

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C.**

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

**COMMENTS OF THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

The Public Service Commission of the State of Missouri (“MoPSC”) submits these comments in response to the Federal Communications Commission’s (FCC’s) Report and Order and Further Notice of Proposed Rulemaking (FNPRM).<sup>1</sup> These comments pertain to the FCC’s FNPRM concerning the general topics of intermediate providers, modification to the safe harbor and additional rule changes. Specifically these comments make the following specific recommendations:

- Intermediate providers should be authorized by state and federal authorities.
- Intermediate providers should be subject to certain FCC rules.
- Safe harbor status should include two additional requirements.
- Rules should be established prohibiting blocking, choking, reducing or restricting traffic.
- Quarterly reports should list the originating long distance provider(s) generating the traffic for the report.

These recommendations are further explained in the remainder of these comments.

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<sup>1</sup> Report and Order and Further Notice of Proposed Rulemaking; WC Docket No. 13-39 *In the Matter of Rural Call Completion*; released November 8, 2013.

## **Intermediate providers<sup>2</sup>**

The FCC acknowledges intermediate providers are a key reason for increased call completion problems in rural areas yet no FCC order or rule has placed additional requirements on intermediate providers to help resolve these problems.<sup>3</sup>

### ***Intermediate providers should be authorized by state and federal authorities***

Intermediate providers should be required to obtain certification/registration from the FCC and applicable state commission. An investigation by the MoPSC Staff reveals approximately 160 different intermediate providers are being used by companies operating in Missouri.<sup>4</sup> A significant number of intermediate providers are operating without any certification or registration from the MoPSC authorizing them to provide service in Missouri.<sup>5</sup> Some intermediate providers strive for complete anonymity and have contract provisions restricting the ability for the other contracted party to reveal the intermediate provider's identity. All providers, including intermediate providers, should be required to obtain proper authorization from state and federal authorities.

Authorization will enable regulatory authorities to know basic information about an intermediate provider including contact information and assurance that the provider

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<sup>2</sup> FCC FNPRM ¶ 122-123 seeks general input on what, if any, obligations should be imposed on intermediate providers.

<sup>3</sup> FCC FNPRM ¶16 the FCC states, "...many of these call routing and termination problems can be attributed to intermediate providers..." FCC FNPRM ¶122 the FCC states, "In the Order, we decline at this time to impose the rules on intermediate providers..."

<sup>4</sup> The MoPSC's investigation consisted of submitting data requests to 338 interexchange carriers, local exchange companies and interconnected VoIP providers in Missouri. These data requests asked for a variety of information such as the identity of the intermediate providers used by the company including how calls were monitored, if at all. The investigation was part of Case No. TW-2012-0112; *An investigation into Call Routing and Call Completion Problems in the State of Missouri*.

<sup>5</sup> In solely looking at the intermediate providers currently used by the largest companies operating in Missouri 22 of the intermediate providers have no authorization from the MoPSC.

intends to comply with basic requirements and obligations. Intermediate providers seeking authorization should be required to certify the company's intent to comply with all applicable requirements for transmitting traffic including state and federal rules, intercarrier compensation orders, tariffs and agreements. Regulatory authorities should be able to revoke a provider's authorization if the provider fails to comply with such requirements. The effectiveness of authorization will be enhanced if the FCC requires all carriers to only transmit traffic to a company that has received proper authorization from the FCC and applicable state commission. Such an arrangement will help ensure traffic will be appropriately handled and weed-out carriers that fail to obtain or maintain proper authorization.

***Intermediate providers should be subject to certain FCC rules***

Resolving call completion problems can only be adequately resolved if all carriers, including intermediate providers, are required to comply with certain basic requirements. For example, any carrier involved in handling a call should be required to comply with the ring signaling integrity requirements in Subpart W §64.2201 plus any other requirements prohibiting blocking, choking, reducing or restricting traffic. Such compliance will help ensure a carrier does not attempt to manipulate and frustrate the completion of a call. In addition all carriers, including intermediate providers, should be required to comply with the record and retention requirements of §64.2103. Such records are necessary for the reports submitted by a covered provider and will also be useful in investigating call completion problems.<sup>6</sup>

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<sup>6</sup> The term "covered provider" is defined in FCC rule §64.2101(c) and essentially means a provider of long-distance voice service making the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines. Further clarification of this term is explained in ¶20 of the FCC's FNPRM.

The MoPSC reserves judgment on applying reporting requirements of §64.2105 to intermediate providers. At this time the MoPSC recommends the FCC evaluate the effectiveness of applying reporting requirements solely on covered providers. The benefits of extending reporting requirements to other providers on a given call are unclear and may unnecessarily complicate the evaluation of these reports. Moreover it remains uncertain how such reporting obligations might be eased for a covered provider if other providers are required to submit to the reporting requirements.

### **Modifications to the Safe Harbor<sup>7</sup>**

#### ***Safe harbor status should include two additional requirements***

Safe harbor status offers some relief to reporting and data retention requirements for any long distance provider that uses no more than two intermediate providers. The long distance provider must also certify the ability to reveal the identity of the intermediate provider as well as certify adequate monitoring of employed intermediate providers. These requirements should also include the following two additional requirements:

- a. The provider should provide verification that intermediate providers they employ are appropriately certified or registered with the FCC and the relevant state commissions.
- b. The provider should agree to promptly notify the FCC and applicable state commission(s) if the provider stops sending traffic to an intermediate provider

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<sup>7</sup> FCC FNPRM, ¶ 125-127 seek feedback about safe harbor provisions. The MoPSC comments are specifically responding to ¶125 whereby the FCC asks, "...Should the existing safe harbor be modified to include additional requirements in contracting with intermediate providers or other measures? If so, what should these triggers be and why? What should the obligations be?"

due to non-compliance or poor performance demonstrated by the long distance provider's performance monitoring of intermediate providers. Such notification will help ensure a poor performing or non-compliant intermediate provider will continue to be adequately monitored. For instance, regulatory authorities may target the intermediate provider for investigation or monitor if other carriers cite the intermediate provider for poor performance. If the intermediate provider's performance generates significant concerns the regulatory authority may ultimately revoke an intermediate provider's authority to transmit traffic.

Compliance with these two additional requirements is not anticipated to be burdensome for any provider but will prove useful in ensuring intermediate providers are properly authorized and provide adequate service.

### **Additional Rule Changes<sup>8</sup>**

***Rules should be established prohibiting blocking, choking, reducing or restricting traffic.***

The FCC has made various pronouncements prohibiting blocking, choking, reducing or restricting traffic. Such pronouncements are a good initial step; however, any requirement of general applicability should ultimately be codified in a rule. Rules are a better format than attempting to establish requirements solely in a FCC order because rules facilitate compliance in addition to enabling enforcement.

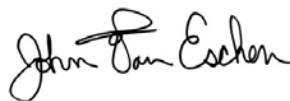
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<sup>8</sup> FCC FNPRM ¶ 130 seeks comment on whether we should adopt various rule revisions. Specifically the FCC asks if rules should be established formally codifying existing prohibitions on blocking, choking, reducing, or restricting traffic. The FCC also asks if there are any additional requirements that should apply to some or all of these providers.

***Quarterly reports should list the originating long distance provider(s) generating the traffic for the report.***

If a covered provider is not the retail originating long distance company then the reporting requirements in §64.2105 should require a covered provider to list the retail originating long distance companies generating the reported traffic. This proposal is not intended to further segregate traffic based on the retail originating long-distance company but rather simply list the retail originating long distance companies served by the covered provider. For example if Originating Provider A hands all long-distance calls to a single IXC-1 then the FCC's reporting requirements apply to IXC-1 and not Originating Provider A. This proposal would require the quarterly report submitted by IXC-1 to identify Originating Provider A plus any other retail originating long distance companies whose traffic is included in IXC-1's report. Such information is useful in pinpointing call completion problems since a caller is likely only familiar with the retail originating long distance company and is unaware of other providers used on their calls. The FCC has identified key issues that result in call-dropping problems in rural areas. These comments are submitted to help establish rules as the logical continuation of regulatory remedies to help address these problems and reduce instances of call dropping, blocking and choking in rural areas.

Respectfully submitted,



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