

provisions in rules 64.2103, 64.2105, 64.2107 and 64.2109, concerning the recording, retention and reporting of call completion data. NASUCA agrees that poor quality data will not produce desired results.³ NASUCA takes no position at this time on whether the data quality could be improved.

NASUCA agrees with concerns expressed by another commenter on the Wireline Competition Bureau Report that removal of the recording, retention and reporting requirement rules would entail removal of the safe harbor provisions,⁴ as confirmed by the proposed removal of rule 64.2107. Even if the data have not proven useful, the safe harbor provisions have resulted in reduction of the number of intermediate providers. That is a tangible and valuable benefit in resolving the problem. The use of multiple providers in the call paths contributes substantially to the call completion failures.⁵ But, removal of the safe harbor provision without adoption of a new rule that encourages providers to reduce the number of intermediate providers in the call paths would be an unfortunate step backwards. A means should be found to keep such an incentive in the rules.⁶

II. THE COMMISSION SHOULD ADOPT RULES ESTABLISHING SPECIFIC, ENFORCEABLE CALL COMPLETION STANDARDS FOR BOTH ORIGINATING AND INTERMEDIATE PROVIDERS.

NASUCA supports the Commission's objective of "hold[ing] covered providers responsible for monitoring rural call completion performance and taking action to address poor

³ See Order, ¶¶ 7, 12, 25

⁴ Comments of NTCA-The Broadband Association, filed Aug. 3, 2017, p. 9.

⁵ See Order, ¶¶ 2, 10.

⁶ See Order ¶ 19.

performance.”⁷ NASUCA supports most of the language in proposed revised rule 64.2103.

Providers should be held accountable for reliable call completion. It is lack of accountability that gave rise to the problem.

The goal should be expanded to include the prevention of call completion failures in the first instance. A reliable network exists when industry takes proactive and reactive measures to enhance the likelihood that call attempts succeed. NASUCA does not support the proposed inclusion in section 64.2103 of the clause “including by removing the intermediate provider from a particular route after sustained inadequate performance.” Although poorly performing providers should be removed from call paths, their removal is an inadequate solution.

The conclusions reached by the administrative law judge in rural call completion proceedings in Iowa support this view:

[I]t is clear that the use of multiple intermediate carriers without adequate care regarding service quality and completion of calls, and inadequate facilities and capacity constraints in some locations, were the primary causes of the call completion problems that occurred in these cases. The information shows the customers in these cases did not receive reasonably adequate service, in most cases for months or even years. The information shows that removal of particular intermediate carriers in these customers’ call paths often solved the particular problems for the customers. However, the information also shows that the after-the-fact removal of particular intermediate carriers in these individual cases without other preventative actions did little or nothing to prevent future call completion problems from occurring and was an insufficient response to the customers’ problems.

In re Rehabilitation Center of Allison, et al., No. FCU-2012-0019, *et al.*, Proposed Decision and Order Making Recommendations to Board (IUB ALJ July 28, 2016, pp. 102-03).⁸

⁷ Order, ¶¶ 1, 11, 12, 14.

⁸ <https://efs.iowa.gov/cs/groups/external/documents/docket/mdax/njax/~edisp/1601272.pdf>. No party appealed the proposed order.

The Commission seeks comment on approaches that will best facilitate the Commission’s ability to achieve its objectives, including its ability to enforce Sections 201, 202 and 217 of the Communications Act of 1934, as amended (“Communications Act”).⁹ The Senate has now joined the House of Representatives in passing the Improving Rural Call Quality and Reliability Act of 2017 (“RCC Act”) that, if enacted, instructs the Commission to establish a registry of and service quality standards for intermediate providers.¹⁰

If enacted, the RCC Act will amend the Communications Act by adding a new section 262, including a new subsection (c)(1)(B) requiring the Commission, within one year after enactment, to “promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers.” NASUCA supports the legislation and the promulgation of such standards as the best solution to call completion failures.

There are many challenges that threaten the reliability of the network, including the multiplicity of providers, technologies, systems, and the serious potential for incompatibilities. Performance monitoring should be tied to specific practices that are needed for reliable network performance. These practices should be set forth in the rules as quality standards.¹¹ While NASUCA supports the essential work done by Alliance for Telecommunications Industry Solutions (ATIS),¹² the embodiment of the standards in rules will afford an opportunity for consumer participation in their development and will enable enforcement as needed.

Standards along the following lines, applicable to both originating and intermediate carriers that make use of downstream intermediate carriers, merit consideration:

⁹ Order, ¶¶ 14, 15.

¹⁰ Order, ¶ 9.

¹¹ See Order, ¶ 16, fourth bullet point.

¹² Order, ¶¶ 14, 16, 19 & n. 51.

- Establish and conduct standardized testing routines;
- Investigate on an ongoing basis whether downstream carriers are using properly designed and properly functioning equipment, including properly designed and properly functioning software;
- Investigate on an ongoing basis whether downstream carriers' switches and call paths have sufficient capacity to carry the traffic to the intended destinations;
- Require each downstream carrier on an ongoing basis to provide specific information regarding its system and the limitations of its system, including information regarding any difficulties its system may have interoperating with other systems using different technologies;
- Require each downstream carrier on an ongoing basis to provide specific information regarding any bandwidth or other capacity constraints that would prevent its system from completing calls to particular destinations at busy times;
- Require each downstream carrier to use properly designed and properly functioning alarms in its system that ensure immediate notice of any outages on its system;
- Require each downstream carrier to use properly designed and properly functioning mechanisms to ensure that the downstream carrier, if unable to complete a call, timely releases the call back to the upstream carrier;
- Require each downstream carrier to use properly designed and properly functioning mechanisms to ensure that the downstream carrier, if making successive attempts to route the call through different lower-tiered downstream carriers, timely passes the call to a second (or third or fourth) lower-tiered downstream carrier if a first (or second or third) lower-tiered downstream carrier cannot complete it;
- Require each downstream carrier to use properly designed and properly functioning mechanisms to detect and control looping, including the use of hop counters or other equivalent mechanisms that alert a carrier to the presence of a loop;
- Establish direct measures of quality and require downstream carriers to meet them;
- Establish and implement appropriate sanctions for intermediate carriers that fail to meet standards;

- Require downstream carriers to manage lower-tiered downstream carriers and to hold lower-tiered downstream carriers to the same standards that they themselves are held;
- Define the responsibilities of downstream carriers in a written agreement.

The Commission should consider requiring companies to keep routing tables up-to-date. Accurate routing tables are essential to successful call completion.¹³ If the tables are not properly updated, for example, some calls may fall into a loop and never be set up.¹⁴ Due to consumer elections to switch carriers and to local number portability, among other factors, these tables are changing constantly. Routing tables must therefore be kept up-to-date. The updating should be done through the Local Exchange Routing Guide (LERG) of the Traffic Routing Administration.

There should be no “good faith” exception for non-compliance with any standards the Commission may adopt.¹⁵ Injecting subjective questions of motivation into enforcement actions will compromise their effectiveness and compromise the reliability of the network. To the extent flexibility of any standard may be justified, the flexibility would better be written into the standard itself.

III. THE COMMISSION SHOULD CONSIDER REQUIRING ORIGINATING AND INTERMEDIATE PROVIDERS THAT MAKE USE OF DOWNSTREAM INTERMEDIATE PROVIDERS TO MAINTAIN A LIST OF SUCH PROVIDERS ON FILE WITH THE COMMISSION.

NASUCA agrees with another commenter that there is a need for complete transparency in the use of intermediate carriers.¹⁶ The Commission should consider requiring originating and

¹³ See *In the Matter of Rural Call Completion*, 28 F.C.C.R. 16154 (Nov. 8, 2013) ¶ 42 & n. 49.

¹⁴ *In the Matter of Rural Call Completion*, 28 F.C.C.R. 1569 (Feb. 7, 2013) (separate statement of Commissioner Pai).

¹⁵ See Order, ¶ 15.

¹⁶ Comments of NTCA-The Rural Broadband Association, filed August 3, 2017, pp. 5, 6, 8, 9.

intermediate providers that make use of downstream intermediate providers to maintain on file with the Commission a list of the downstream intermediate providers they use, updated periodically (perhaps quarterly). Bringing visibility to the intermediate carriers would have a curative and prophylactic effect. It would tend to enhance the likelihood that companies with unsound practices or inadequate facilities stayed or were kept out of the market. Easy identification of the carriers and their contact information would also assist the Commission and the states in maintaining an awareness of circumstances and trends that affect network reliability and when taking action if needed. Such activity would strengthen network reliability.

This requirement would not impose an undue burden on any company. Identity and contact information is both minimal and easy for carriers to obtain. Companies could establish routines for reporting the changes and would incur almost no expense in doing so. Originating carriers would not need to maintain a list of second- and third-tier downstream carriers. Each carrier, including each downstream carrier, could maintain a list of the downstream carriers to which it hands calls.

CONCLUSION

NASUCA appreciate this opportunity to submit these comments and asks that the Commission give them due consideration.

Respectfully submitted,

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