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August 22, 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 August 20, 2013 the undersigned and Bob Gnapp on behalf of the National Exchange Carrier Association (NECA) together with Gerard Duffy from the Western Telecommunications Alliance (WTA), and Jill Canfield from the NTCA – the Rural Broadband Association (NTCA), (collectively, Rural Representatives or Group) met with Commissioner Ajit Pai and his advisor Nicholas Degani to discuss rural call completion issues.

The Group urged the FCC to act swiftly in its pending rulemaking (the comment cycle ended in May). The Representatives also urged enforcement action against carriers who fail to connect calls to rural consumers, citing troubling and life-threatening examples of call failure, including a surgeon who did not receive a call that was needed to perform emergency surgery.

Record retention rules and safe harbor provisions were also discussed. The Group said retention rules are necessary for carriers to track their progress to internally resolve issues and aid enforcement efforts. The Group advocated eligibility for safe harbors after a minimum 4 quarters of comparable call completion performance between a carrier's rural and non-rural areas. Un-earned safe harbors that would avoid record retention would create loopholes allowing carriers to evade detection and perpetuate the problem. It was

noted the parties who advocate these safe harbors have a demonstrable record of not completing calls to rural areas.

The Group also pointed out that false ringtones serve no purpose but to deceive calling parties into believing their call has been successful, when in fact it has not. The Group recommended carriers follow industry standard call set-up practices and provide silence to the calling party until a connection has been established. This would enable the caller to correctly determine a problem originates with the originating carrier.

The Group also addressed claims that changes in the intercarrier compensation regime would eliminate the need for retention and reporting. The costs of data retention and reporting requirements are minimal and are far outweighed by the harm the call completion problem is causing. 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.

The Rural Representatives responded to several questions regarding data in the existing record. The attached summaries of data filings were transmitted via electronic mail to Nicholas Degani after the meeting. These summaries include carrier identifying information that NECA requests to remain confidential; a redacted copy is attached, and a confidential version is provided under seal.

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,

A handwritten signature in black ink, appearing to read "Colin Sandy". The signature is fluid and cursive, with a large, stylized initial "C" and "S".

Attachment

cc:

Ajit Pai
Nicholas Degani



June 13, 2011

Theresa Z. Cavanaugh
Margaret Dailey
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Call Routing and Termination Problems

Dear Ms. Cavanaugh and Ms. Dailey:

This letter is sent by the below named representatives (the “Rural Representatives”) of the rural telecommunications industry, collectively representing all rural rate-of-return incumbent local exchange carriers (“RLECs”) in the United States, as a follow-up to an earlier meeting during which we discussed problems related to the transmission and completion of calls placed to customers served by RLECs. During our meeting, the Rural Representatives identified a variety of concerns, including but not limited to: (1) calls that ring for the calling party, but not at all or on a delayed basis for the called customer of the RLEC; (2) calling parties who receive incorrect or misleading message interceptions before the call ever reaches the RLEC or the tandem it subtends; (3) calls that appear to “loop” between routing providers, but never reach the RLEC or the tandem it subtends; and (4) incorrect caller ID that displays to called parties.

In our prior meeting, we discussed gathering additional, more specific data that could help in identifying certain service providers involved in these call routing and termination problems. We also discussed providing analysis with respect to any laws, regulations, or orders implicated by the acts or omissions of these service providers and others involved in the routing and termination (or lack thereof) with respect to such calls. This letter, together with the attached materials, responds in both regards.

The Commission Has Long Recognized the Importance of Interconnected Networks, and it is Time for Commission Action to Protect the Integrity of the PSTN

By way of background, the Federal Communications Commission (the “Commission”) has long held as paramount the need for a seamlessly interconnected public switched telephone network (“PSTN”) on which customers of all carriers can reach one another without delay, interruption, or interference.¹

¹ See, e.g., *Connecting America: The National Broadband Plan*, at § 4.5, p. 59 (“[C]onvergence has a significant impact on the legacy Public Switched Telephone Network (PSTN), a system that has provided, and continues to provide, essential services to the American people.”); *Petition for Partial Reconsideration or, in the alternative, a Petition for Declaratory Ruling regarding The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carriers*, Memorandum Opinion and

Indeed, provisions requiring carriers to accept and deliver messages as sought by customers without alteration, discrimination, or interference lie at the heart of Title II of the Communications Act of 1934, as amended (the “Act”).² Yet this core tenet is being undermined with increasing frequency, and the very integrity of the nation’s seamlessly interconnected network is increasingly at risk as originating “retail” interexchange carriers (“IXC”), wireless carriers, or Voice over Internet Protocol (“VoIP”) providers (collectively, “Retail Providers”) and/or wholesale IXCs, IP transport providers or “least cost routing” service providers (collectively, “Underlying Providers”) decide where and when to carry calls and “carve off” exchanges in rural America from the rest of the PSTN.

The Commission has in recent years expressed a significant degree of concern over the capability of service providers to block or otherwise limit customers’ ability to place calls or receive traffic on networks. For example, the Commission’s Wireless Telecommunications Bureau took immediate (and very public) note when, in 2009, it examined whether AT&T and Apple may have collaborated to deny the deployment of a Google Voice application on iPhone devices.³ In letters sent to AT&T, Apple, and Google, the Commission staff asked a series of detailed questions clearly intended to ensure that service providers were not acting to unreasonably deny consumer choices, expectations, and demands. Further, in 2005, the Enforcement Bureau adopted a Consent Decree terminating an investigation into whether the blocking of VoIP ports by a local exchange carrier violated Section 201(b).⁴

Also, in 2007, the Chief of the Wireline Competition Bureau issued a Declaratory Ruling *sua sponte* that, pursuant to Section 201 of the Act, confirmed that “carriers cannot engage in self help by blocking traffic to LECs allegedly engaged in [access stimulation practices]” because “call blocking may degrade the reliability of the nation’s telecommunications network.” That Declaratory Ruling further reinforced that “no carriers, including interexchange carriers, may block, choke, reduce, or restrict traffic in any way.”⁵ Finally, last year, the Commission adopted its “net neutrality” order that, among other things, established a “No Blocking” rule stating that “[f]ixed broadband providers may not block lawful content, applications, services, or non-harmful devices; mobile broadband providers may not block lawful websites, or block applications that compete with their voice or video telephony services.”⁶

Order, 59 Rad.Reg.2d (P & F) 1275, 1284 (1986) (determining that carriers telephone companies “do not ‘own’ codes or numbers, but rather administer their distribution for the efficient operation of the public switched telephone network”).

² See, e.g., *AT&T Corp. v. Jefferson Telephone Co.*, File No. E-97-97, Memorandum Opinion and Order, 16 FCC Rcd 16130, 16134 (2001), at ¶¶ 7-8 (defining the “fundamentals of common carriage” as that a common carrier must “hold[] itself out to serve indifferently with regard to the service in question” and must “allow[] customers to transmit intelligence of their own design and choosing”); see also, *Southwestern Bell Telephone Company v. FCC*, 19 F.3d 1475 (D.C. Cir. 1994) (citing *NARUC v. FCC*, 525 F.2d 630 (D.C. Cir. 1976)).

³ See DA No. 09-1736, -1737, and -1739.

⁴ *Madison River Communications and affiliates*, File No. EB-05-IH-0110, Order, 20 FCC Rcd 4295 (2005).

⁵ *Establishing Just and Reasonable Rates for Local Exchange Carriers: Call Blocking by Carriers*, WC Docket No. 07-135, Declaratory Ruling and Order 22 FCC Rcd 11629, 11631 (2007), at ¶¶ 5-6 (“*Call Blocking Order*”).

⁶ *Preserving the Open Internet: Broadband Industry Practices*, WC Docket No. 07-52, GN Docket No. 09-191, 25 FCC Rcd 17905, 17906 (2010), at ¶ 1.

The Nature of the Call Routing and Termination Problems

The problems currently faced by customers in rural America fly in the face of every reasonable expectation of what the PSTN should be. Stories abound of customers in rural areas who – only after they receive calls via other means (e.g., on a cell phone) or emails from friends, family, or business colleagues – find that those trying to reach them at home or in the office have been unable to do so because either the call never went through or it rang a dozen times without answer. In other cases, rural customers report that their caller ID devices display unintelligible information or generic information that does not indicate that the caller is in fact a friend, family member, or business partner. Still others report that the party attempting to call them apparently receives misleading or patently false “intercept” messages about how the RLEC is refusing to interconnect to receive calls, when in fact the call never reached the RLEC’s end office or even the tandem it subtends. Problems are most often identified only when the calling party communicates the concern to the called party, and then only if the called party in turn reports this concern to its serving RLEC. The vast majority of problem calls are thus most likely never reported or identified – indeed, the data provided with this correspondence in all likelihood represents only a small portion of calls that are failing to complete or being transmitted with unintelligible or incorrect caller ID.

As described below, this problem has become a nationwide and industry-wide epidemic that compromises the integrity and reliability of the PSTN and directly and adversely affects consumers in a myriad of disturbing ways. RLECs report instances of small businesses losing tens of thousands of dollars in sales because their customers cannot reach them and families being unable to communicate and check on the safety and well-being of their loved ones. One RLEC reported that a public safety notification system in South Dakota intended to notify parents of school alerts was unable to complete calls placed from a distant location. A another RLEC reported complaints from a state police barracks that was unable to receive long distance calls.

Unfortunately, customers often blame the RLEC for the problem calls and the RLEC endures the loss of goodwill, not to mention countless hours trying to track down the source of complaints and attempts to resolve them. Given the obvious implications for rural consumers and RLECs, and in light of the fact that RLECs cannot address or even identify all occurrences of this problem on their own, there is no time to lose in addressing this concern as public safety, homeland security, and economic well-being in rural America are threatened.

Efforts to Scope the Problems

The Rural Representatives fact-finding supports the conclusion that the problems appear to arise from how originating carriers choose to set up the signaling and routing of their calls. In an initial survey – the results of which were communicated to staff from the Enforcement Bureau and the Wireline Competition Bureau in March 2011 – over 80 percent of the more than 200 RLECs responding indicated that they had experienced call routing and termination concerns such as those described above. Moreover, a sizeable portion of these RLECs said that the problems continue to arise intermittently despite efforts to “troubleshoot” and resolve them when detected.

Following the initial survey and our meeting with Commission staff, the Rural Representatives undertook a second, more detailed survey to identify those service providers who appeared to be involved in some manner in the call routing and termination problems and to obtain more detail on the kinds of problems arising. In most cases, the only service provider who could be identified by responding RLECs was the Retail Provider for the customer who had placed the call. As explained in our prior meeting, however, the

Rural Representatives and the RLECs believe that in many, if not most, cases these Retail Providers do not carry the call to its ultimate destination, but instead hand off the call to an Underlying Provider depending upon the rates charged by that Underlying Provider at the relevant day or time. For example, “Carrier A” might be the Retail Provider for a customer, but based upon its routing tables that reflect the most economic (*i.e.*, least expensive) choice for transmitting a call, Carrier A might choose at a particular time to hand that call off to an Underlying Provider to transport the call to its destination. In fact, the Rural Representatives believe that in many, if not most, cases, there will be more than one Underlying Provider involved in the transmittal of a given call – and it is quite possible that one of these Underlying Providers is the actual “point of failure” in the flow of any given call.

The reports attached in Appendix A hereto summarize results from the second survey. From prior to 2008 until mid-April 2011 there were **10,163 individual customer complaints** showing among other things: (1) the Retail Providers that RLECs could identify as being involved in call routing and termination problems; (2) the number of complaints by “type” for that Retail Provider (*e.g.*, call failing to complete, delayed ringing, etc.); (3) the jurisdictions in which these problems have arisen; and (4) the efforts (or lack thereof) by the Retail Providers to respond to complaints, trouble tickets, or other inquiries about the service problems. The data show that complaints about calls failing to complete altogether represent a slim majority (53 percent) of the problems identified, followed by poor voice quality (16 percent), delayed ringing at the receiving end (13 percent), inaccurate or unintelligible Caller ID (11 percent), and inaccurate or misleading interception messages (5 percent). Such problems affect both interstate and intrastate calls.

Survey respondents indicated that the identified Retail Provider cooperated with the RLEC to resolve the problem slightly more than half of the time (56 percent). Often, the originating service provider would either open a trouble ticket, but only work with its own customer (11 percent), or would not open a trouble ticket and placed blame elsewhere instead (22 percent). Complaints were “permanently resolved” only 24 percent of the time. Most of the time, issues went unresolved or would only be resolved temporarily. Reports with respect to such troubles increased by over 2000 percent over a recent twelve-month period (from 78 in April 2010 to 1,811 in March 2011).

The data mostly indicate the response of only the Retail Provider to complaints raised by RLECs because it is almost always impossible for an RLEC to confirm whether any Underlying Provider was involved in a given call. Moreover, even where an Underlying Provider is suspected as being involved, it is typically impossible to identify the precise Underlying Provider – particularly when there could be multiple Underlying Providers involved in transmitting a single call to its destination. Thus, the Commission’s assistance is essential if we are to “get to the bottom” of these routing practices and ensure that Retail Providers and Underlying Providers playing a game of “hot potato” with calls do not continue to undermine the integrity of the PSTN. As the Rural Representatives indicated in the prior meeting, there is nothing inherently insidious or otherwise wrong with the use of Underlying Providers for the routing of calls – such routing can, in fact, be a necessary and useful component of the PSTN. But absent a robust Commission investigation and a meaningful assertion of jurisdiction where providers fail to respond adequately or comply with applicable law, bad practices in call routing and termination threaten to undermine the integrity of the PSTN.

The Law and Potential Resolution

RLECs are powerless to correct this issue on their own. Their efforts at “triage” on these call routing and termination concerns may resolve matters for a few days at a time for a few carriers at a time, but this problem is widespread and increasing. It threatens to overwhelm the resources of technical staff at

RLECs who, being small businesses, cannot afford to take operational personnel away from customer service to chase down every call routing and termination problem that is reported – particularly as these problems increase. Moreover, it is worth noting again that the complaints that are recorded are almost certainly only the “tip of the iceberg” for two key reasons – first, as call failures on the originating end occur, those come to the RLECs’ attention only to the extent that the RLEC customer may happen to learn that he or she has *not* received calls placed, and second, as these problems persist, both RLECs and their customers grow increasingly frustrated and may fail to report repeated failures as time goes on.

Commission intervention is essential at this point if the PSTN is to maintain its fundamental purpose. As described above, the Rural Representatives believe that many of these call routing and termination problems may lie with the Underlying Providers that the originating Retail Providers choose to carry their traffic. This being said, it is not clear to what degree a given Underlying Provider may be the cause of a problem as opposed to the issue arising on the network of the Retail Provider itself (or on the network of a different Underlying Provider in the chain of call completion). Moreover, even if the problems do arise on Underlying Provider networks in some part, Retail Providers have received enough complaints about these issues by now to be on actual notice that certain calls originating on their networks are not properly completing and that these problems persist/reoccur even where they attempt temporary fixes.

Section 201 of the Act prescribes that all common carriers have a duty to provide service upon reasonable request thereof⁷ and all “charges practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable.”⁸ The failure to take steps to ensure completion of calls that a carrier’s customers have contracted for the carrier to complete is an unjust and unreasonable practice, as is the failure to respond meaningfully to repeated concerns raised by another carrier about failures in interconnection. Indeed, where an entity such as a Retail Provider knows, or should know (based upon multiple complaints received from its own customers and/or other carriers), that some act or omission on its part is resulting in a call that could fail or have some other call routing or transmission problem, that entity should be held responsible for its acts or omissions. To find otherwise would allow every common carrier in the United States to evade its most basic obligations under the Act simply by handing off calls to others and then turning a blind eye to concerns (and then a deaf ear to complaints) arising out of whatever results from such practices.

Carriers also have a general duty under **Section 251(a)** of the Act to install and implement network features, functions, or capabilities that ensure the ability of users to “seamlessly and transparently transmit and receive information between and across telecommunications networks.”⁹ It is most certainly not a seamless or transparent transmission across networks if ringing is delayed, calls fail to complete, or if when they do complete, the voice quality is significantly compromised. Here again, the mere fact that an Underlying Provider, rather than the Retail Provider, may be the genesis of the call routing or termination problem is irrelevant to the legal analysis. The Retail Provider is the party that set into motion the chain of events that caused the call to fail or “time out,” to be blocked by a misleading intercept message, or to come through with garbled Caller ID information – it made the affirmative choice to hand the call off to the Underlying Provider in question. Although an isolated incident from time to time in this regard might perhaps be excused as an operational technicality (and these do happen), the repeated and sustained nature of these incidents would render any such assertion of ignorance or mistake laughable.

⁷ 47 U.S.C. § 201(a).

⁸ *Id.* at § 201(b).

⁹ 47 U.S.C. §256(a)(2). *See also*, 47 U.S.C. §§251(a), 255.

As noted above, Commission precedent dictates that no carrier may “block, choke, reduce or restrict traffic in any way.”¹⁰ The Commission has expressed concern that such practices “may degrade the reliability of the nation’s telecommunications network.”¹¹ As the Commission has recognized, “it is not difficult to foresee instances in which the failure of a call to go through would represent a serious problem and, in certain instances, it could be life-threatening.”¹² When a carrier knows, or should know, that calls from its network are not completing or that ringing on the called party’s end is delayed to the point where the calling party gives up and hangs up, its failure to correct the problem or use a good faith effort to work with the called party’s carrier, is effectively blocking calls from getting through.

Moreover, the transmission of garbled or inaccurate caller ID information violates **Part 64 of the Commission’s rules**. Common carriers using SS7 are required to transmit the calling party’s number associated with an interstate call to interconnecting carriers.¹³ Yet again, the fact that an Underlying Provider may be involved does not excuse the Retail Provider from complying with these obligations – and a Retail Provider should not be permitted to sidestep compliance with such obligations by using an Underlying Provider that it knows or has reason to know does not comply with such requirements. To the contrary, the originating carrier has an obligation to ensure that the proper caller ID information is transmitted through the transmission path to the called party’s carrier.

Of course, the Underlying Provider itself may (and likely should in most cases) be subject to these same legal and regulatory obligations described above as an independent matter. But it has been difficult for RLECs to even get Retail Providers to work with them on troubleshooting call routing and termination problems in many cases, never mind asking help of the Retail Provider in “piercing the veil” to identify any given Underlying Provider in a given call flow. Thus, the Rural Representatives suggest (and formally request) that the Commission initiate a thorough investigation of the interexchange call routing practices of the Retail Providers identified in the accompanying materials. The Rural Representatives also request that the Commission include the Retail Provider who, as indicated in Appendix B hereto, has specifically indicated it will not complete calls to certain rural or other supposedly “cost prohibitive” areas.

In anticipation of this investigation, the Rural Representatives suggest that the Commission ask of each such Retail Provider the questions attached as Appendix C (among any other that it may deem appropriate) to determine both the Retail Provider’s culpability in any call routing and termination problems *and* the identify of any and all Underlying Providers who may be involved in failing to complete calls to rural areas.

We appreciate the Commission’s interest in resolving these significant concerns. These practices are threatening commerce, public safety, and the ability of consumers in rural America to access and use a reliable network. The value of the Nation’s telecommunications network is compromised, and the

¹⁰ *Call Blocking Order*, 22 FCC Rcd at 11631, ¶ 6.

¹¹ *Id.* at 11631, ¶ 5.

¹² *Access Charge Reform, Reform of Access Charges Imposed by Competitive Local Exchange Carriers*, CC Docket No. 96-262, Seventh Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 9923, 9934 (2001), at ¶ 24.

¹³ 47 C.F.R. § 64.1601(a).

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Commission must take swift and firm action to deter and prevent operating practices (or omissions) that are threatening the PSTN's integrity.

We would be pleased to answer any further questions you may have regarding these matters, and we are extremely hopeful that rural consumers will soon no longer face the prospect of being effectively "carved off" from the rest of the United States for something so basic as regulated telephone service.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION

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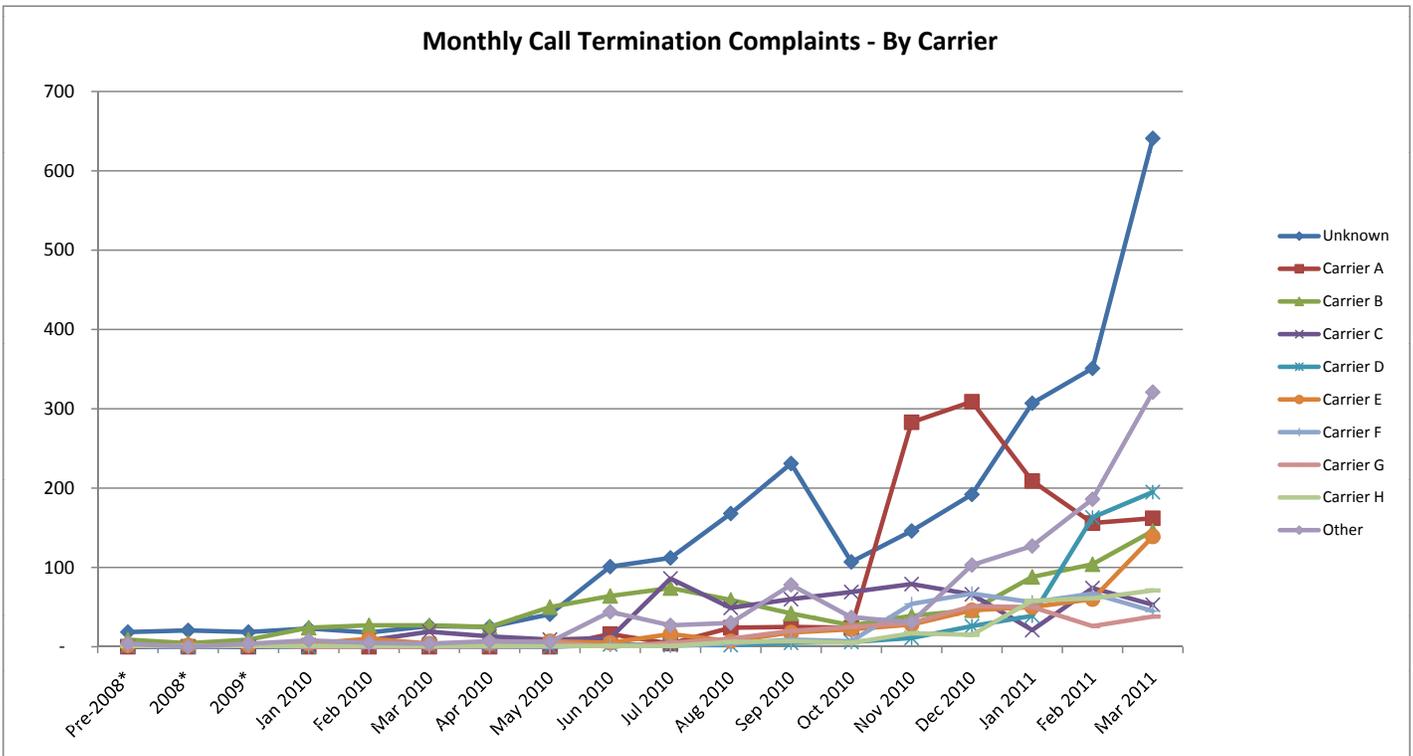
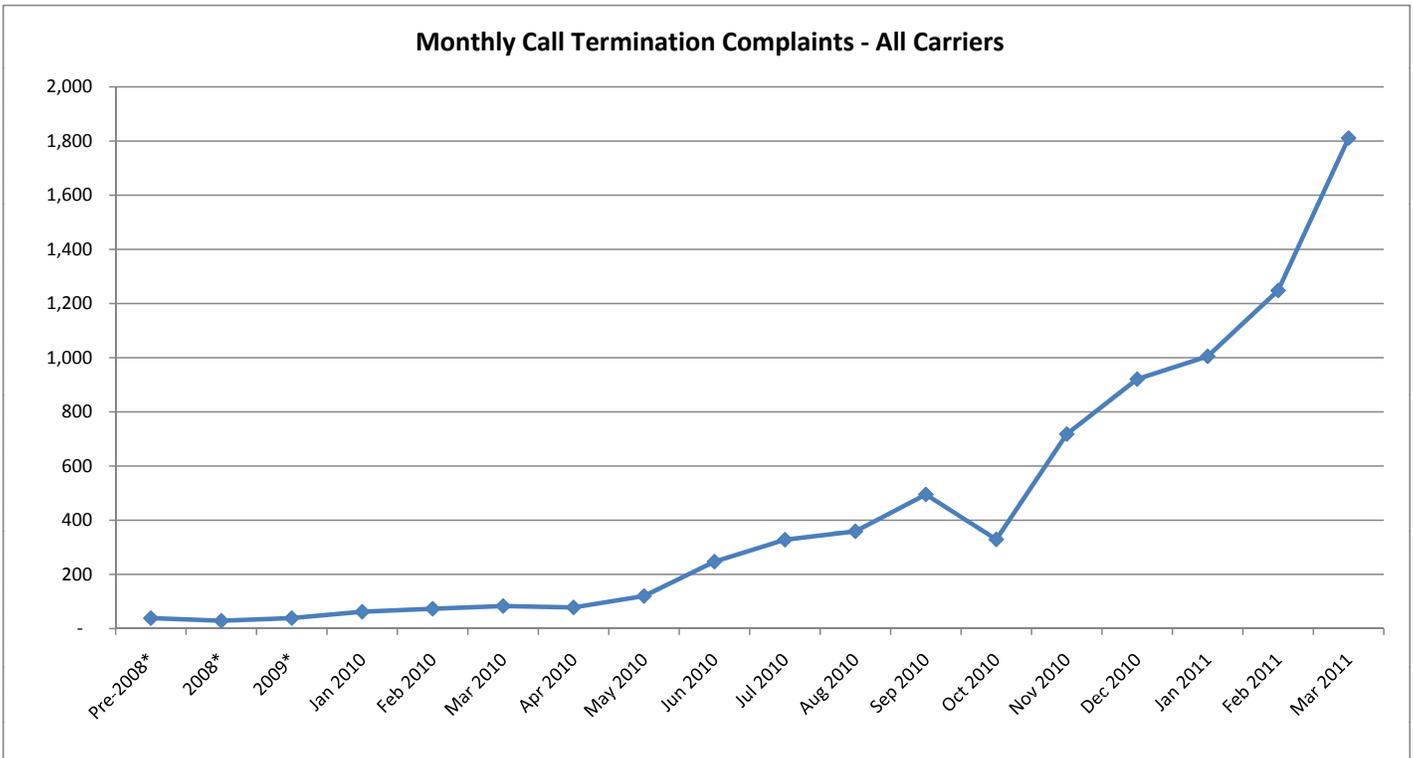
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APPENDIX A

RESULTS FROM CARRIER SPECIFIC CALL TERMINATION ISSUES SURVEY

Redacted for public inspection.

Carrier Specific Call Termination Issues Survey



* Pre-2010 periods are displayed as monthly averages

Carrier Specific Call Termination Issues Survey Summary

Originating Carrier/Provider Name	Grand Total	Unknown	Carrier A	Carrier B	Carrier C	Carrier D	Carrier E	Carrier F	Carrier G	Carrier H	All Others
Total Complaints	10,163	3,578	1,347	1,127	668	650	542	361	335	327	1,228
		35%	13%	11%	7%	6%	5%	4%	3%	3%	12%
Complaint percentages by type:											
Calls failing to complete	53%	50%	65%	44%	43%	11%	67%	65%	44%	63%	62%
Extremely poor voice quality	16%	26%	8%	7%	17%	4%	5%	7%	7%	19%	16%
Delayed ringing at receiving end	13%	9%	8%	8%	13%	78%	6%	17%	13%	16%	8%
Inaccurate or unintelligible caller ID	11%	11%	12%	28%	16%	7%	14%	6%	2%	1%	7%
Inaccurate or misleading interception messages	5%	2%	3%	10%	10%	1%	6%	5%	25%	1%	6%
Other	2%	1%	4%	3%	0%	0%	2%	1%	10%	0%	2%
Carrier response to resolution efforts											
Opened a trouble ticket and cooperated with ILEC staff	56%	N/A	13%	67%	100%	65%	15%	27%	47%	11%	67%
Would not open a trouble ticket/only blamed others	22%	N/A	79%	5%	0%	0%	45%	27%	31%	0%	14%
Other	11%	N/A	6%	22%	0%	25%	27%	37%	12%	1%	8%
Opened a trouble ticket but only worked with calling party	11%	N/A	2%	6%	0%	10%	13%	8%	10%	88%	12%
Resolution status:											
Temporarily resolved (issues recurred after some time)	44%	24%	40%	28%	98%	50%	23%	37%	52%	93%	39%
Unresolved	32%	66%	6%	20%	0%	19%	30%	25%	47%	3%	16%
Permanently resolved	24%	10%	54%	52%	2%	32%	48%	38%	1%	5%	45%

Carrier Specific Call Termination Issues Survey

Steps RLECs have taken to attempt to resolve the issue with originating carriers/providers

Comment 1

“Please understand that this has been a very difficult issue to retrace because for a long time we thought that the issue was ours. This is one reason that we do not have as much documentation as we would like to provide. We can assure you that we have received hundreds, if not thousands, of complaints over the past two years. We have spent countless hours outside of normal work hours and on weekends chasing resolutions to problems that were beyond our ability to fix.

“The scenarios have varied over the past two years. Many times the originating carrier told their customer that the issue was on our end. We tried various avenues to resolve their problems without success. Many complaints appeared to be the same customers not receiving calls from the same family or friends—so we thought. In the past six to twelve months, many other members have reported that they were having this problem for a long time but were not calling our office.

“We tried checking everything on our end, but never found any issues that we could pinpoint to a malfunction or mishap in our network. Many customers were upset with us, especially our business customers, because they believed and were told from the party calling them that the issue was in our network. However, this has never been the case to this point in time.

“In the beginning, many customers complained but would not provide information about the originating party because they were sure the issue was in our network. On other occasions, the originating party was not eager to help or open a trouble ticket on their end because they too thought the issue was in our network. The originating party was not always happy to spend their time helping us resolve what they perceived as our issue. As a result, we do not know in many cases what the outcome was, or even if the customer did indeed open a trouble ticket with their carrier.

“As we gained experience in dealing with this dilemma, we became adamant that the originating party must open a trouble ticket with their LD provider. This came about because [redacted] eventually got to a point where they did not want to help try and resolve issues for LD companies that were not checking their own networks first. For a while, [redacted] would open a trap to see if calls were making it to their network, but this could only happen if the originating party was willing to place a test call at a specific time when the trap was open.

“We finally concluded that the originators of LD calls must open trouble tickets with their provider. It only made sense because if our LD customers had a problem completing a call, they did not call the terminating end and tell them they had a problem, nor did we. Instead, they called us and we opened a trouble ticket with our wholesaler. This is the only means that we have found of making any progress with these terminating call issues.”

Redacted for public inspection.

Comment 2

"All call problems are reported to [redacted] who is our CEA tandem. Call problems range from unusable quality to non completed calls. Problems are resolved temporarily from several hours to several days. Very difficult to determine the number of failed calls. All [known] failures are reported to [redacted]. These numbers are only the tip of the iceberg as most of our customers are not aware when calls are not reaching them as these calls never get to our network."

Comment 3

"Opened excessive numbers of trouble tickets, both with wireless carriers (mainly [redacted]), ILEC owners of the tandems ([redacted] and [redacted]) to no resolution. We found no problems between us and the ILEC's but also were never able to identify the problem. Tickets with wireless carriers were closed with virtually no troubleshooting on their part, with no resolution or explanation, 100% of the time. We suspect there is a wholesale VOIP provider somewhere in the call progression that is causing these issues, but [we] have been unable to identify them. We can consistently recreate the call problems making test calls on our [redacted] cell phones."

Comment 4

"With [redacted] I worked for more than 90 days to resolve this issue, they would not take any responsibility the first 60 days until I could provide all the test proof to them that it had nothing to do with us. Even then they couldn't resolve the issues, when customers would call them they would say it was the customer's local provider and then the customer wouldn't believe us as [redacted] couldn't possibly lie about something like this. We lost customers over this issue."

Comment 5

"This is a very difficult problem to address because it is normally reported by one of our customers that is not receiving calls. We leave messages with the originating caller, but often they don't return our calls. When we are able to make contact with the originating party, they are not always cooperative, they just see it as our problem, and we should be able to fix it without wasting their time. In almost every case, in the initial report, the carrier blames [redacted] for the problem, until we challenge them. In all cases the carrier does tell us they reroute the calls, and they work, but within 2 weeks they stop working."

Comment 6

"In all cases, OUR own customers called us thinking it was a problem with our lines as they were not receiving calls. We determined the people calling them were [redacted] customers. We informed them to tell the originating caller to contact [redacted], but we do not know if this was done. One [customer] had trouble contacting our own line at the office - quality of voice was poor and she hung up. Tried to call me back for 2 hours and said it kept ringing on her end, but never rang here. Her caller ID number was also incorrect."

Comment 7

“For the most part, we have advised that the caller needs to open a ticket with their carrier. In some cases we were able to work with [redacted] directly as we had employees who were [redacted] customers and then able to work from that angle. In this case, we would see the fix, but it was temporary.”

Comment 8

“With the inbound call issues we have seen, most of the troubles have been reported by our subscribers as not being able to receive some of their phone calls. In some of these cases we do not get any SS7 messages indicating an incoming call ever reached our switch. We have to contact our customer and get the phone number of the originator and call them to request that they submit a trouble with their long distance provider. Most of the time their long distance provider would tell their customer the trouble was with the terminating switch, and was not their problem. In the cases where we do see an incoming call to our switch we immediately turn in a trouble with the terminating LD carrier. All LD carriers have been for the most part unresponsive to our trouble tickets, except for [redacted]. If we were lucky enough to get an issue taken care of the LD companies would not provide us with name of the carrier responsible and no indication of cause.”

Comment 9

“Each time, the trouble is tested on our end to make sure everything is working properly, then if no trouble is found, the customer is instructed to have the originating caller contact their LD provider or wireless provider to report the trouble on their end. We usually do not hear the results of those trouble reports.”

Comment 10

“Have traced a few calls with [redacted]/ [redacted] and determined they were being dropped somewhere in route. These are only the reports that were recorded. There were many, many more instances.”

Comment 11

“We just recently started tracking these issues but in all cases we do not see these calls hitting our switch. The testing that has taken place resulted in calls completing during testing but after a short period of time the end user is not able to complete the calls again.”

Comment 12

“We attempted to call [redacted] ourselves to help our customers who were having problems. [Redacted] refused to open trouble tickets for us. [Redacted] insisted that the originating caller had to call their long distance carrier. However, the originating caller, unless they had some other way to communicate to the customer in our area, would not have known there was a problem, since most of the calls we surveyed were rings on the originating end that never connected to our terminating customers.”

Comment 13

“When a trouble is reported to us we ask the originating caller to contact their long distance carrier repeatedly until they open a trouble ticket. Our technicians will also check our switch for any terminating call troubles. However, 9 times out of 10 it does not hit our switch.”

Comment 14

“These are very time consuming for our staff because we need to test with the calling party who is NOT our customer to determine who they have for a carrier. We request they make at least three test calls to our office at their cost. One test must be via [redacted] which always seems to work the best. Most carriers will not talk to us because we are not the Customer of Record. CPNI rules prevent them from working with us unless their customer initiated the trouble ticket. So we must convince somebody that has never heard of us to call their long distance company and open a trouble ticket and give us permission to talk with them, and we must also request this person call us long distance to troubleshoot. When all along their long distance company is telling them it is our problem. We suspect this problem started much earlier than we knew, most of our customers don't complain until the problem is chronic.”

Comment 15

“[Redacted] accepted calls and created trouble tickets and talked to staff at our company. Each time we called to report delays with connections coming into our business office and our repair office. However, they only really told our staff they would be fixing the problem and that they would call us back when the problem was resolved. We had to open multiple trouble tickets because when [redacted] believed the problem was resolved it either reoccurred nearly immediately or the trouble was shifted between our business office trunk and our repair trunk. Finally, after several complaints over about a 1 day period the problem was resolved. Ultimately, we were told that the underlying carrier-transport was changed.”

APPENDIX B

MATERIALS FROM RETAIL PROVIDER CUSTOMER “FAQs”

INDICATING REFUSAL TO ROUTE CALLS TO “COST-PROHIBITIVE” AREAS

PC MAGAZINE EDITORS CHOICE January 17, 2008 magicJack

2009 Product of the Year

HOME

100% Risk Free Try Before You Buy

Your Question

Why won't some of my calls complete?

Category: [All](#) > [Frequently Asked Questions](#)

Answer

Some restrictions in cost prohibitive areas may apply.

If the party you were calling owned a magicJack, you would be able to reach them and they could call you for free too!

magicJacks may be purchased at retail outlets like RadioShack, Best Buy, Wal-Mart, and many more.

As another alternative, the party you are trying to reach could download [magicTalk](#).

Last Update: Feb 19, 2011

FREE TRIAL

Use our Phone Service for free, make all the free calls you please. 100% Risk FREE - you pay nothing. (Hurry, less than 10,000 magicJacks are eligible to be shipped for the Free Trial Offer Today, Thursday, June 2, 2011. This offer is not available in stores and will expire.)

Click Here for Free Trial

FREE Local & Long Distance

FREE Directory Assistance

FREE Phone Number

FREE Call Waiting

FREE Voicemail

FREE Caller ID

works with



FCC# A921

APPENDIX C

QUESTIONS FOR RETAIL PROVIDERS

1. Please identify each least-cost router, interexchange carrier (“IXC”), and any other wholesale relationship (collectively, “LCRs”) that you utilize for the transmission of 1+ and any other long distance/toll calls (“Calls”) placed by your retail end user customers.
2. Please provide a detailed explanation, including any routing table information, indicating how you choose which LCR you will use for the transmission of any given Call. This would include an indication of which LCR you may use on a given day or at a given time.
3. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a failure by one of your retail end user customers to complete a Call to another party located in any area served by a rural local exchange carrier (“RLEC”).
4. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a Call that rings without answer as placed by one of your retail end user customers to another party located in any area served by an RLEC.
5. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a Call that has been placed by one of your retail end user customers to another party located in any area served by an RLEC but was subjected to an intercept message indicating that the Call could not be completed for any reason.
6. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a Call placed by one of your retail end user customers to another party located in any area served by an RLEC where the Call is alleged to have displayed incorrect, inaccurate, or misleading Caller ID.
7. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a failure to complete a Call to a party located in any area served by an RLEC.
8. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a Call that rings without answer as placed to a party located in any area served by an RLEC.
9. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a Call that has been placed to a party located in any area served by an RLEC but was subjected to an intercept message indicating that the Call could not be completed for any reason.
10. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a Call that has been placed to a party located in any area served by an RLEC where the Call is alleged to have displayed incorrect, inaccurate, or misleading Caller ID to the called party.
11. Please produce any and all documentation explaining your policies with respect to management of LCRs, including but not limited to any contracts with such LCRs and other statements of policy regarding the need for LCRs to comply with applicable law and ensure timely completion of Calls.
12. Please produce any and all documentation indicating steps that you have taken to address acts or omissions by LCRs with respect to: (a) Calls that ring for the calling party, but not at all or on a delayed basis for the called customer; (b) calling parties who receive intercept messages stating that the Call cannot be completed for any reason; (c) Calls that do not complete;

and/or (d) Calls for which incorrect, inaccurate, or misleading caller ID displays to called parties.

13. Please produce any and all communications you have had with RLECs regarding: (a) Calls that ring for the calling party, but not at all or on a delayed basis for the called customer; (b) calling parties who receive intercept messages stating that the Call cannot be completed for any reason; (c) Calls that do not complete; and/or (d) Calls for which incorrect, inaccurate, or misleading caller ID displays to called parties.



NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION

The Voice of Rural Telecommunications

www.ntca.org

October 7, 2011

Ex Parte Notice

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

Ex Parte Notice

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

Dear Ms. Dortch:

On Wednesday, October 5, 2011, the undersigned on behalf of the National Telecommunications Cooperative Association, together with Bob Gnapp and Colin Sandy from the National Exchange Carrier Association (“NECA”), Steve Pastorkovich from the Organization for the Promotion and Advancement of Small Telecommunications Companies and Derrick Owens from the Western Telecommunications Alliance (collectively, the “Rural Representatives”) met with Terry Cavanaugh, Margaret Dailey and Chris Killion from the Enforcement Bureau, John Healy of the Public Safety and Homeland Security Bureau, and Bill Dever and Richard Hovey of the Wireline Competition Bureau to discuss continuing concerns with respect to call routing and termination.

The Rural Representatives identified several scenarios that appear to arise in the context of call routing and termination problems: (1) the call never reaches the end office switch of the carrier serving the called party or even the tandem switch to which the end office subtends; (2) the call rings 15 to 16 times for the calling party before ringing for the customer on the receiving end; and (3) the call can be answered, but the called party cannot hear the calling party speaking. The Rural Representatives further discussed their understanding of the role that VoIP gateways used by intermediate service providers and routing tables used by interexchange carriers (“IXCs”) play in this process, and the fact that frequent updates to routing tables often appear to reintroduce problems that may have been resolved several days earlier after significant troubleshooting efforts.

Ms. Marlene H. Dortch

October 7, 2011

Page 2

The Rural Representatives also discussed how difficult it can be to track down appropriate and/or helpful contacts to obtain trouble resolution within some IXC organizations.

The Rural Representatives also responded to several questions presented by FCC staff during other meetings on the issues and discussed the attached summary of NECA's recent Test Call Project. The summary was provided to Commission staff to facilitate this discussion and includes carrier identifying information that NECA requests to remain confidential; a redacted copy is filed herewith, and a confidential version is provided under seal.

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 (703) 351-2020 or jcanfield@ntca.org

Respectfully submitted,

/s/ Jill Canfield

Jill Canfield

Director, Legal & Industry

Attachment

JC:rhb

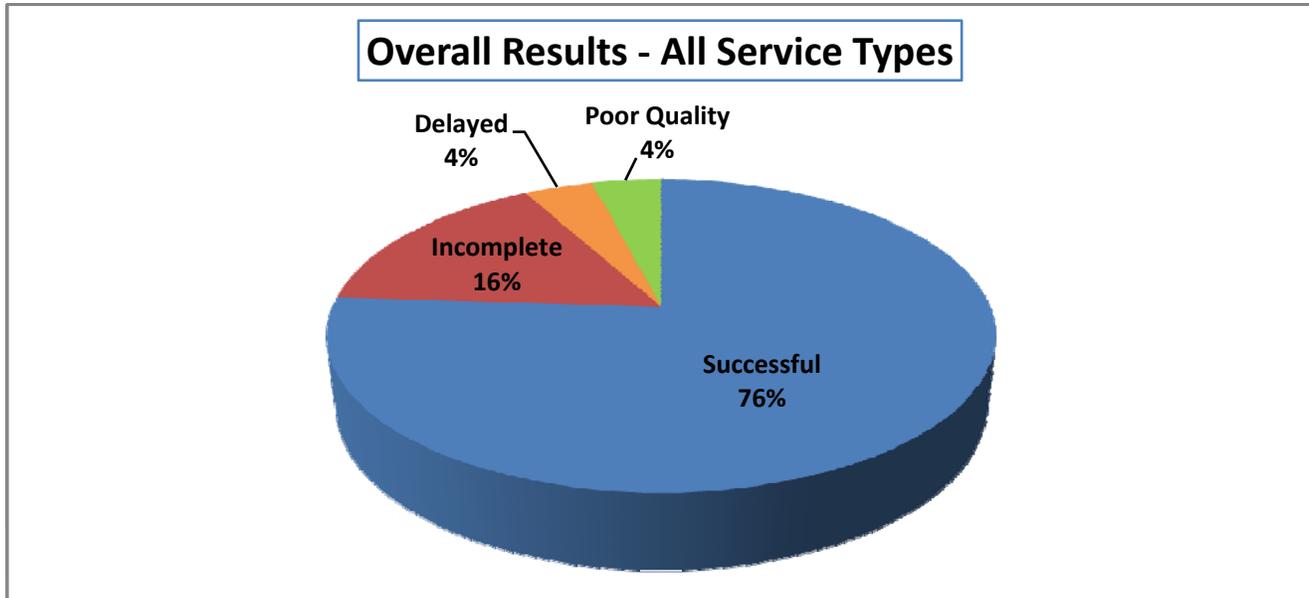
cc: Terry Cavanaugh
Margaret Dailey
Chris Killion
John Healy
Bill Dever
Richard Hovey

NECA Test Call Project - Summer 2011

Summary of Call Completion & Call Quality Results

Project Overview

- 2,150 test calls were made using various long distance carriers, wireless carriers, and VoIP providers.
- Participants originated calls from 16 states and terminated calls to test lines in 22 states.
- All terminating test lines were located in rural ILEC exchanges.



Overall Results & Results by Originating Service Type

	# of Calls	Successful	Incomplete	Delayed	Poor Quality
All Service Types	2,150	76%	16%	4%	4%
IXC	1,564	79%	13%	3%	5%
Wireless	333	85%	7%	5%	3%
VoIP	253	40%	45%	10%	5%

Definitions

Successful: Completed calls with no delay and no voice quality issues reported.

Incomplete: Calls which did not complete due to ring no answer, no ring, intercept message, etc..

Delayed: Completed calls with delayed setup (i.e. extended dead air before ring-back).

Poor Quality: Completed calls with poor voice quality (e.g. choppy, voice delay, one-way audio, echo, etc.).

Note: Results include a follow-up call by some test call participants after a failed attempt. This is consistent with the real world practice of redialing the called party's number after a call fails to go through on a first attempt.

NECA Test Call Project - Summer 2011
Summary of Call Completion & Call Quality Results

Results by Originating Carrier/Service Provider

	Service Type	# of Calls	Successful	Incomplete	Delayed	Poor Quality
Carrier/provider A	IXC	235	89%	9%	1%	1%
Carrier/provider B	IXC	116	74%	14%	9%	3%
Carrier/provider C	IXC	210	74%	12%	2%	12%
Carrier/provider D	IXC	29	79%	10%	7%	4%
Carrier/provider E	IXC	659	81%	14%	2%	3%
Carrier/provider F	IXC	28	96%	0%	0%	4%
Carrier/provider G	IXC	196	68%	25%	4%	3%
Carrier/provider H	IXC	91	76%	6%	9%	9%
Carrier/provider I	Wireless	40	65%	32%	0%	3%
Carrier/provider J	Wireless	95	92%	3%	4%	1%
Carrier/provider K	Wireless	59	88%	2%	5%	5%
Carrier/provider L	Wireless	50	92%	8%	0%	0%
Carrier/provider M	Wireless	89	83%	1%	11%	5%
Carrier/provider N	VoIP	49	80%	18%	0%	2%
Carrier/provider O	VoIP	43	42%	40%	9%	9%
Carrier/provider P	VoIP	58	33%	64%	0%	3%
Carrier/provider Q	VoIP	57	30%	67%	0%	3%
Carrier/provider R	VoIP	46	17%	28%	48%	7%



1634 Eye Street NW
Suite 510
Washington, D.C. 20006

Colin Sandy
Government Relations Counsel
PH 202-682-2496
FX 202-682-0154
csandy@neca.org

November 15, 2012

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 Wednesday, November 14, 2012, 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), via telephone, (collectively, Rural Representatives) met with Terry Cavanaugh, Margaret Dailey, Chris Killion, Theodore Marcus and Erica Walker from the Enforcement Bureau; Bill Dever and Richard Hovey of the Wireline Competition Bureau, and John Healy for the Public Safety and Homeland Security Bureau to discuss results of the group's recent joint call completion survey.

In particular, the group discussed its joint call completion survey conducted to determine the volume of consumer complaints related to calls to rural areas not being successfully terminated. More than 200 rural local exchange carriers in 39 states responded to the survey, which was conducted over a three-week period in October 2012.

The survey found that despite consumers' growing frustration with persistent problems receiving calls and their declining likelihood to report occurrences, volumes of complaints related to call completion are steady or rising in 62 percent of respondents' service areas when comparing complaints during the months of March 2012 through

September 2012 and a previous testing period of August 2011 through February 2012. While a comparison of complaint volumes during both seven-month periods shows modest improvement for some respondents' service areas, call completion issues continue to occur at alarming rates, further highlighting the need for better enforcement of existing rules governing essential communications services and new solutions to combat this mounting epidemic.

The Rural Representatives responded to several questions presented by FCC staff regarding the attached summary of NECA's test call project. This summary was provided to Commission staff to facilitate this discussion and includes carrier identifying information that NECA requests to remain confidential; a redacted copy is attached, and a confidential version is provided under seal.

The Rural Representatives also discussed planning that is underway for a collaborative test call project among rural carriers and members of the Alliance for Telecommunications Industry Solutions (ATIS). While details are still being finalized, the test call project is designed to identify and trouble-shoot call completion problems in real time.

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,

A handwritten signature in black ink, appearing to read "Colin Sandy". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Attachment

cc: Terry Cavanaugh
Margaret Dailey
Chris Killion
Bill Dever
John Healy
Richard Hovey
Theodore Marcus
Erica Walker

October 2012 Rural Call Completion Survey Results

Respondent Overview

Number of companies responding: **209**

States represented: **39**

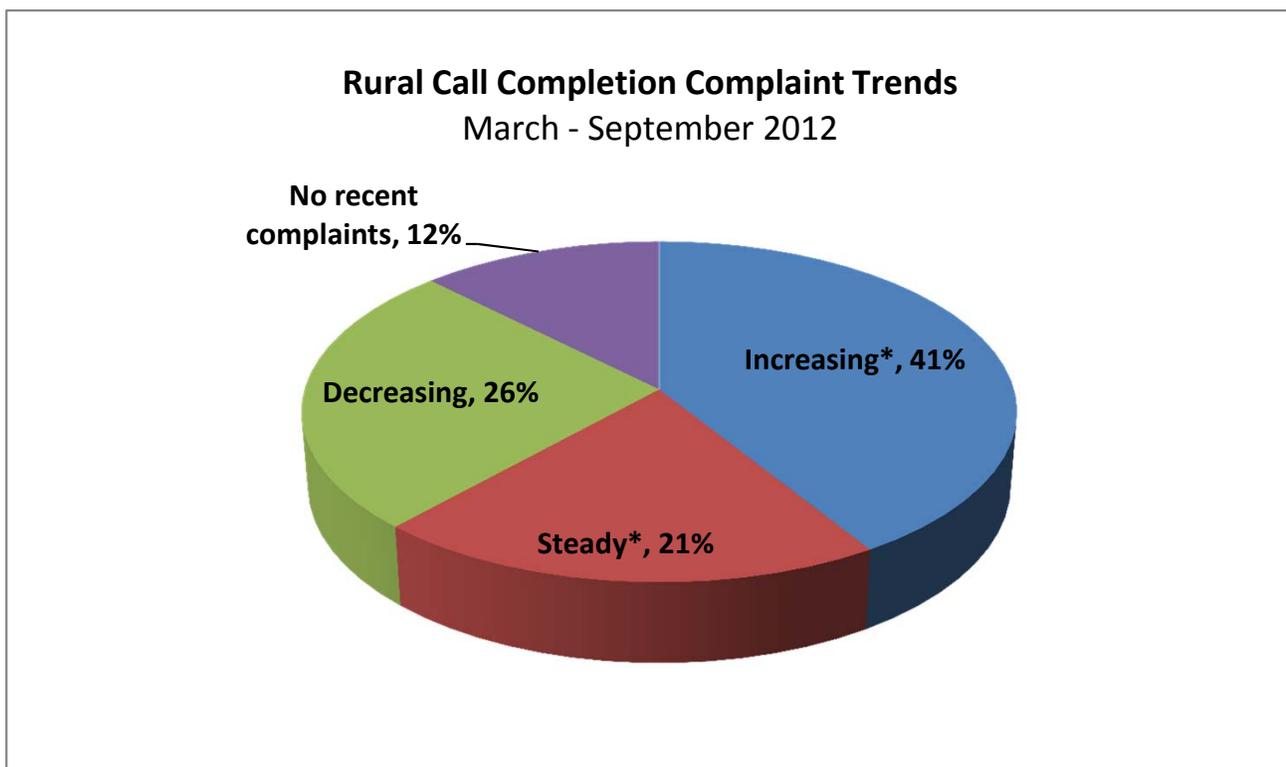
States where respondents reported complaints: **38**

Number of reported complaints March-August 2012: **4,691**

(Note, unlike the April 2011 survey, complaints were only reported where the originating carrier is known.)

Question #1 - Overall Trend:

Indicate the frequency of customer call completion complaints received during the last 7 months (March 2012 through September 2012) when compared to complaints received during the prior 7 months (August 2011 through February 2012).



*Complaint volumes are steady or getting worse in 62% of respondents' service areas despite decreasing consumer likelihood to report complaints.

October 2012 Rural Call Completion Survey Results

Question #2 (Carrier Specific Responses) - List each carrier known to have originated calls to your subscribers that resulted in a customer call completion complaint during the period **March 2012 through August 2012**.

Most cited originating carriers

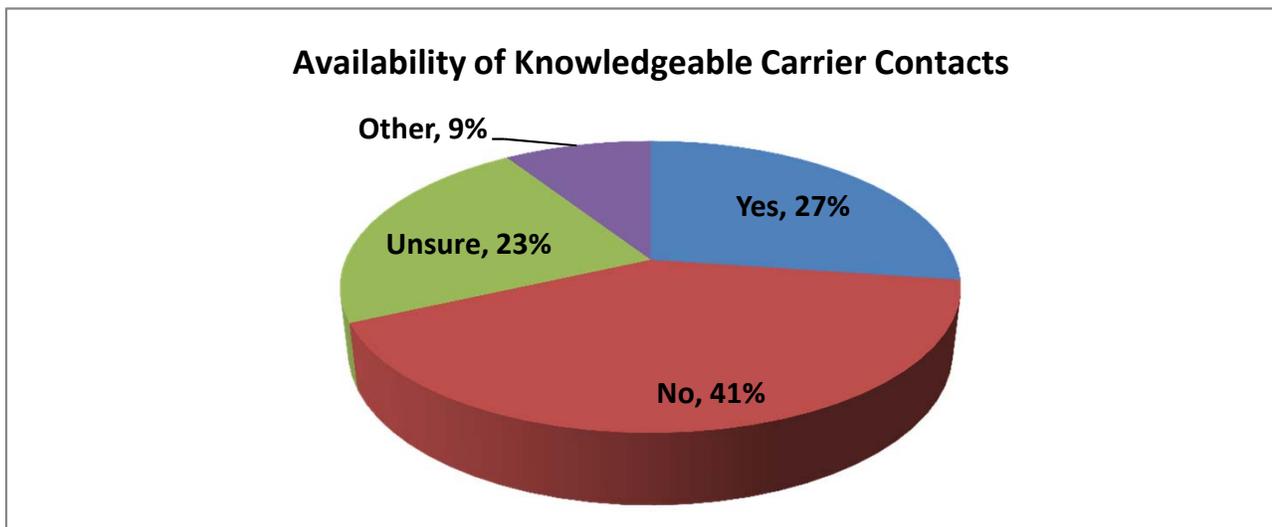
<i>Carrier Type</i>	<i>Carrier</i>	<i>Times Cited*</i>	<i>Number of Complaints</i>
<i>IXC</i>	Carrier A	33	289
	Carrier B	20	265
	Carrier C	15	436
	Carrier D	12	509
<i>Wireless</i>	Carrier E	33	842
	Carrier F	20	263
	Carrier G	13	117
<i>Fixed VoIP</i>	Carrier H	15	134
	Carrier I	11	49
	Carrier J	7	63
	Carrier K	6	13
<i>Nomadic VoIP</i>	Carrier L	6	176
	Carrier M	5	112

*Number of respondents reporting at least one complaint for this carrier.

October 2012 Rural Call Completion Survey Results

Question 2a - Did this carrier identify a specific contact point that is knowledgeable about rural call completion issues?

All responses



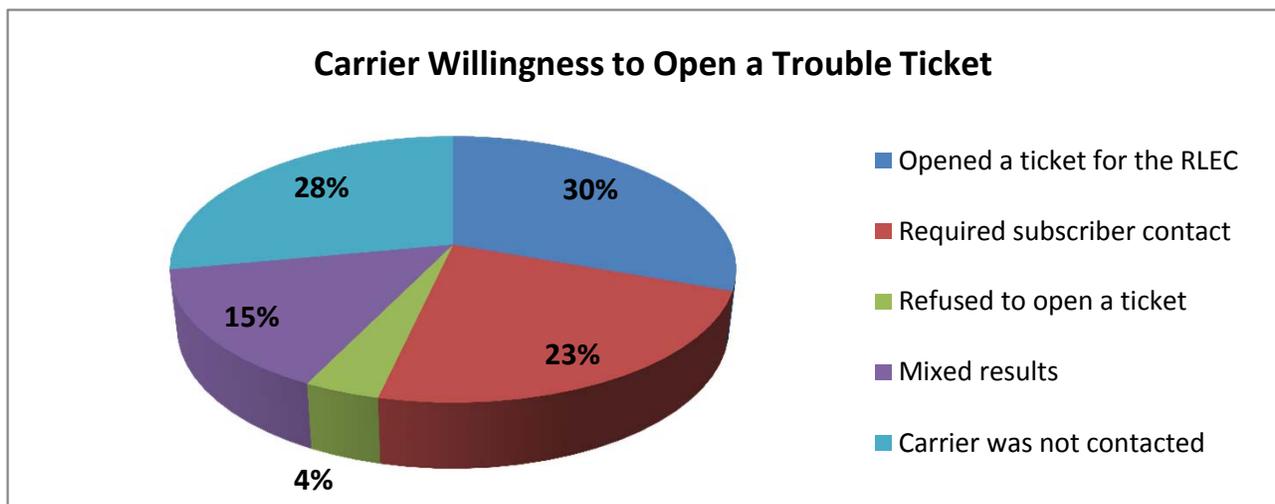
Most cited originating carriers

Carrier Type	Carrier	Yes	No	Unsure	Other
IXC	Carrier A	36%	42%	21%	0%
	Carrier B	15%	45%	25%	15%
	Carrier C	7%	60%	20%	13%
	Carrier D	33%	58%	8%	0%
Wireless	Carrier E	16%	44%	38%	3%
	Carrier F	26%	37%	37%	0%
	Carrier G	38%	31%	15%	15%
Fixed VoIP	Carrier H	40%	27%	27%	7%
	Carrier I	45%	36%	9%	9%
	Carrier J	43%	29%	29%	0%
	Carrier K	0%	50%	50%	0%
Nomadic VoIP	Carrier L	0%	83%	17%	0%
	Carrier M	0%	75%	0%	25%

October 2012 Rural Call Completion Survey Results

Question 2b – Were you able to open a trouble ticket with the originating carrier?

All responses



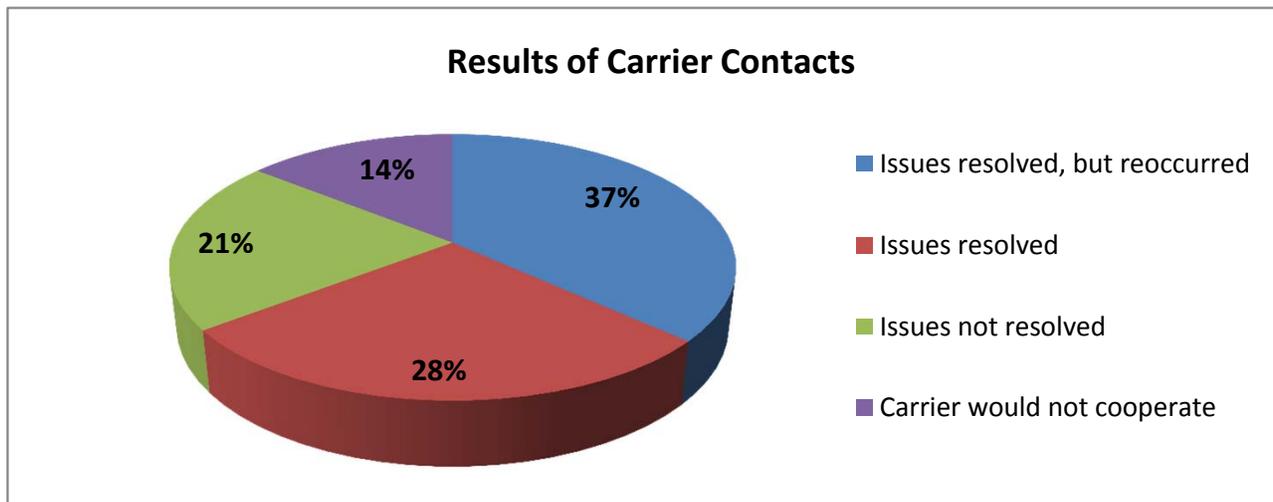
Most cited originating carriers

<i>Carrier Type</i>	<i>Carrier</i>	<i>Opened a trouble ticket for the RLEC</i>	<i>Required contact with their own subscriber</i>	<i>Refused to open a ticket</i>	<i>Mixed results</i>	<i>Carrier was not contacted</i>
IXC	Carrier A	36%	24%	6%	12%	21%
	Carrier B	21%	21%	11%	21%	26%
	Carrier C	7%	21%	0%	21%	50%
	Carrier D	58%	17%	0%	8%	17%
Wireless	Carrier E	18%	36%	3%	12%	30%
	Carrier F	21%	58%	0%	11%	11%
	Carrier G	46%	23%	0%	8%	23%
Fixed VoIP	Carrier H	57%	7%	0%	14%	21%
	Carrier I	45%	0%	0%	9%	45%
	Carrier J	29%	29%	0%	29%	14%
	Carrier K	0%	33%	0%	33%	33%
Nomadic VoIP	Carrier L	20%	20%	20%	20%	20%
	Carrier M	0%	0%	50%	0%	50%

October 2012 Rural Call Completion Survey Results

Question 2c – What was the response/result of company contacts with the originating carrier?

All responses



Most cited originating carriers

<i>Carrier Type</i>	<i>Carrier</i>	<i>Issues resolved</i>	<i>Issues resolved, but reoccurred</i>	<i>Issues not resolved</i>	<i>Carrier would not cooperate</i>
IXC	Carrier A	44%	25%	25%	6%
	Carrier B	20%	40%	20%	20%
	Carrier C	33%	17%	33%	17%
	Carrier D	44%	11%	44%	0%
Wireless	Carrier E	18%	35%	29%	18%
	Carrier F	9%	45%	27%	18%
	Carrier G	38%	63%	0%	0%
Fixed VoIP	Carrier H	43%	29%	29%	0%
	Carrier I	50%	25%	25%	0%
	Carrier J	0%	50%	25%	25%
	Carrier K	100%	0%	0%	0%
Nomadic VoIP	Carrier L	33%	0%	0%	67%
	Carrier M	0%	0%	0%	100%

March 11, 2011

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

Ex Parte Notice:

In the Matter of Establishing Just and Reasonable Rates for Local Exchange Carriers, Call Blocking by Carriers, WC Docket 07-135; Developing an 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 Thursday, March 10, the undersigned and Jill Canfield from the National Telecommunications Cooperative Association (NTCA), Derrick Owens from the Western Telecommunications Alliance (WTA), Colin Sandy from the National Exchange Carrier Association (NECA), Stuart Polikoff and John McHugh from the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), Kevin Larson from Consolidated Telephone Company, Dave Bickett from Park Region Mutual Telephone Company and Fritz Hendricks from Onvoy (collectively, “the Rural Representatives”) met with the following representatives from the Federal Communications Commission: Dan Ball, Travis Litman, Lynne Engledow, Victoria Goldberg, Al Lewis, John Hunter, Margaret Dailey, Terry Cavanaugh, and Tracy Bridgham.

The group discussed problems related to the transmission and completion of calls placed to customers served by rural local exchange carriers (LECs). The Rural Representatives identified a variety of concerns, including but not limited to: (1) calls that ring for the calling party, but not at all or on a delayed basis for the called customer of the rural LEC; (2) calling parties who receive incorrect or misleading message interceptions before the call ever reaches the rural LEC or the tandem it subtends; (3) calls that appear to “loop” between routing providers, but never reach the rural LEC or the tandem it subtends; and (4) incorrect caller ID that displays to called parties (to the extent such calls reach the rural LEC network at all).

The Rural Representatives explained how difficult it is to identify such problems when they occur. Specifically, because these issues arise in the context of calls placed by customers of other carriers and because the calls may never reach the rural LEC network at all, such problems are most often identified only when the calling party communicates the concern to the called party, and then only if the called party in turn reports this concern to its serving rural LEC. The Rural Representatives further discussed how difficult it is to locate and resolve the source of the

Ms. Marlene H. Dortch
March 11, 2011
Page Two

issue even once identified, because there are a variety of platforms on which the troubles arise and a number of logistical and operational barriers to “troubleshooting” problems on other carriers’ networks. The Rural Representatives indicated, however, that their fact-finding supports the conclusion that the problems appear to arise from how originating carriers choose to set up the signaling and routing of their calls. They described their efforts to work with the carriers of calling parties to address the problem and the inconsistent results thereof.

The Rural Representatives described how this problem has become a nationwide and industry-wide epidemic that directly and adversely affects consumers. They gave several examples of how this epidemic threatens public safety and homeland security, and explained how it degrades the integrity and reliability of the nation’s telecommunications network.

The attached document provides further details. It was handed out and presented during the meeting.

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 (703) 351-2016 or mromano@ntca.org.

Sincerely,

/s/ Michael R. Romano
Michael R. Romano
Senior Vice President – Policy

Enclosure

Cc: Dan Ball
Travis Litman
Lynne Engledow
Victoria Goldberg
Al Lewis
John Hunter
Margaret Dailey
Terry Cavanaugh
Tracy Bridgham

Protecting the Integrity of the PSTN

Consumers Unable to
Complete Calls to Rural
America



Introduction

- The success of the Nation's telecommunications network relies upon the ability of all users to complete calls seamlessly
- Blocked, uncompleted, delayed and/or poor quality calls create adverse economic and public safety impacts
- The Commission should reaffirm its call blocking rules to address recent occurrences

Outline

- Facts
- Impacts
- Policy
- Law

Facts

- A growing number of rural customers report difficulties receiving long distance calls
- Numerous reports describe calls that: ring at the caller's end, but not the called party's; "time-out;" have inaccurate or garbled caller ID; have dramatically low voice quality
- Problems lie with the originating carriers and/or routing of calls prior to rural LEC
- Include calls originating from wireline, wireless, interconnected VoIP, and VoIP systems

Facts

- Reported occurrences in numerous jurisdictions, including but not limited to: Colorado, Iowa, Minnesota, Nebraska, New Mexico, South Dakota, and Wisconsin
- A multi-month effort by a tandem provider to multiple LECs in Minnesota documented numerous in-bound calling problems
 - *Complaints ranging from 4 to 32 trouble tickets per week over 3 month period in 2010*
 - *Often stop-and-start patterns – resolved and restart*
- 80% of carriers responding to NTCA's survey reported termination problems
 - *28% report persistent concerns continue*
 - *46% report ongoing intermittent issues*

Facts

- Called customers turn to LECs for resolution, but originating carriers are frequently reluctant to work with anyone other than the customer of record (*i.e.*, the originating caller)
- Problem potentially larger than being reported, since:
 - Called customers may not be aware of in-bound call problems absent notification by calling party
 - LECs may not be aware of in-bound call problems absent notification by called customers

Impacts

- The adverse impacts include economic concerns and public safety
 - A retail firm *invoiced its rural LEC* for more than \$50,000, citing lost sales from potential customers who could not reach the supplier
 - A state police barracks has threatened to move, citing its inability to receive critical calls
 - The Minnesota A.G. has initiated inquiries because of public safety agency concerns
 - Consumers are lodging complaints with the FCC and state commissions; NE has opened a docket
- The integrity of the PSTN is at risk

Impacts

- Customers turn to local company for resolution of problem that occurs on another's network
 - Customers suffer missed calls
 - LECs endure loss of goodwill
 - LECs expend resources to chase problems – NTCA member: “Countless hours, days, weeks . . . Once we make the initial contact, they pass it off as someone else's problem”
 - With least-cost routing and multiple hand-offs between regulated and unregulated providers (including VoIP), it is difficult – if not impossible – to establish source(s) of issues or establish that state commissions have jurisdiction to help resolve issues

Policy

- These problems are threatening commerce, public safety, and customers' ability to access and use a reliable network
 - Call failure is an obvious concern, but even inaccurate/garbled caller ID issues can frustrate law enforcement and national security objectives
- The value of the Nation's telecommunications network increases with each connected user; the Commission must prevent operating practices that decrease its value

Law

- Commission precedent prohibits call blocking and similar practices
 - No carriers may “block, choke, reduce or restrict traffic in any way” (DA 07-2863)
- Such practices “may degrade the reliability of the nation’s telecommunications network”
- “It is not difficult to foresee instances in which the failure of a call to go through would represent a serious problem and, in certain instances, it could be life-threatening” (FCC 01-146)

Law

- The Commission should ensure that providers do not initiate or permit actions that result in calls failing to terminate
- The Commission should ensure that provider practices do not otherwise result in traffic being choked, restricted, or disguised
- Where a provider knows – *or should reasonably know* – that calls will fail to complete and/or suffer in quality or timeliness of delivery, the provider should be responsible for its acts or omissions

Law

- Inaccurate caller ID information violates Commission rules
- Common carriers using SS7 are required to transmit the CPN associated with an interstate call to interconnecting carriers (47 CFR 64.1601(a))

Conclusion

- The Commission should affirm the duty of all providers to route calls properly for completion regardless of the technology used in the transport of those calls
- The Commission should affirm the duty of providers to supply accurate and complete caller ID for the actual customer who originated the call
- The Commission must ensure that users' reliance on the Nation's communications network is not misplaced or undermined