



June 19, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Ex Parte Notice

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

Dear Ms. Dortch:

On June 17, the undersigned and Jill Canfield from NTCA–The Rural Broadband Association, together with Colin Sandy and Robert Gnapp of the National Exchange Carrier Association (NECA) and Derrick Owens of the Western Telecommunications Alliance (WTA) (collectively, the Rural Associations), met with Gregory Kwan, Steven Rowings, Richard Hovey, Carol Simpson, Jean Ann Collins (via telephone), and William Dever of the Wireline Competition Bureau, and Theodore Marcus, Terry Cavanaugh, Chris Killion, and Margaret Dailey of the Enforcement Bureau.

The Rural Associations discussed points raised in comments and reply comments filed in the above-captioned proceeding. Specifically, the Rural Association stressed that the scope and severity of the current crisis remain significant, and that claims that there is only anecdotal evidence of the problem are specious. This was illustrated in part by the reply comments of the Nebraska Public Service Commission, which is involved in an ongoing study of the problem. The Nebraska Commission correctly took issue with certain self-interested statements that attempted to use a limited portion of that testing effort to minimize the extent of the crisis.¹

The Rural Associations emphasized that there is no evidence in the record indicating that any reporting threshold, safe harbor, or certification exemptions are appropriate at this time. The Rural Associations are not opposed to safe harbors or similar measures where such measures are warranted and earned, but they must be predicated upon relevant data and demonstrative showings that certain steps definitively lead to abatement of the call completion crisis. Until such data are collected and examined and the potential parameters of a safe harbor can be studied, safe harbors are unjustified. Much of the data the NPRM proposes to collect are already obtained by originating carriers during their normal course of business and storage costs are minimal, so the extra step of reporting represents a very

¹ Reply Comments of the Nebraska Public Service Commission, p. 2.

minimal burden. In addition, since no confidential financial or competitively sensitive information will be collected, reported data should be available to the public.

The Rural Associations also stressed that evidence indicates that changes to the intercarrier compensation regime will not eliminate the call completion problem. Areas that have reduced, or in the case of intra-MTA CMRS traffic eliminated, access charges are still severely afflicted. Furthermore, transport costs will still be a factor even if the planned move to bill-and-keep is completed as scheduled. Therefore, to the extent financial incentives are at the root of the crisis, bill-and-keep is no panacea. Even if financial incentives could be completely eliminated, there is no guarantee that sub-par management of networks or databases will not continue to result in call termination problems. It was stressed that the Rural Associations would not oppose a sunset of the reporting requirements when calls to rural areas complete consistently and if it can be demonstrated that reporting is no longer necessary to monitor and ensure compliance with the Commission's rules.

The Rural Associations suggested that the rules clarify that the originating service providers responsible for reporting the data in question are those that “control” the call; *i.e.*, the parties (including IP-based providers) that have, or should have, reasonable access to the data regarding how a call was routed in the first instance should be the responsible parties. The Rural Associations also noted the widespread support in the record for a call signaling rule that would prevent calling parties from hearing false or misleading ring tones or other signals of any kind that may indicate that the terminating line is ringing when it is not.

The Rural Associations reiterated their request for the establishment of complete, updated, and reliable carrier contact lists, as they are necessary to reduce the time it takes to resolve issues. They also discussed potential improvements to the consumer call completion reporting form to enhance clarity. While recognizing that obtaining approval for these measures may involve long processes, the Rural Associations asserted that this is all the more reason to engage in these processes without further delay. The Rural Associations also discussed the status of the proposed Joint National Test Call project which is designed to identify potential problem areas and streamline resolution procedures.

Respectfully submitted,

/s/ Stephen Pastorkovich

Stephen Pastorkovich
Associate Director,
Technology & Business Development

cc: Gregory Kwan
Steven Rowings
Richard Hovey
Carol Simpson
Jean Ann Collins
William Dever

Theodore Marcus
Terry Cavanaugh
Chris Killion
Margaret Dailey