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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation to Address
Intrastate Rural Call Completion Issues

I. 14-05-012
(Filed May 15, 2014)

COMMENTS OF THE CALIFORNIA CABLE & TELECOMMUNICATIONS ASSOCIATION

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Dated: October 7, 2016

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The California Cable & Telecommunications Association (CCTA) hereby files its Comments in response to the September 27, 2016 Assigned Commissioner’s Ruling Requesting Party and Public Comments Regarding Issues Raised at the Santa Cruz, California Public Participation Hearing and Workshop (Ruling). Specifically, CCTA responds to the continuing requests in this proceeding, repeated in the Ruling, to identify measures necessary for the Commission to adopt in order to identify call completion incidents or establish other reporting mechanisms to address call completion incidents or rural outages.

Over the last two years, the record in this proceeding has shown that the Federal Communications Commission (FCC) has been aggressive in addressing rural call completion issues. First, the FCC has also modified its intercarrier compensation rules to address financial incentives with respect to call completion.¹ Second, the FCC has put in place federal recording, retention and reporting rules adopted by the FCC in its Rural Call Completion Order.² As a result, rural call completion incidents have abated not only due to removal of access charge incentives for routing malpractice, but

¹ *In re Developing a Unified Intercarrier Compensation Regime*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011).

² *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, 2013 FCC LEXIS 4330 (rel. November 8, 2013) (*Rural Call Completion Order*).

also to the adoption of federal rules that eliminate the need for state specific call completion reporting requirements. The federal requirements relating to rural call completion rules are applicable to providers of long-distance voice service, including local exchange carriers, interexchange carriers, commercial mobile radio service providers and VoIP service providers (“covered providers”). Carriers serving 95% of U.S. phone lines, which includes cable and other VoIP providers, are required to report answer rates for calls, including intrastate calls, to rural LECs to the FCC.

The efforts by the FCC have been multipronged. The FCC established the Rural Call Completion Task Force in 2011, subsequently adopted extensive intra- and interstate call reporting requirements, and has made clear that it will make the reports addressing these requirements available to the states.³ It further established a rule prohibiting both originating and intermediate provider from sending a ringtone to the caller before the terminating provider has actually signaled that it is alerting the called party.⁴ Additionally, the FCC has rules prohibiting call blocking,⁵ and has taken enforcement actions to address allegations of poor service to rural carriers.⁶

Nothing in this proceeding or at the public participation hearings held this year reveal an ongoing problem related to call completion incidents. The Small LECs, who raised call completion issues before the Commission years ago, have testified in the July 18, 2016 workshop that their most recent data shows that call completion incidents have abated, and that there is no indication of a pattern of CCIs in

³ FCC Launches Rural Call Completion Task Force to Address Call Routing and Termination Problems in Rural America, News Release, 2011 FCC LEXIS 3926; *Rural Call Completion Order* at paras. 68, 109, (2013).

⁴ *Rural Call Completion Order* at para. 111.

⁵ *In re Developing a Unified Intercarrier Compensation Regime*, Declaratory Ruling, 27 FCC Rcd 1351 (2012).

⁶ E.g., *In re Matrix Telecom, Inc.*, Order, 29 FCC Rcd 5709, (2014); *In re Verizon*, Adopting Order, 30 FCC Rcd 245 (2015);

rural areas.⁷ Rather than impose new state specific reporting requirements, the rural Small LECs urge the Commission to work collaboratively with the FCC in its efforts to address rural call completion on a national scale rather than attempt to duplicate the work underway at the FCC.⁸

Similarly, the inclusion in the Ruling of questions related to rural outage reporting raise the potential for state specific rules that are inconsistent with existing federal requirements. Moreover, as the recently adopted Service Quality Decision noted, the FCC is actively considering rural network outage reporting standards designed to address any differing attributes of a rural area.⁹ A proposal to adopt state specific rural outage reports in an Alternate Decision in the Service Quality proceeding was recently rejected by the Commission, and instead, the Commission approved a Decision that noted that the FCC is currently reviewing rural outage reporting by service providers and directed the Communications Staff to monitor the FCC proceeding and determine whether more or different actions are needed to meet the needs of California's rural telecommunications customers.¹⁰ Thus the necessity, if any, of rural outage reporting requirements specific to California rural areas is being considered by the Commission, is beyond the scope of this proceeding, and is unnecessary in light of the FCC's current consideration of rural outage reporting requirements. The FCC's efforts to date on outage reporting requirements and its

⁷ See, testimony of Mark Schreiber on behalf of the Small Rural LECs, CPUC Workshop , I-14-05-012, July 18, 2016.

⁸ See, July 12, 2015 Responses of Calaveras Telephone Company (U-1004-C), Cal-Ore Telephone Company (U-1006-C), Ducor Telephone Company (U-1007-C), Foresthill Telephone Co. (U-1009-C), Happy Valley Telephone Company (U-1010-C), Hornitos Telephone Company (U-1011-C), Kerman Telephone Company (U-1012-C), Pinnacles Telephone Company (U-1013-C), The Ponderosa Telephone Company (U-1014-C), Sierra Telephone Company, Inc. (U-1016-C), The Siskiyou Telephone Company (U-1017-C), Volcano Telephone Company (U-1019 C), Winterhaven Telephone Company (U-1021-C), (The "Small LECs") To The Assigned Commissioner's Scoping Memo and Ruling Dated May 6, 2015, at 2.

⁹ D. 16-08-021 at 27. See, *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, et.al.*, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, FCC 16-63 (rel. May 26, 2016) (Outage Reporting NOPR).

¹⁰ D. 16-08-021 at 27.

ongoing efforts to ascertain the need for further reporting specific to rural areas will provide a comprehensive national framework that will eliminate the need for state specific rules or reporting requirements.

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Respectfully submitted,

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