bill-and-keep” for LEC-CMRS intraMTA traffic over a year ago, but there still appear to be problems completing calls from CMRS users to RLEC customers within Major Trading Areas (“MTAs”). Likewise, various states (including Michigan, Maine, Kansas, and New Mexico) have engaged in statutory or regulatory access reform that has required RLECs to reduce their intrastate access rates. Again, there is no clear evidence that these intrastate access reforms and rate reductions have reduced call completion problems with respect to intrastate toll calls to RLEC customers within those states.

To the extent that elimination of terminating access charges and reciprocal compensation may reduce financial incentives to avoid completing calls to RLEC exchanges, not all originating long distance toll service providers will be able to terminate arrangements with LCRs and other intermediate service providers immediately at the end of the ICC reform transition period. In

some cases, contact periods and termination procedures will require the continuation of arrangements beyond the date that rates go to “bill-and-keep”; in others, the technical and administrative complexities of moving traffic from one network to another will require additional time. Furthermore, providers who lack their own nationwide ubiquitous network must continue to rely on intermediate providers for some portion of long distance call transport in perpetuity.

The Rural Associations agree that burdensome reporting and record retention requirements should be maintained only as long as they are necessary. However, rural consumers have suffered significant personal and economic harm due to the deliberate and, in some cases, deceitful actions of certain retail and intermediate toll service providers in unlawfully refusing to deliver calls to rural exchanges. Rural call completion problems must be shown to have been eliminated over a sustained period of time, based upon evaluation of actual data, before the Commission can reasonably relax or eliminate the reporting and recordkeeping requirements needed to support its investigation and enforcement efforts. Automatic termination or arbitrary sunset of these rules for all entities will not end the problem, but rather will simply encourage bad actors to lay low for a while.⁵¹

E. Ring Signaling Integrity Requirements Must Provide An Accurate Indication Of Call Status To Telephone Users.

The Commission proposes a rule that would prohibit both originating providers and intermediate providers from causing audible ringing to be sent to the caller before the

⁵¹ A more effective approach might be to allow individual retail and intermediate toll service providers to apply for waiver or exemption from the reporting and record retention rules if they can demonstrate complete and unblemished compliance with the Commission’s call completion requirements and standards for a minimum period of five years, and to condition grant of such waivers or exemptions upon the requirement that the entity not be the subject of a bona fide call completion complaint during the succeeding five years.

terminating provider has signaled that the called party is being alerted.⁵² The Rural Associations support Commission rules to prevent the customer confusion that occurs when a calling party hears “false ring-back,” but believes the rules should address all messages and tones that could lead to customer confusion and mask call blocking.

Rural Association members report that their subscribers often believe call completion problems lie with the terminating network because the calling party hears ringing and believes that everything is working properly on his or her end. For example, a caller hearing a false ring-back may mistakenly believe the called party is not home. The caller may think the called party is ignoring their calls when the phone on the receiving end never actually rang. The caller might also believe the called party is at home, but has become disabled and is unable pick-up the receiver.⁵³ It is difficult to explain to subscribers that even though the call seems to be ringing, the call has never reached the called party network and that the originating carrier (or an intermediate provider) is generating a false ringing noise despite absence of any ring on the receiving end. Subscribers have also reported hearing music that leads them to believe they are “on hold” and misleading recordings indicating that something the terminating carrier did or did not do is causing the call failure.⁵⁴ Rural terminating carriers are forced to spend an inordinate amount of time responding not only to calls from angry customers, but also to unwarranted

⁵² *NPRM* ¶ 41.

⁵³ See Rural Call Completion Workshop, FCC: Comments of Dale Merten, Toledo Telephone, at time interval 24:25 (Oct. 18, 2011), <http://www.fcc.gov/events/rural-call-completion-workshop>.

⁵⁴ *Associations’ June 13, 2011 Letter* at 3.

formal and informal complaints filed with the states and the FCC.⁵⁵ Rural carriers have also reported losing customers after being wrongly blamed for call routing failures.⁵⁶

False signaling can also hinder the discovery and correction of call completion issues. Today, most call failures are reported by the called party, who is eventually made aware the problem only after receiving calls via other means such as emails from friends, family, or business colleagues.⁵⁷ Because the called party is initially unaware of the problem, investigation of problems and identification of the responsible service providers may be delayed for days or weeks after the call failure(s).

The Commission should accordingly mandate that originating providers may generate no noise, ringing, music or message that could lead a calling party to believe that a call has properly set up when it has not, or otherwise cannot be completed for some reason attributable to an issue on the receiving end. Instead, a calling party should hear silence until the call actually rings for the called party. If a calling party knows that his or her call did not go through, the person is likely to contact his or her own provider for an explanation, thereby forcing the carrier with access to the records and the ability to resolve an issue to respond directly to its own subscribers.

F. The Commission Should Revise the Scope of its Carrier and Consumer Complaint Processes to Permit Accurate Evaluation of Call Completion Performance.

The FCC has previously sought voluntary provider participation in a registry of provider contact information to facilitate direct resolution of call completion problems.⁵⁸ It also

⁵⁵ *Id.*

⁵⁶ *Id.*, App. A.

⁵⁷ *Id.* at 3.

⁵⁸ See <http://www.fcc.gov/encyclopedia/problems-long-distance-or-wireless-calling-rural-areas>.

maintains a web-based form for consumers to report call completion issues.⁵⁹ Due to the voluntary nature of the registry, it has had limited participation and success and the web form has been found difficult to use. The Rural Associations believe the Commission can improve efforts to combat rural call completion problems by improving these processes as discussed below.

1. The Commission Should Create and Maintain a Mandatory Registry of Provider Contact Information to Facilitate the Resolution of Individual Call Completion Problems.

Although some originating carriers have been willing and able to help address individual call routing problems, rural carriers have often been frustrated in their efforts to contact the individual or individuals with the technical expertise and authority to take the action necessary to correct problems. There are lists available, but registration is purely voluntary and there is no requirement for originating providers to update the contact information as it changes. Therefore, available lists are incomplete and often unhelpful. Without complete contact information, rural carriers who try to work with originating providers to resolve issues are often bounced from one person with no knowledge of the situation to another. The process is tedious, time-consuming and wasteful.

The Commission should accordingly establish a mandatory provider contact registry. Every facilities-based originating long-distance provider in control of call routing that holds itself out as carrying long-distance voice traffic via any technology or service platform should, regardless of provider status, be required to register the individual (or title of person) responsible for addressing call completion complaints from carriers, the method to contact that individual (whether email address, phone number, or some other method), and require that providers update that list within 30 days of any change. Concerns about consumer access to the list can be

⁵⁹ Rural Call Completion, Form 2000B - Billing, Privacy, or Service Quality Complaint, available at http://transition.fcc.gov/eb/rcc/RCC_Form2000B.html.

addressed by making the contact list only available to other providers. The industry can work together to address individual problems only if the Commission facilitates success.

2. *The Commission Should Streamline its Call Completion Consumer Complaint Form.*

The FCC's Consumer complaint form should be streamlined to facilitate efficient and accurate data reporting. Currently, consumers may file informal complaints regarding call completion problems using FCC Form 2000B.⁶⁰ However, the current form and instructions⁶¹ can be cumbersome and confusing to consumers. The Rural Associations request that a new streamlined form be developed that would only include required fields for the calling number, called number, the time and date of the problem, and the name of the originating carrier, if known, and a brief description of the problem experienced. These fields, unlike some found on the current form, are aligned with the instructions that the Commission provides to consumers.

Specifically, the two boxes composing Field 1, "Telephone number(s) involved (including area code):" could be re-labeled as "Calling Party's Telephone Number" and "Called Party's Telephone Number." Field 2, "What is the name of the telephone company, wireless carrier, or other company that is the subject of your complaint?" is confusing, as consumers often mistakenly identify the called party's local service provider as the subject. Fields 3 and 4 relate to account numbers and billing disputes that are rarely, if ever, germane to call termination complaints. Therefore, these fields increase the likelihood of consumer confusion. In addition, these two fields have no relevance to the information that consumers are directed to provide in the instructions, which aptly lists only (1) the date and time the call(s) were made or attempted; (2) the calling and called telephone numbers; and (3) the name of the long distance or wireless

⁶⁰ *See id.*

⁶¹ *Id.*

telephone service provider that serves the calling customer, if known and 4) a brief description or check box indicating the type of problem experienced (e.g., calls won't go through or poor call quality).⁶² If any additional fields are included, each should be clearly labeled as optional.

The Rural Associations request that the Commission seek expedited approval of a simplified complaint form for consumers. Given the serious consequences consumers face when they are unable to complete or receive calls, and the length of time this problem has been ongoing, good cause exists to provide a simplified call completion complaint form to consumers as soon as possible.

IV. CONCLUSION.

The Commission should promptly adopt rules to require quarterly reporting of weekly call completion data from facilities-based long distance providers. "Safe harbors" should be adopted, if at all, only after a significant record of call completion success has been recorded by a reporting provider. Reporting and data retention rules, once adopted, should remain in effect until there is an established history of rural call completion parity with non-rural areas. In the interim, improvements to the online consumer complaint form and a Commission-mandated

⁶² *Id.* While clear, the specific language on what information should be provided is presented only after a detailed description of the rural call completion problem on the web page in question. This requires consumers to either click on one of several links to find the specific language, or to scroll very far down the page. The Associations suggest that this language be placed in a more prominent location.

provider contact list would accelerate resolution of call completion issues. It is the Rural Association's hope that continued enforcement along with adoption and implementation of these rules will put a stop to the call completion problems of blocking, dropping, and degrading that currently plague American consumers and businesses.

Respectfully submitted,

NATIONAL EXCHANGE CARRIER
ASSOCIATION, INC.
By: /s/ Colin Sandy
Its Attorney
Robert Gnapp, Director Demand Assurance
and Network Analysis
1634 I St. NW Suite 510
Washington, DC 20006
(202) 682-2496

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

NTCA – THE RURAL BROADBAND
ASSOCIATION
By: /s/ Jill Canfield
Jill Canfield
Director, Legal and Industry and Assistant
General Counsel
4121 Wilson Boulevard, 10th Floor
Arlington, VA 22203
(703) 351-2000

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
(202) 659-0830

EASTERN RURAL TELECOM
ASSOCIATION
By: /s/ Jerry Weikle
Jerry Weikle
Regulatory Consultant
5910 Clyde Rhyne Drive
Sanford, NC 27330
(919) 708-7404

May 13, 2013

Attachment 1

Long Distance Provider A	Week/Month 1						Week/ Month 2					Week/Month 3					
	Calls Attempted	Calls Aswered	Calls User Outcomes	Call Answer Rate	Netwk. Effect. Ratio		Calls Attempted	Answered Calls	User Outcomes	Call Answer Rate	Netwk. Effect. Ratio		Calls Attempted	Answered Calls	User Outcomes	Netwk. Effect. Ratio	Netwk. Effic. Ratio
Norural (Total)	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%
Rural (Total)	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%
State	OCN																
AA	OCNA	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%
AA	OCNB	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%
AA	OCNC	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%
AA	OCND	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%
AA	OCNE	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%
BB	OCNF	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%
BB	OCNG	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%
---	---																
---	---																
ZZ	OCNE	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%	xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%		xxx,xxx,xxx	xxx,xxx,xxx	xxx,xxx,xxx	xx.xx%	xx.xx%