

September 20, 2011

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Request for Public Workshop and Policy Statement on Call Routing and Termination Problems in Rural America

Ex Parte Letter In the Matter of Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; High-Cost Universal Service Support, WC Docket No. 05-337; Developing a Unified Intercarrier Compensation Regime, CC Docket 01-92; Federal-State Joint Board on Universal Service, CC Docket No. 96-45; Lifeline and Link-Up, WC Docket No. 03-109

Dear Ms. Dortch:

Enclosed for your records is a copy of a letter with attachment sent via e-mail to Chairman Julius Genachowski, and each of the FCC Commissioners dated Tuesday, September 20, 2011 in the above-referenced docket.

If you have any questions regarding this matter, please feel free to contact the undersigned. Thank you for your attention to this matter.

Sincerely,
/s/ Shirley Bloomfield

Shirley Bloomfield
Chief Executive Officer

cc: Chairman Julius Genachowski
Commissioner Michael Copps
Commissioner Robert McDowell
Commissioner Mignon Clyburn

September 20, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Request for Public Workshop and Policy Statement on Call Routing and Termination Problems in Rural America

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Dear Chairman Genachowski:

On behalf of the 580 small rural telecommunications service provider members of the National Telecommunications Cooperative Association (“NTCA”) and the millions of end user customers they serve, I am writing to request that the Federal Communications Commission (the “Commission”) convene and host a public Workshop to investigate and resolve the persistent and pervasive problems that continue to prevent the proper routing and termination of telephone calls to rural consumers. I also request respectfully that the Commission issue a clear and unequivocal policy statement affirming the legal obligation of retail interexchange carriers to address and resolve any call routing and termination failures on their own networks and those of “downstream” routers involved in any call flows.

As the Commission is well aware, these call completion issues manifest in a variety of ways, 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 carrier (an “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 which never reach the RLEC or the tandem it subtends; and (4) incorrect caller ID that displays to called parties. In sum, these are calls that arrive at RLEC networks on a delayed basis (if at all) or which arrive with mislabeled caller ID information that deters the called consumer from answering.

This issue is a nationwide and industry-wide epidemic that compromises the integrity and reliability of the public switched telephone network (“PSTN”), and directly and adversely affects the personal safety and financial well-being of rural Americans. Commission staff have been very responsive and diligent in seeking to investigate these matters over the past several months. NTCA is concerned, however, that after a few months of temporary improvement in some quarters, call routing and termination problems appear to be increasing once again, and we are no closer to identifying and resolving permanently their causes.

Much as it has in other contexts, a public Workshop would provide an appropriate and necessary platform for exposing such concerns to the light of day and examining them in further detail. For example, the Commission recently held a Workshop on September 7, 2011, to examine outage reporting requirements and network reliability and continuity. Much attention was paid to the recent hurricane and earthquake in the Northeast stressing; as you stated, “the importance of communications networks in times of crisis both for first responders and the general public.”

The Commission’s network reliability Workshop directed a timely spotlight on the need for critical planning and resolution of network outage issues in times of emergency or crisis. And yet, call completion problems in rural America have occurred on a daily basis for at least a year, and there is a troubling recent increase in reports that calls are failing to route properly or arrive at rural networks. Consumers in rural communities deserve at least the same level of network reliability as urban consumers, and failures to deliver calls to rural America are just as worthy of examination in a public forum. Quite frankly, given that the recent crises in the northeast involved Acts of God, whereas the call routing and termination problems involve either human error or intentional act, one would think a solution to the latter set of problems should be more easily found and implemented, and that a Workshop could likewise aid in this endeavor.

Unfortunately, RLECs are effectively powerless to correct this issue on their own. Targeted efforts at “triage” on call routing and termination concerns may resolve matters for a few days and for a few carriers at a time, but the problem is unabating. Moreover, these efforts can overwhelm the resources of technical staff at RLECs which, being small businesses, cannot afford to take operational personnel away from customer service to chase down every call routing and termination that is reported – particularly as these problems increase. Finally, industry groups endeavoring to address these problems have made little progress, as evidenced by the recent increase in reported concerns and no clear, industry-wide relief in sight.

Consideration and resolution of these issues can no longer be left to linger in endless debate, or in one-on-one operational discussions, or in behind-the-scenes industry workgroups, or in sporadic policy deliberations in small conference rooms. These concerns – much like those presented by the recent hurricane and earthquake – should instead be examined and resolved in a dedicated public forum where those involved can contribute to a solution or otherwise be held accountable. The continued failure of call routing and termination presents substantial risk of public tragedy and financial distress. Indeed, our members report a myriad of serious and disturbing subscriber complaints, including: a school with an auto-dial system that was unable to contact parents with emergency information; a hospital having difficulty contacting patients; a

police station that failed to receive long distance calls; a small enterprise that lost tens of thousands of dollars of business when customers were unable to reach it; and, urban dwellers being unable to contact family members in rural communities. Any one of those events should be cause for concern; the increasing collection of complaints should raise significant alarm.

NTCA understands that many of these call routing and termination problems may lie with underlying routing providers selected by those who offer retail long distance services in urban areas. The Commission therefore can and should use a Workshop to seek input and answers from these retail long distance providers *and, most importantly, from the underlying routers they use*. The Commission and other stakeholders can then sort through in this public forum the causes of these problems, the responsibility for them, and the solutions to them. The Workshop should also draw upon technical personnel from RLECs and access tandem providers who have been trying to resolve these issues for months on end, as well as any other parties who can provide a more complete picture of the problems presented and/or contribute to a solution as soon as possible.

Given the unrelenting and relatively complex nature of the problems presented, we are compelled to urge the Commission to take a further step in its consideration of these matters and bring all involved parties into a single public forum for a Commission-led Workshop. Such a Workshop will hopefully demand and obtain answers to these call routing and termination issues, and thereby ensure that inappropriate practices will no longer result in the effective disconnection of rural consumers from many other parts of the PSTN. This is an issue that can simply no longer afford any wait for the distant hope of “an industry fix,” and the Commission may present the only hope for dragging these concerns out into the light of day and resolving them sometime soon.

Finally, we ask that the Commission, in conjunction with any Workshop, issue a clear and unequivocal policy statement affirming the legal obligation (and related liabilities) of retail interexchange carriers to address and resolve any call routing and termination failures of “downstream” routers in their call flows. These retail carriers have committed to deliver calls for their customers. They are in the best position to police the conduct of those to whom they hand calls for routing and termination, and to require that those providers in turn do the same with respect to any subsequent hand-off of calls. Indeed, when a carrier knows, or should know, that calls from its network are not completing, that ringing on the called party’s end is delayed to the point where the calling party gives up and hangs up, or that some provider in the midst of the call flow is manipulating caller ID, its failure to correct the problem or to work in good faith with the called party’s carrier is tantamount to the blocking of calls. The legal authority for such a measure was fully explained in a June 13, 2011 letter submitted by NTCA and several other associations to the Commission’s Enforcement Bureau, and imposing such a measure in the context of any comprehensive reform effort would help to provide the proper incentives to resolve these persistent and pervasive issues. Such a statement, however, should not be considered a substitute for a Workshop in which the Commission and all interested and involved stakeholders can discuss and debate these issues in a public forum to facilitate industry-wide resolution.

Hon. Julius Genachowski

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Thank you for your attention to this request for a Workshop on call routing and termination issues in rural America and to the request for a clear and unequivocal policy statement from the Commission that retail interexchange carriers will be responsible for policing call routing and termination problems on both their own networks and those of any underlying providers with whom they may contract. If NTCA can be of any assistance in preparing for or participating in a Workshop or otherwise with respect to these issues, please do not hesitate to let me know.

Sincerely,
/s/ Shirley Bloomfield

Shirley Bloomfield
Chief Executive Officer

cc: Commissioner Michael Copps
Commissioner Robert McDowell
Commissioner Mignon Clyburn