

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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

**COMMENTS  
OF  
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby submits these Comments in response to the Wireline Competition Bureau’s (the “Bureau’s”) request for comment in the above-captioned proceeding. Specifically, as directed by the Commission in the Fourth Rural Call Completion Order, the Bureau seeks comment on the effectiveness of the intermediate provider quality standards “in preventing intermediate providers . . .from engaging in behavior that leads to call [completion] problems and on whether the rural call completion problems that these rules were intended to address have improved or changed.”<sup>2</sup> NTCA’s members appreciate the Commission’s continued attention to the problem of calls failing to complete to consumers situated in rural areas. While calls to rural consumers continue to fail, the Commission’s efforts,

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<sup>1</sup> NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All NTCA service provider members are full service rural local exchange carriers (“RLECs”) and broadband providers, and many provide fixed and mobile wireless, video, satellite and other competitive services in rural America as well.

<sup>2</sup> *Rural Call Completion*, WC Docket No. 13-39, Fourth Report and Order, 34 FCC Rcd 1781 at 1786, ¶ 13 (2018) (“Fourth Rural Call Completion Order”).

including the rules being analyzed in this proceeding, have mitigated the issue – and thus the Commission should sustain its successful framework as it has been revised and recalibrated in recent years.

## **I. BACKGROUND**

The Commission has a long history of reminding carriers of their obligation to complete calls, stating in 1987 that carriers are prohibited from blocking, choking, reducing, or restricting traffic in any way, including to avoid termination charges.<sup>3</sup> The Wireline Competition Bureau also issued a declaratory ruling in 2007 to clarify that no carriers, including interexchange carriers, may block, choke or restrict traffic in any way, noting that the ubiquity and reliability of the nation’s telecommunications network is of paramount importance.<sup>4</sup> Despite the admonishments, rural providers received complaints from subscribers who were not receiving calls. The problem grew until there was a systemic issue of calls failing to reach rural networks. Nearly a decade ago, NTCA first officially notified the Commission of widespread reports of call failure and explained the associated significant personal and economic costs and threats to the public safety. Between 2011 and 2019, the FCC adopted a series of rules aimed at helping to

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<sup>3</sup> See, *Access Charge Reform*, CC Docket No. 96-262, RCC 01-146, Seventeenth Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 9923, 9932-33 (2001); *Blocking Interstate Traffic in Iowa*, FCC 87-51, Memorandum Opinion and Order, 2 FCC Rcd 2692 (1987).

<sup>4</sup> *Establishing Just and Reasonable Rates for Local Exchange Carriers; Call Blocking by Carriers*, WC Docket No. 07-135, Declaratory Ruling and Order, 22 RCC Rcd 11629 (WCB 2007).

ensure that calls reach rural providers' networks and ultimately, rural consumers.<sup>5</sup> Most pertinent to the framework currently in place:

- The Second Rural Call Completion Order adopted a monitoring requirement on covered providers and a point of contact rule requiring covered providers to make publicly available contact information, including a telephone number and email address, for the express purpose of receipt and handling of rural call completion issues.<sup>6</sup>
- In its Third Rural Call Completion Order, the Commission adopted several rules to begin its implementation of the Improving Rural Call Quality and Reliability Act of 2017 (RCC Act). In this Order, the Commission established an intermediate provider registry, which required intermediate providers to register with the Commission, and adopted rules prohibiting covered providers from using unregistered intermediate providers.<sup>7</sup>
- In the Fourth Rural Call Completion Order, the Commission completed implementation of the RCC Act, adopting three service quality standards for intermediate providers. The service quality standards: (i) imposed a general duty on intermediate providers to complete calls; (ii) required intermediate providers routing traffic to rural areas to actively monitor the performance of any downstream intermediate provider for which they have a contract, and based on this monitoring, take steps to address any issues; and (iii) required intermediate providers to ensure that any additional intermediate providers to which they hand off a call are registered with the Commission.<sup>8</sup>

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<sup>5</sup> See *Rural Call Completion*, WC Docket No. 13-39, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, (2013); *Rural Call Completion*, WC Docket No. 13-39, Second Report and Order and Third Further Notice of Proposed Rulemaking, 33 FCC Rcd 4199 (2017) (“Second Rural Call Completion Order”); *Rural Call Completion*, WC Docket No. 13-39, Third Report and Order and Order, 33 FCC Rcd 8400 (2018) (“Third Rural Call Completion Order”); and Fourth Rural Call Completion Order (2018).

<sup>6</sup> See Second Rural Call Completion Order, 33 FCC Rcd at 4204 – 4206

<sup>7</sup> See Third Rural Call Completion Order, 33 FCC Rcd at 8400 – 8408.

<sup>8</sup> See Fourth Rural Call Completion Order, 34 FCC Rcd at 1789-1792.

## **II. RURAL CALL COMPLETION PROBLEMS HAVE DIMINISHED, BUT NOT DISAPPEARED**

This series of orders and implementation of the associated rules, along with the steps and enforcement measures taken earlier to address concerns when they were at their peak, have been effective in contributing to a downward trend of rural call completion complaints. In response to *the Bureau's request for comment on the effectiveness of its intermediate quality standards*, NTCA conducted an informal survey of its members. Nearly all responders indicated that the problem has diminished. However, some NTCA members report that they continue to receive rural call completion complaints on a monthly or weekly basis, with occasional spikes that lead to daily complaints. These providers indicate that they continue to spend a considerable amount of time working with the customers to identify originating providers and troubleshoot the issues. When asked to describe the effectiveness of the Commission's call completion mitigation efforts on a scale between "ineffective" and "completely eliminated" the problem, every respondent reported that the Commission's rules have "somewhat" or "mostly, but not completely" addressed rural call completion problems.

Although the Bureau seeks comment specifically on whether its intermediate provider quality standards have been effective, it is not possible to consider one set of rural call completion rules outside the context of the whole. As a comprehensive framework that includes each of the components listed in bullets above (and enforcement measures taken in the past), the rural call completion rules, while not 100% effective, are mostly working as intended. As we move forward, it is essential that the Commission not "backtrack," declare victory, and fold up its tents. The improvement has come because of the Commission's adoption of rules, its

refinement of them over time, and its enforcement of them. It is therefore critical that the Commission continue to enforce the rules in place and consider when enhanced enforcement efforts against bad actors might be necessary and warranted to provide all providers in a call path with appropriate incentives to ensure that calls complete. In short, it is essential that the Commission interpret a reduction in rural call completion complaints not as evidence that any of the existing rules is unnecessary. The fact that problems persist, despite the Commission's and rural providers' continuing efforts to combat them, leads to the conclusion that the minor burdens associated with compliance with the rules is far outweighed by the need for them.

### **III. CONCLUSION**

NTCA and its members appreciate the Commission's efforts to address the problem of calls failing to complete to rural consumers. Those efforts, as refined and recalibrated at appropriate times over the past decade, have significantly mitigated the problem and have helped to restore faith in the landline network. However, even as mitigation efforts have appeared to work as intended, it is essential to also recognize those efforts have not eliminated the problem – and that withdrawing from these efforts poses great risk of recurrence. Some rural carriers continue to spend a significant amount of time and effort addressing call failure and some rural consumers and businesses are not reliably receiving calls from family, friends, or customers. The Commission should therefore sustain its current framework and continue to investigate

complaints as they arise with respect to rural call completion failures.

Respectfully submitted,



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