



March 13, 2017

Ex Parte Notice

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

RE: *Rural Call Completion, WC Docket No. 13-39*

Dear Ms. Dortch:

On Thursday, March 9, 2017, the undersigned from NTCA – The Rural Broadband Association (“NTCA”) met with Dan Kahn, Nirali Patel, Alex Espinoza, Adam Copeland, David Brody and Bill Andrle of the Wireline Competition Bureau to discuss rural call completion.

NTCA explained that rural call completion problems continue across rural America. Although complaints may have decreased due to the Commission’s record retention and reporting requirements and certain carriers’ complying with the safe harbor – as well as consumer fatigue and diminished expectations for network performance after years of problems – but the problem continues nonetheless. Given the potentially devastating consequences of call failure, NTCA urged the Commission to remain diligent in its pursuit of long term solutions while prosecuting originating providers who fail to complete calls.

Any sunset of the record keeping and reporting requirements is grossly premature and should not be considered. History demonstrates that originating providers require this level of oversight, and any improvement in call completion performance should be attributed to the incentives to perform created by the very existence of the records and reports in question. Backsliding now by removing the transparency that has been afforded into originating carriers’ practices and performance via the reports puts at substantial risk any progress made.

Addressing direct complaints is certainly an effective way for originating providers to address complaints, but it is not an effective way to address call failures.¹ To address a complaint, a complaint must be lodged. However, rural consumers who do not receive calls only know to complain if someone tells them they are not receiving calls. It is certain that the vast majority of call completion failures are never recorded and would not be resolved absent monitoring. The fact that the number of call completion complaints has decreased (though calls continue to fail at an alarming rate) indicates that the record retention and reporting requirements are helping to produce the intended result.

¹ See, *Ex Parte* of Verizon, *Rural Call Completion*, WC Docket No. 13-39 (May 13, 2014).

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NTCA addressed the Verizon *ex parte* in which it requested that the Commission clarify that incidental or *de minimis* use of a third intermediate provider during network congestion or outages is not in conflict with the call completion safe harbor.² If any exception were to be made to the two intermediate providers limit, such an exception should be created under only extremely limited circumstances and the Commission should very narrowly define the circumstances under which such an exception may apply. No exception should be offered during predicted or predictable periods of high traffic volume. To maintain the integrity of the network and ensure that the safe harbor acts as a backstop against call failure, the exception, if any, should apply only in the narrowest category of unusual circumstances and for no more than select and discrete periods of time as specified by the Commission.

Verizon also requests that the Commission clarify “that the certification applies to traffic destined for the rural ILECs that are the subject of record retention and reporting obligations.”³ It is presumed that Verizon suggests it only be required to certify to the two intermediate provider safe harbor for calls that are destined to complete to identified rural incumbent local exchange carriers (“ILECs”), and no certification would be required for calls that are destined to complete to non-rural ILECs or rural competitive local exchange carriers (“CLECs”). But the two intermediate provider limit for safe harbor certification should apply for calls destined to complete to customers of all known rural carriers, ILECs and known CLECs. While there is no current complete list of competitive rural carriers, the Commission has received myriad of complaints about calls that fail to complete to CLECs and certainly, the carriers themselves are aware of rural CLECs to whom they have had difficulties completing calls. The safe harbor certification should apply to all calls destined to complete at known rural carriers, whether ILEC or CLEC.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Jill Canfield

Jill Canfield

V.P. Legal & Industry

Assistant General Counsel

cc: Daniel Kahn
Nirali Patel
Alex Espinoza
Adam Copeland
Daniel Brody
William Andrle, Jr.

² *Id.*

³ *Id.*