Before the
Federal Communications Commission
Washington, D.C. 20554

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

COMMENTS OF USTELECOM – THE BROADBAND ASSOCIATION

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Summary

USTelecom supports efforts to ensure that rural call completions issues are fully, timely and efficiently resolved. Ensuring that calls to rural areas are completed is an important priority and establishing an effective and efficient means of addressing unacceptable call failures is essential to rural America.

USTelecom encourages the Commission to use the broad latitude available to it under the RCC Act to define Intermediate Providers as broadly as possible. By doing so, the Commission will ensure that the full universe of providers that could potentially provision service to rural areas are identified. Given that rural call completion issues are agnostic to any voice provider's particular size, the Commission must ensure that all relevant providers are identified. Broadly defining Intermediate Provider is also in the public interest, since it will better foreclose potential opportunities for fraud by bad actors, and would help to keep entities that are unqualified or have the intent to commit fraud from entering or remaining in the telecommunications marketplace.

USTelecom also strongly supports the flexible, standard-based approach the Commission adopted for Covered Providers in the 2nd RCC Order, and agrees that the reasonable performance monitoring system it mandates will help ensure that calls are completed. It stands to reason that the same flexible, standards-based approach as applied to Intermediate Providers will further help ensure that calls are completed. Covered Providers and Intermediate Providers have the same obligations – to ensure that the calls that originate or are passed to their networks are delivered to the called party, either directly or indirectly.

If a reasonable performance monitoring system is sufficient regulation for Covered Providers, it should be sufficient regulation for Intermediate Providers as well. Congress contemplated this approach, and stated that the standards adopted by the Commission could include "the more general adoption of duties to complete calls analogous to those that already apply to covered providers under prior Commission rules and orders." Given that many of USTelecom's members – along with others in the voice industry – are both Covered Providers and Intermediate Providers, with their designation changing from call to call, it would be unduly burdensome to adopt different rules for Intermediate Providers.

For these same reasons, and for the reasons articulated in the 2nd RCC Order, the Commission should refrain from mandating specific industry best practices for Intermediate Providers. Mandating the ATIS RCC Handbook best practices for Intermediate Providers "could have a chilling effect on future industry cooperation to develop solutions to industry problems" just as much as it would have if done with Covered Providers. Adoption of a rigid, 'one-size-fits-all' approach would also prevent companies from choosing the practices best suited to their networks and customers.

Enforcement of the monitoring requirements for Covered Providers established in the 2nd RCC Order should be delayed until after the Commission has adopted rules that specify the nature of the requirements that will attach to Intermediate Providers. The Commission's monitoring rule will go into effect on October 17, 2018, regardless of whether the Commission has adopted obligations for Intermediate Providers. It is unrealistic and counterproductive for the Commission to mandate monitoring requirements for Covered Providers by an arbitrary date

before it has established the registration, monitoring and service quality standards for Intermediate Providers.

Contracts cannot be renegotiated or amended until all the parties have an understanding of the specific service quality standards for which Intermediate Providers must monitor. To ensure that the contracts governing their relationships with Intermediate Providers are appropriately amended, Covered Providers will need to know whether to amend their contracts to account for specific service quality standards (assuming Covered Providers have the ability to monitor based on those yet to be determined standards, which they may not), or whether the delineation of more general practices may suffice. In addition, since the Commission has not yet identified which entities will be required to register as Intermediate Providers, Covered Providers have no idea which of their contracts need to be evaluated or renegotiated. Covered Providers will also be required to invest the necessary time, resources, and personnel to develop and implement programs to comply with the requirements of this new monitoring obligation.

The Commission should also provide clarification regarding a possible disparity in monitoring obligations for Covered Providers and Intermediate Providers. The Commission's Rural Call Completion Order notes that the monitoring obligations of Covered Providers applies only to "call attempts to rural telephone companies." However, the RCC Act and the Commission's notice provide no such limitation for the self-monitoring obligations of Intermediate Providers. Nor does the RCC Act limit its scope to intermediate providers serving rural areas. Such clarification would promote administrative efficiency, is supported by Congressional intent, and would ultimately achieve Congress' and the Commission's shared goal of ensuring that calls to rural Americans are completed can be best achieved. Absent such clarification, the Commission should forbear on its own motion from applying such monitoring obligations on Intermediate Providers for calls to urban areas. Forbearance by the Commission would satisfy all three prongs of the forbearance standard. The rules at issue are unnecessary to ensure just, reasonable, and nondiscriminatory rates and practices or to protect consumers, and their continued enforcement is not in the public interest.

Finally, given the cost and expense associated with recording and retaining such data, and the limited value in the data itself, the Commission should expeditiously sunset the recording and retention rules established in its original 2013 RCC Order. It makes little sense for the Commission to continue to require providers to record and retain data that the Commission neither uses, nor finds useful for analysis of rural call completion issues. Moreover, Congress's clear intent in passing the RCC Act was to move away from a reporting framework that the Commission itself found ineffective, and to instead implement a framework focused on transparency. Given Congress's clear intent, and the removal of reporting obligations for Covered Providers, the Commission should therefore expeditiously sunset the accompanying recording and retention rules as well.

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COMMENTS OF USTELECOM – THE BROADBAND ASSOCIATION

USTelecom – the Broadband Association (USTelecom)[1] submits these comments in response to the Second Report and Order (2nd RCC Order) and Third Further Notice of Proposed Rulemaking (Notice) issued by the Federal Communications Commission (Commission) in the above referenced proceeding.[2] In its Notice, the Commission seeks to implement measures required by the Improving Rural Call Quality and Reliability Act of 2017 ("RCC Act").[3] Among other things, the RCC Act directs the Commission to establish registration requirements, monitoring obligations and service quality standards for Intermediate Providers.

USTelecom continues to support efforts to ensure that rural call completions issues are fully, timely and efficiently resolved. USTelecom brings a unique perspective to this proceeding, since its members include large, mid-sized, small, and rural providers, as well as companies that are Covered Providers, Intermediate Providers, and, often, both. Each of these companies agree with the Commission's conclusion that ensuring that calls to rural areas are

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[1] USTelecom is the premier trade association representing service providers and suppliers for the telecom industry. Its diverse member base ranges from large publicly traded communications corporations to small companies and cooperatives – all providing advanced communications service to both urban and rural markets.

[2] Second Report and Order and Third Further Notice of Proposed Rulemaking, *Rural Call Completion*, FCC 18-45 (April 17, 2018).

[3] Improving Rural Call Quality and Reliability Act of 2017, Pub. L. No. 115-129 (2018) (the "RCC Act").

completed is an important priority and that devising an effective and efficient means of addressing unacceptable call failures is essential to rural America.[4]

I. The FCC Should Broadly Define "Intermediate Providers."

In its Notice, the Commission seeks comment on how broadly it should define the category of Intermediate Providers that must register with the Commission.[5] Section 262(a) of the RCC Act imposes registration and service quality requirements on any Intermediate Provider "that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission."[6] USTelecom agrees with the Commission that it should apply any registration and service quality requirements to any intermediate provider "so long as it fits within the criteria established by section 262(a)."[7]

As the Commission implements Section 262(a), it should also define the phrase "Intermediate Provider" as broadly as possible. Section 262(a) of the RCC Act provides the Commission with broad latitude in developing its definition of Intermediate Provider. As defined in the statute, the phrase "Intermediate Provider" pertains to any entity that either "offers" or "holds itself out as offering" the mere "capability" to transmit covered voice communications. The statute further directs that such definition pertains to an entity that charges "any rate" to "any other entity (including an affiliated entity)" for the transmission.

Such broadly crafted language in the statute provides the Commission with significant leeway in defining an Intermediate Provider. Any voice provider that merely "offers" such

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[4] *Notice*, ¶ 2.

[5] *Id.*, ¶¶ 76 – 78.

[6] 47 USC § 262(a).

[7] *Notice*, ¶ 76.

service and charges "any" rate to "any other entity" would be deemed an Intermediate Provider, including both common carriers and non-common carriers. Moreover, that same entity must merely offer the basic "capability" of provisioning such service. USTelecom encourages the Commission to use such latitude to define Intermediate Providers as broadly as possible. By doing so, the Commission will ensure that the full universe of providers that could potentially provision service to rural areas are identified per the requirements of the RCC Act.

A broad interpretation of Intermediate Provider is further supported by language in the Senate Report accompanying the RCC Act.[8] The Senate Report acknowledges only a single, narrowly defined limitation on how Congress defined "Intermediate Provider." Specifically, it notes that Congress' intent was not to define Intermediate Provider so broadly as to cover entities that only "*incidentally* transmit voice traffic," such as Internet Service Providers (ISPs) who may carry such traffic "without a specific business arrangement to carry, route, or transmit that voice traffic."[9] This Senate Report language makes clear that Congress only sought to limit "incidental" voice providers from its definition of "Intermediate Providers." Such limiting language clearly provides the Commission with significant latitude under the RCC Act to broadly define Intermediate Providers.

In addition to being consistent with the RCC Act and Congressional intent, a broad interpretation of the Intermediate Provider definition is also in the public interest. The Senate Report accompanying the RCC Act states that "of the main causes of the rural call completion

[8] Report of the Committee on Commerce, Science, and Transportation On S. 96, Improving Rural Call Quality and Reliability Act of 2017, Report 115-6, March 21, 2017 (available at: https://www.congress.gov/115/crpt/srpt6/CRPT-115srpt6.pdf) (visited June 4, 2018) (*Senate Report*).

[9] *Senate Report*, p. 6.

problem is that intermediate providers, companies often hired by long distance providers to route and deliver calls to local telephone providers serving rural areas, are not completing the calls."[10] It is therefore imperative that the Commission identify all of the relevant carriers that may act as an Intermediate Provider in any given call path to a rural area.

Both the Senate Report and the Notice acknowledge that the higher-than-average rates charged to transport and terminate long-distance calls to rural areas creates incentives for certain Intermediate Providers *not* to properly complete calls to rural areas, since they avoid paying higher-than-average transport and termination charges when it is not profitable to do so.[11] Only by establishing a broader definition of Intermediate Providers, will the Commission better foreclose potential opportunities for fraud by such carriers.

Such a broader definition would also help to keep entities that are unqualified or have the intent to commit fraud from entering or remaining in the telecommunications marketplace. Since prior instances of rural call completion issues by bad actors relied extensively on the anonymity inherent in call path routing, illegitimate companies with fraudulent intent should find the Commission's public registration framework to be highly problematic. Moreover, for companies lacking the fraudulent intent but who are nevertheless unqualified, the proposed framework will provide Covered Providers and the Commission with a reasonable means of tracking and contacting carriers who may be responsible for rural call completion issues. Indeed, as acknowledged in the Notice, the Commission's proposals are consistent with Congress' intent to "increase the reliability of intermediate providers by bringing transparency" to the Intermediate Provider market.[12]

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[10] *Id.*, p. 2.

[11] *Id., see also, Notice*, ¶ 4.

[12] *Notice*, ¶ 74 (citing *Senate Report*, p. 2).

Finally, the Commission needs to broadly define the term Intermediate Providers given the range of companies that potentially fall into that category. In particular, voice providers involved in call path routing to rural areas (*i.e.*, Intermediate Providers) can encompass carriers of all sizes, including small, mid-sized and large providers. Given that rural call completion issues are agnostic to any voice provider's particular size, the Commission must ensure that all relevant providers are identified. The only way to ensure that all relevant providers are identified, is for the Commission to broadly define Intermediate Providers.

USTelecom agrees with the Commission's assessment that the submission of registration information by Intermediate Providers will be minimally burdensome.[13] Indeed, much of the registration information proposed by the Commission – such as phone numbers, business names and addresses – are of a highly routine nature that should be unproblematic for any legitimate company to provide. Indeed, many covered and intermediate providers already provide contact information to the ATIS Service Provider Contact Directory to facilitate the resolution of call completion issues.[14] USTelecom maintains that the Commission's proposed nominal reporting obligations should not be onerous for carriers of any size.

II. The Commission Should Adopt for Intermediate Providers the Same Flexible, Standard-Based Approach to Quality Standards it Adopted for Covered Providers.

USTelecom strongly supports the flexible, standard-based approach the Commission adopted for Covered Providers in the 2nd RCC Order, and agrees that the reasonable performance monitoring system it mandates will help ensure that calls are completed. It stands to reason that the same flexible, standards-based approach as applied to Intermediate Providers will further help

[13] *Notice*, ¶ 74.

[14] *See* ATIS, Contact Directories (available at: https://www.atis.org/01_committ_forums/ngiif/contact-directories/) (visited June 4, 2018).

ensure that calls are completed. Covered Providers and Intermediate Providers have the same obligations – to ensure that the calls that originate or are passed to their networks are delivered to the called party, either directly or indirectly. If a reasonable performance monitoring system is sufficient regulation for Covered Providers, it should be sufficient regulation for Intermediate Providers as well. Such an approach was explicitly contemplated by the Senate Commerce Committee, which stated that the standards adopted by the Commission could include "the more general adoption of duties to complete calls analogous to those that already apply to covered providers under prior Commission rules and orders."[15] Congress clearly viewed the Commission's already established rules for Covered Providers as sufficient to apply to Intermediate Providers. USTelecom encourages the Commission to adopt this approach, since it will enable both the Commission and industry to more effectively and rapidly adapt to changing dynamics in the rural call completion environment.

Indeed, given that many of USTelecom's members – along with others in the voice industry – are both Covered Providers and Intermediate Providers, with their designation changing from call to call, it would be unduly burdensome to adopt different rules for Intermediate Providers. The Commission's Notice is premised on the idea that Intermediate Providers are wholly different entities from Covered Providers, and therefore should be subject to a different, and more onerous, set of regulatory requirements than Covered Providers. This is simply not the case. In fact, these entities generally utilize the same network facilities, the same business processes, and the same vendors to process calls as Covered Providers and as Intermediate Providers. It would be, as a practical matter, highly burdensome for these providers to adopt different monitoring standards on a call-to-call basis.

[15] *Senate Report*, p. 6.

For these same reasons, and for the reasons articulated in the 2nd RCC Order, the Commission should refrain from mandating specific industry best practices for Intermediate Providers. Mandating the ATIS RCC Handbook best practices for Intermediate Providers "could have a chilling effect on future industry cooperation to develop solutions to industry problems" just as much as it would have if done with Covered Providers,[16] and a rigid, a 'one-size-fits-all' approach would prevent companies from choosing the practices best suited to their networks and customers. Likewise, the Commission should refrain from adopting numeric call completion performance targets or thresholds.

Imposing identical practices on all companies may create inefficiencies for different companies and may fail to produce the desired impact on call completion. An effective solution that works well for one company, may prove ineffective and/or unwieldy for other companies. However, given the significant diversity of effective company best practices – combined with the fact that many carriers already have suitable best practices in place – there is no need for the Commission to specify or mandate them.

These best practices are developed using an ongoing, dynamic, and collaborative process due to the rapidly changing nature of today's dynamic communications environment. Delineating rigid best practices for its service quality standards in its rules will effectively 'freeze' the ability of the Commission and industry to adapt to changing industry practices and standards. In particular, once the Commission mandates a best practice (or best practices), it would be challenging/time-consuming for the agency to change or otherwise alter the rule.

III. The Commission Should Postpone the Start Date for Covered Provider Monitoring Until After it Determines the Intermediate Provider Rules.

Enforcement of the monitoring requirements for Covered Providers established in the

[16] *2nd RCC Order*, ¶ 19.

2nd RCC Order should be delayed until after the Commission has adopted rules that specify the nature of the requirements that will attach to Intermediate Providers. As it is currently structured, the Commission's monitoring rule will go into effect on October 17, 2018,[17] regardless of whether the Commission has adopted obligations for Intermediate Providers. It is unrealistic and counterproductive for the Commission to mandate monitoring requirements for Covered Providers by an arbitrary date before it has established the registration, monitoring and service quality standards for Intermediate Providers.

The Commission established its initial 6 month transition period after acknowledging that "covered providers will need some time to evaluate and renegotiate contracts with intermediate providers in order to comply with the monitoring requirement."[18] However, those same contracts cannot be renegotiated or amended until all the parties have an understanding of the specific service quality standards for which Intermediate Providers must monitor. The RCC Act and the Commission's Notice make clear that proposed service quality standards may be very specifically delineated, or may be implemented through a more general adoption of duties. To ensure that the contracts governing their relationships with Intermediate Providers are appropriately amended, Covered Providers will need to know whether to amend their contracts to account for specific service quality standards (assuming Covered Providers have the ability to monitor based on those yet to be determined standards, which they may not), or whether the delineation of more general practices may suffice.

In addition, since the Commission has not yet identified which entities will be required to

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[17] *See*, *2nd RCC Order*, ¶ 50 (the Commission's monitoring rule went into effect six months from the date that its order was released by the Commission, or 30 days after publication of a summary of the order in the Federal Register, whichever is later).

[18] *Id.*

register as Intermediate Providers, Covered Providers have no idea which of their contracts need to be evaluated or renegotiated. Depending on how narrowly or broadly the Commission defines Intermediate Providers, the number of contracts that will need to be renegotiated will vary. Given the uncertainty surrounding each of these issues, it would be unreasonable to expect Covered Providers to renegotiate contracts for terms they do not yet know, with parties who the Commission has not yet identified. Of course, if Intermediate Providers are subject to the same set of monitoring standards as Covered Providers are under the 2nd RCC Order, the need to modify vendor contracts will be substantially streamlined in many instances. Moreover, by adopting the same set of monitoring obligations for both Covered Providers and Intermediate Providers, and aligning the deadlines for each, the Commission would establish a more administratively efficient framework that could be transitioned to in a less disruptive manner.

Moreover, compliance with the monitoring rule extends far beyond the necessary contractual amendments and negotiations. Covered Providers will also be required to invest the necessary time, resources, and personnel to develop and implement programs to comply with the requirements of this new monitoring obligation. In order to implement these programs, Covered Providers will need to engage a wide range of personnel – including engineers, network managers, regulatory advisors, in-house and outside counsel, technical writers, marketing, and other employees. They will also need to undergo a fairly rigorous process that will entail updates to their internal systems, networks, and training of certain personnel.

Many of these updates cannot begin until Covered Providers receive firm guidance from the Commission with respect to which service quality standards will be imposed on Intermediate Providers. For example, network personnel will need to receive training on how to monitor or manage Intermediate Providers, and the service quality standards will inform how that monitoring occurs across their network. Similarly, legal counsel will need to know the specific

contract terms they must amend, as well as the parties with whom they must negotiate. Given the significance of this undertaking, Covered Providers should be given a suitable timeframe within which to develop appropriate systems, and to bring them into compliance.

IV. The Self-Monitoring Requirement and RCC Act Obligations Should Only Apply to Rural Areas, and not be Applied on a Nationwide Basis.

The Commission should also provide clarification regarding a possible disparity in monitoring obligations for Covered Providers and Intermediate Providers. Specifically, the Commission's Rural Call Completion Order and rules note that the monitoring obligations of Covered Providers applies only to "call attempts to rural telephone companies."[19] However, the RCC Act and the Commission's notice provide no such limitation for the self-monitoring obligations of Intermediate Providers. Nor does the RCC Act limit its scope to intermediate providers serving rural areas. Absent such clarification, the Commission should forbear on its own motion from applying such monitoring obligations on Intermediate Providers for calls to urban areas.

A. The Commission Should Clarify That any Self-Monitoring Obligations and RCC Act Obligations Only Apply to Rural Areas, and not on a Nationwide Basis.

The Commission should clarify that the self-monitoring obligations of Intermediate Providers and RCC Act requirements apply only to Intermediate Providers making call attempts to "rural areas" (*i.e.*, not on a nationwide basis). Such clarification would promote administrative efficiency, is supported by Congressional intent, and would ultimately achieve Congress' and the Commission's shared goal of ensuring that calls to rural Americans are completed can be best achieved.

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[19] *2nd RCC Order*, ¶ 15; *see also*, 47 C.F.R. § 64.2111(a) (stating that covered providers shall "monitor the intermediate provider's performance in the completion of call attempts to rural telephone companies.").

Administrative efficiency warrants such a clarification by the Commission. Absent such clarification, Covered Providers would be subject to one set of narrower obligations established under the Commission's Second RCC Order,[20] while Intermediate Providers could feasibly be subject to a far broader set of obligations. Given that both Covered and Intermediate Providers should be focusing their efforts on ensuring successful call completion to rural areas, it would be administratively unwieldy to subject each to disparate regulatory treatment. The Commission should therefore clarify that both Covered and Intermediate Providers are subject to the same monitoring of call attempts to rural areas. Absent such clarification, both Covered Providers and Intermediate Providers would be operating with a large degree of uncertainty regarding their specific obligations under the Commission's rules.

Moreover, in passing the RCC Act – the very title of which includes "Rural Call Quality" – Congress clearly intended to implement measures to ensure completion of calls to rural areas. Any interpretation suggesting otherwise would contradict Congress' clear guidance in this instance. For example, the Senate Report accompanying the RCC Act states that the law's intention is to "improve the efficiency and certainty of voice communications <u>to</u> *rural areas of the country* by requiring intermediate providers to register with the FCC and comply with service quality standards to be established by the Commission."[21]

The Senate Report also acknowledges the Commission's finding of the "frequent and pervasive inability to properly complete long-distance calls to *rural* areas."[22] The same report analyzes some of the causes of the "*rural* call completion problem,"[23] and concludes that

[20] *Id.*

[21] *Senate Report*, p. 5 (emphasis added).

[22] *Id.*, p. 2 (emphasis added).

[23] *Id.* (emphasis added).

practices used for "routing calls *to rural* areas" that lead to call termination and quality problems may be subject to the Communications Act. Moreover, while the Senate Report discusses rural call completion issues in significant detail, it does not make a single reference to either "national" or "urban" call issues.

Through its passage of the RCC Act, Congress was clearly focused on addressing calls to rural areas, and the Commission should therefore issue a clarification that captures Congress' clear intent. The Commission likewise shares in this sentiment, since it states in its Notice its anticipation that any adopted rules will "complement our covered provider monitoring rule by ensuring that the participants in the call path share in the responsibility to ensure that *calls to rural areas are completed*."[24]

Moreover, by issuing such clarification, the Commission will significantly enhance the effectiveness of its rural call completion rules. As evidenced by the Senate Report and the Commission's own findings in this proceeding, problems associated with call completion issues have been limited to rural areas. By issuing the requested clarification, the Commission will best ensure that Intermediate Providers are registered, comply with the service quality standards, and focus their monitoring efforts only in those areas where such measures are necessary (*i.e.*, rural areas).

Absent such clarification, some Intermediate Providers may feel compelled to monitor traffic for urban areas. Not only would such traffic monitoring be unnecessary, but it would also be highly counter-productive to the rural call completion goals of both Congress and the Commission. The RCC Act and the Commission's existing rural call completion framework have been narrowly crafted to ensure that Covered and Intermediate Providers use their resources

[24] *Notice*, ¶ 68.

in an efficient and targeted manner to address rural call completion issues. Forcing such providers to waste their resources on the unnecessary monitoring of calls to urban areas would detract from Congress' and the Commission's more narrowly targeted efforts limited to rural areas.

The Commission should also clarify that the RCC Act Intermediate Provider registration and service quality standards also only apply to rural areas. The Commission could accomplish this by clarifying the definitions of both "intermediate provider" and "covered voice communications."[25] Specifically, the Notice seeks comment on "any additional guidance" that the Commission should provide with respect to each of these definitions.[26] As the agency implementing the RCC Act, the Commission has the authority to add clarifying language to either of these definitions. USTelecom recommends that the Commission include clarifying language for each of these definitions that the Intermediate Provider registration and service quality standards only apply to rural areas.

B. Absent Such Clarification, The Commission Should Forbear from Applying the RCC Act and its Rules Outside of Rural Areas.

Absent the requested clarification, the Commission should forbear on its own motion from applying the monitoring requirement for urban areas. The Communications Act compels forbearance where: 1) a regulatory requirement is no longer necessary to ensure that the charges, practices, classifications, or regulations by, for or in connection with telecommunications services are just and reasonable and are not unjustly or unreasonably discriminatory; 2) enforcement of the requirement is not necessary for the protection of consumers; and 3) forbearance is consistent with the public interest. As discussed below,

[25] *Notice*, ¶¶ 103 – 106.

[26] *Id.*, ¶ 104, ¶ 106.

forbearance by the Commission in this matter would satisfy all three prongs of the forbearance standard. The rules at issue are unnecessary to ensure just, reasonable, and nondiscriminatory rates and practices or to protect consumers, and their continued enforcement is not in the public interest.

First, the absence of any identified call completion issues beyond rural areas renders the RCC Act's monitoring obligations on a nationwide basis unnecessary to ensure reasonable and nondiscriminatory charges and practices. Indeed, the RCC Act and the Commission's previous orders in this proceeding have been exclusively directed towards addressing issues related to rural call completion issues. Applying such monitoring rules beyond rural areas is unnecessary, and would run counter to the clear guidance in the RCC Act and the Commission's rules. Given the absence of any call completion issues beyond rural areas, broader application of the rules are therefore unnecessary to ensure reasonable and nondiscriminatory charges and practices.

Second, enforcement of the requirement is not necessary for the protection of consumers. As evidenced throughout this proceeding, as well as in the Senate Report accompanying the RCC Act, both Congress and the Commission are appropriately focused on the completion of calls to rural areas. There is no evidence in the record whatsoever that consumers residing outside of those areas have been impacted at all by call completion issues. As such, applying the monitoring obligation for consumers outside of rural areas (*i.e.*, on a nationwide basis) would be counter-productive and unnecessary to ensure the protection of consumers.

Finally, forbearance from applying the monitoring rules is consistent with the public interest. Given the absence of any call completion issues outside of rural areas, there is no reasonable basis for the Commission to impose its monitoring obligations on a nationwide

basis. Requiring Intermediate Providers to commit their finite time and resources to monitor in areas where call completion issues have not arisen, would be imprudent. In particular, overly broad and unnecessary monitoring obligations will waste company resources that are better directed towards other efforts, such as broadband deployment.

V. The Commission Should Expeditiously Sunset its Recording and Retention Rules Which are no Longer Necessary.

Given the cost and expense associated with recording and retaining such data, and the limited value in the data itself, the Commission should expeditiously sunset the recording and retention rules established in its original 2013 RCC Order. In the Second RCC Order, the Commission itself acknowledges that "data quality issues have limited [the Wireline Bureau's] ability to use the collected data," and that the Commission was prevented from "using the data to draw firm conclusions about the source of rural call completion problems."[27] It makes little sense for the Commission to continue to require providers to record and retain data that the Commission neither uses, nor finds useful for analysis of rural call completion issues.

Moreover, both of these regulatory obligations have been supplanted by the more responsive framework established under the RCC Act. Congress's clear intent in passing the RCC Act was to move away from a reporting framework that the Commission itself found ineffective, and to instead implement a framework focused on transparency. Given Congress's clear intent, and the removal of reporting obligations for Covered Providers, the Commission should therefore expeditiously sunset the accompanying recording and retention rules as well. Such an approach is administratively efficient, and removes regulatory uncertainty from the rural call completion framework.

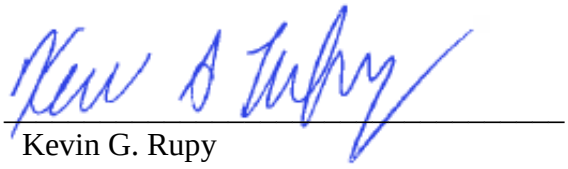
[27] *See*, *2nd RCC Order*, ¶ 59.

VI. Conclusion.

USTelecom supports the Commission's efforts to devise an effective and efficient framework to address rural call completion issues. For the reasons discussed herein, USTelecom encourages the Commission to adopt the proposals outlined in these comments.

Respectfully submitted,

USTelecom – the Broadband Association

By: 

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