

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Wireline Competition Bureau Seeks)	WC Docket No. 13-39
Comment on Petitions For Waiver Filed in)	DA 14-577
the Rural Call Completion Proceeding)	

**COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION, THE
NATIONAL EXCHANGE CARRIER ASSOCIATION, THE
EASTERN RURAL TELECOM ASSOCIATION, AND
WTA-ADVOCATES FOR RURAL BROADBAND**

NTCA–The Rural Broadband Association (“NTCA”), the National Exchange Carrier Association, Inc (“NECA”), the Eastern Rural Telecom Association (“ERTA”), and WTA – Advocates for Rural Broadband (“WTA”) (jointly referred to herein as “The Rural Associations”)¹ hereby submit these comments in response to the *Public Notice*² released by the Wireline Competition Bureau seeking comment on two petitions for limited waiver of the recordkeeping, retention, and reporting requirements adopted in the *Rural Call Completion*

¹ 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. 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). ERTA is a trade association representing rural community based telecommunications service companies operating in states east of the Mississippi River. WTA is a national trade association that represents more than 250 rural telecommunications carriers providing voice, video and data services. WTA members serve some of the most rural and hard-to-serve communities in the country and are providers of last resort to those communities.

² *Wireline Competition Bureau Seeks Comment on Petitions for Waiver Filed in the Rural Call Completion Proceeding* WC Docket No. 13.39, DA 14-577 (released May 1, 2014).

*Order*³ filed by Midcontinent Communications on January 24, 2104,⁴ and by AT&T Services, Inc. on April 10, 2014.⁵ Midcontinent seeks a waiver pursuant to section 1.3 of the Commission's rules, asserting that it will suffer significant hardship absent a waiver. AT&T seeks a waiver pursuant to paragraphs 96-97 of the *Rural Call Completion Order*, which apply to covered providers that qualify for the Managing Intermediate Providers Safe Harbor. AT&T also claims coming into full compliance with the Commission's new rules will require it to invest millions of dollars.⁶ The Rural Associations urge the Commission to consider waivers in only the narrowest of circumstances and only if the petitioner provides demonstrable proof that its calls to rural areas consistently complete.

Rural call completion problems continue to be serious and widespread. Since the Commission's *Rural Call Completion Order* was released, there has been no measurable abatement in the frequency or seriousness of the issue. The problems continue to manifest themselves in periods of dead air on the calling party's end after dialing a number, inaccurate intercept messages, and poor voice quality. The negative impacts on rural consumers, businesses, and the telcos that serve them are immeasurable. Rural consumers are frustrated, public safety is compromised, rural businesses are losing valuable customers and rural telcos are suffering the loss of large customers and the goodwill of their subscribers. The financial and public safety toll of originating providers failing to use high quality routes and ensuring that their calls properly complete cannot be overestimated.

³ *Rural Call Completion Order*, WC Docket No 13-39, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154 (2013) ("*Rural Call Completion Order*").

⁴ Request for Waiver of Midcontinent Communications, WC Docket No. 13-39 (filed January 24, 2014).

⁵ Petition for Limited Waiver of AT&T Services, Inc, WC Docket No. 13-39 (filed April 10, 2014) ("AT&T Petition")

⁶ AT&T Petition, p.9.

It is therefore imperative that the Commission take every reasonable step to ensure that all originating providers are taking the steps necessary to complete calls. No waiver of the record keeping and reporting requirements should be granted absent extenuating circumstances and demonstrable proof that grant of the requested waiver will in no way harm consumers. In particular, given the substantial injury to rural communities attributable to call completion failure, the mere argument that compliance is “too expensive” is offensive and must be rejected.

Section 1.3 of the Commission’s rules permits a waiver for good cause shown.⁷ Waivers are justified when particular facts make insisting on strict compliance with the rules inconsistent with the public interest.⁸ When considering rural call completion, the public’s interest in reliable voice service and its public safety and economic ramifications outweigh the relatively minor financial inconvenience of compliance. All customers – no matter where they live – should know that their calls will be received. The Rural Associations submit that each provider should conclusively demonstrate a minimum four quarters of comparable call completion performance between rural and non-rural areas before the Commission considers any relaxation of the data retention and reporting requirements.

The problem of rural call completion has persisted for far too long. Originating providers have the ability, but not always the financial incentive, to ensure that calls properly complete. The expense of compliance may present some concern to those that need to comply, but the Commission must not lose sight of the ongoing costs that failures to complete calls impose on rural consumers and businesses, and the carriers – most of whom themselves are small businesses – that serve them. The Rural Associations therefore urge the Commission to grant

⁷ 47 C.F.R. § 1.3

⁸ *See, Northeast Cellular Telephone Co., v. FCC*, 897 F.2d 1164, 1166 (D.C.Cir 1990).

waivers in only the narrowest of circumstances and based not only on a showing of financial hardship, but on the demonstrable, successful implementation of processes and procedures to ensure the calls to rural consumers do not fail.

Respectfully Submitted,

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