

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF HORN MEMORIAL HOSPITAL	DOCKET NO. FCU-2014-0014 (C-2014-0072)
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**ORDER GRANTING REQUEST FOR FORMAL PROCEEDING AND
ASSIGNING TO ADMINISTRATIVE LAW JUDGE**

(Issued January 16, 2015)

I. BACKGROUND

On November 4, 2014, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a request for a formal proceeding for further investigation of a rural call completion complaint. The request was identified as Docket No. FCU-2014-0014. The Board will grant the request pursuant to Iowa Code § 476.3. The request is based on informal complaint proceedings conducted pursuant to Iowa Code § 476.3 and 199 IAC chapter 6 in a matter identified as File No. C-2014-0072. The record in the informal proceedings can be summarized as follows:

A. The Complaint

On June 6, 2014, Michelle Weber filed a complaint on behalf of Horn Memorial Hospital in Ida Grove, Iowa, citing failed attempts to call Horn Physicians Clinic in Mapleton, Iowa, from the hospital on various dates in June 2014. Ms. Weber stated that for over 12 months the hospital had experienced difficulties in being able to

consistently communicate with surrounding clinics, hospitals, patients, and pharmacies. Ms. Weber stated that she had notified Long Lines Metro, Inc. (Long Lines), the terminating local exchange carrier in Mapleton, Iowa, about the call failures. According to Ms. Weber, Long Lines indicated they researched the problem and reported that the attempted calls were not reaching the network of the terminating tandem provider, Iowa Network Services (INS). Ms. Weber stated that Long Lines suspected the call failures related to "least cost routing" because INS was not receiving these calls on the terminating tandem for completion.

Ms. Weber also noted she was unable to fax lab results from the hospital to the clinics and that the results needed immediate attention. Ms. Weber noted another example where the Community Health Director was not able to reach nurses while the nurses were making rounds in patient homes. Ms. Weber stated that the calls connected when the Director called the nurses' cell phones.

Board staff forwarded the hospital's complaint to Frontier Communications of Iowa, Inc. (Frontier) (the originating long distance carrier in Ida Grove, Iowa), Long Lines, and INS. The complaint was also sent to underlying carriers Impact Telecom (Impact) and Level 3 Communications, LLC (Level 3).

Frontier responded to the complaint stating the underlying providers used to route the calls were Impact, Verizon, and AT&T. Frontier investigated the call failures and suspected Impact was causing the calls not to complete; however, because the calls occurred more than 24 hours before Frontier's investigation, Frontier could not open a repair ticket with Impact. Frontier removed Impact from the call route and

established a premium route for the fax lines. Test calls failed when Impact was used in the call route. Frontier then opened a repair ticket with Impact; when Impact reported that no trouble was found, Frontier permanently removed Impact from the route. The new call route uses Verizon, AT&T, and Global. Frontier stated it reviewed the hospital's account and had not received any more reports of call failures. Frontier also explained it provided Ms. Weber with a direct number and a toll-free number to reach the long-distance repair department to report any further problems.

In a subsequent reply to questions from Board staff, Frontier stated that based on Impact's unsatisfactory response to an inquiry from Frontier, it blocked Impact from the routes so the calls would go to Verizon and AT&T. Frontier also stated the trouble was isolated to Impact, the calls routed to Verizon and AT&T completed without trouble, and no further problems were reported.

INS responded to the complaint stating it could not find records for any calls matching the description of the calls in the complaint. According to INS, the absence of call records would indicate that the calls were never offered by any long-distance carrier to the INS terminating tandem for completion. INS also stated it researched long-distance calls terminating to the number of the clinic in Mapleton for the dates June 3 to 6, 2014, and found that 147 long-distance calls were completed to that telephone number successfully from points of origination other than the hospital. Based on this information, INS concluded the problem was with the long-distance carrier.

In its response, Long Lines stated it does not block incoming calls (local or long-distance). Long Lines stated it uses INS as a terminating tandem provider. Long Lines explained that it controls outgoing call routing from one of the numbers in question but does not track incoming calls unless a call trace is initiated; no call trace was in place for the number in question during the time relevant to this complaint.

Impact responded to the complaint stating it received a trouble ticket from Frontier on June 11, 2014, and tested the call path later that day but was not able to replicate the issue in its test calls. Impact also stated it suspected the call failures could be intermittent, so it opened a repair ticket with Level 3. According to Impact, on June 12, 2014, Level 3 reported it was experiencing issues with the terminating route and changes were being made to correct the problem.

In response to additional questions from Board staff, Impact stated that the calls at issue had been routed to Level 3. According to Impact, Level 3 had a connection issue that prevented the calls from properly routing. Level 3 was removed from Impact's routing while Level 3 corrected the issue. Impact stated it tested the route and verified that the Level 3 connection problem had been solved, after which Level 3 was placed back into the call route. Impact explained a plan was being implemented to resolve call completion problems, particularly in rural areas, and that the plan, in part, includes reducing the number of intermediary providers and relying instead primarily on "tier one" carriers. Impact stated it recently entered into an interconnection agreement with INS to provide further quality control and redundancy to the public switched telephone network connections already in place.

In addition, complaints involving rural codes are prioritized and vendors experiencing more connection issues are being dropped from routing altogether. Impact stated this is part of a long-term strategy for reducing call connection issues while improving quality of service.

Level 3 responded to the complaint stating its investigation found no issues with calls terminating to the number in question. According to Level 3, call records from June 1 through June 6, 2014, showed no calls originating from the hospital and terminating to the clinic in Mapleton but did show 94 calls from other numbers terminating to the clinic. Level 3 stated it was not able to find the trouble ticket Impact claims to have opened with Level 3. In a subsequent response, Level 3 stated that the only trouble ticket number provided by Impact addressed an unrelated matter involving problems with Level 3's network in New Jersey.

Level 3 stated that because it was not able to find the call records in question on its network, it did not have the detailed information that would have allowed it to conduct meaningful testing. According to Level 3, it did not appear that the calls in question were sent to the Level 3 network and the record did not include any definitive evidence that the calls in question were directed to or carried on the Level 3 network. Level 3 asked that Impact provide detailed information about the trouble ticket, along with recent call dates and times to substantiate that the calls were routed to Level 3.

Additional responses and replies were provided by Level 3 and Impact disputing details about the repair ticket Impact claimed to have sent to Level 3 about

the call failures in this case. Level 3 stated that the information provided by Impact (Impact's internal ticket number and edited e-mail messages) did not help Level 3 investigate the issue. Level 3 continued to assert that Impact needed to provide more detailed information about the ticket relating to this case.

B. Proposed Resolution

Board staff issued a proposed resolution on October 24, 2014, observing that 147 long-distance calls terminated to the telephone number for the Horn Physician's Clinic for the dates in question and three of those calls originated from the hospital. Staff found that Frontier had not been notified that the hospital was experiencing problems completing calls until staff forwarded the complaint on June 10, 2014. Staff observed that while Long Lines suspected the call failures involved call routing issues, Long Lines did not suggest that Ms. Weber call Frontier, the hospital's local and long-distance provider. Staff discussed the importance of involving the originating local and long-distance service providers in resolving these complaints.

According to Board staff's review, Frontier routed the calls to Impact. Impact stated it sent the calls to Level 3, but there was no indication that the calls were sent to the terminating tandem to complete. There was conflicting information from Impact and Level 3 and Board staff was not able to resolve the dispute between Impact and Level 3 regarding the trouble ticket. Staff observed that the hospital had not had further call completion problems after Frontier removed Impact from the call route and added new underlying carriers.

C. Request for Formal Proceeding

On November 4, 2014, the Consumer Advocate filed a Request for Formal Proceeding. Consumer Advocate asserts there is a reasonable ground for further investigation of this complaint. According to Consumer Advocate, the informal investigation did not resolve the conflicting claims of Impact and Level 3, nor did it determine what caused the call failures. Consumer Advocate argues further investigation is needed to obtain the relevant documents, including the disputed trouble ticket, e-mail messages Level 3 asserts were edited by Impact, and any substantiation of Impact's claim that the calls were in fact routed to Level 3. Consumer Advocate also asserts further investigation is needed to determine what caused the calling difficulties and address what each of the carriers is doing to address call failures.

Consumer Advocate referred to the formal proceedings pending before the Board involving rural call completion complaints and noted that companies are being asked in those proceedings to provide commitments to the Board about what they will do to prevent call completion failures in Iowa. Impact is currently a party to one of those proceedings, *In re Complaint of Hancock County Health Systems*, No. FCU-2013-0005, but neither Frontier nor Level 3 is participating in a call completion formal investigation. According to Consumer Advocate, docketing this complaint would allow the Board to secure appropriate commitments from these additional parties, thereby furthering the goal of reducing and eliminating call completion problems in Iowa. Consumer Advocate contends that Frontier's response (removing Impact from

the call route after the customer complained) is not an adequate solution because carriers continue to engage in routing practices that put lowans, including Iowa hospitals, at risk for call failures.

II. DISCUSSION

In cases where the Board has docketed rural call completion complaints for further investigation,¹ the Board has explained that it is appropriate to take steps at the state level to respond to problems which continue to disrupt intrastate long-distance calls to rural consumers in Iowa. Iowa Code § 476.3(1) provides that a public utility shall furnish “reasonably adequate service” in accordance with tariffs filed with the Board. That section also provides, in relevant part, that when the Consumer Advocate files a petition for formal proceeding with the Board, the Board shall grant the petition if the Board determines “that there is any reasonable ground for investigating the complaint.”

After examining the circumstances of this complaint, the Board finds this case presents numerous unanswered questions about what caused calls to fail to

¹ See *In Re: Rehabilitation Center of Allison, Iowa*, Docket No. FCU-2012-0019, “Order Canceling Hearing, Vacating Procedural Schedule, and Assigning to Administrative Law Judge” (issued April 2, 2013); *In Re: Huxley Family Physicians*, Docket No. FCU-2013-0004, “Order Granting Request for Formal Proceeding and Assigning to Administrative Law Judge” (issued May 23, 2013); *In Re: Hancock County Health Systems*, Docket No. FCU-2013-0005, “Order Granting Request for Formal Proceeding and Assigning to Administrative Law Judge” (issued June 10, 2013); *In Re: Complaints of Helen Adolphson and Charlotte Skallerup*, Docket No. FCU-2013-0006, “Order Docketing for Formal Proceeding and Assigning to Administrative Law Judge” (issued June 24, 2013); *In Re: Complaint of Douglas Pals*, Docket No. FCU-2013-0009, “Order Docketing for Formal Proceeding and Assigning to Administrative Law Judge” (issued July 1, 2013); *In Re: Complaint of Carolyn Frahm*, Docket No. FCU-2013-0007, “Order Granting Request for Formal Proceeding and Assigning to Administrative Law Judge” (issued July 15, 2013); and *In re: Complaint of Sutherland Mercy Medical Clinic*, Docket No. FCU-2014-0007, “Order Granting Request for Formal Proceedings and Assigning to Administrative Law Judge” (issued August 6, 2014).

complete from the hospital to their intended destination, creating reasonable grounds for further investigation. One of those questions is what happened to the calls from the hospital once they were routed by the originating long-distance service provider to the underlying carriers on the call route. The record developed to date does not contain a satisfactory explanation of what caused the calls to fail to reach the terminating tandem.

The Board agrees with Consumer Advocate that the responses from the underlying carriers Impact and Level 3 have not answered all of the questions about their role in the call failures. During the informal investigation, Board staff attempted to obtain information from Impact and Level 3 regarding the disputed trouble ticket and reasons the calls would not have reached the terminating tandem for completion, but the responses were not productive. The Board needs more specific information to better understand what caused the failures in the first instance and the steps taken by the various providers to prevent recurrence of the alleged completion problems. Docketing the complaint for further investigation would also allow the Board to gather more specific information about Frontier's use of and standards for underlying carriers and to the extent to which use of certain underlying carriers and routing practices have contributed to call completion problems.

The Board finds that reasonable grounds for further investigation have been shown and will grant Consumer Advocate's Request for Formal Proceeding. The Board will docket the complaint for a formal proceeding identified as Docket No.

FCU-2014-0014 and will assign the matter to its administrative law judge for further proceedings.

III. ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. The Request for Formal Proceeding filed by the Consumer Advocate Division of the Department of Justice on November 4, 2014, relating to File No. C-2014-0072, is granted pursuant to Iowa Code § 476.3. The matter is identified as Docket No. FCU-2014-0014. The issues for investigation are as identified in the request, as described in the body of this order, and as they may develop during the course of the proceedings.

2. Docket No. FCU-2014-0014 is assigned to Administrative Law Judge Amy L. Christensen for further proceedings, pursuant to Iowa Code § 17A.15 and 199 IAC 7.3.

UTILITIES BOARD

/s/ Elizabeth S. Jacobs

/s/ Nick Wagner

ATTEST:

/s/ Joan Conrad
Executive Secretary

/s/ Sheila K. Tipton

Dated at Des Moines, Iowa, this 16th day of January 2015.