

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

IN RE: COMPLAINT OF HORN MEMORIAL HOSPITAL	DOCKET NO. FCU-2014- <u>0014</u> (C-2014-0072)
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REQUEST FOR FORMAL PROCEEDING

Pursuant to Iowa Code § 476.3, the Office of Consumer Advocate (OCA), Iowa Department of Justice, requests a formal proceeding regarding the above rural call completion complaint. In support of the request, OCA states:

1. Michele Weber of Horn Memorial Hospital in Ida Grove submitted a complaint alleging difficulties with communications to surrounding clinics, hospitals, patients, and pharmacies. According to the complaint, the hospital had been fighting the problem for well over a year. Most recently, multiple calls to a medical clinic in Mapleton had failed to complete. Hospital personnel were using cellphones because phone lines were not connecting. The problem was affecting patients and their safety.
2. Iowa Network Services, Inc. (INS) and Long Lines, L.L.C., the terminating local exchange carrier in Mapleton, advised that the calls in question were never offered by any long distance carrier to the INS terminating tandem for completion.
3. Frontier Communications of Iowa, Inc. (Frontier), the originating long distance carrier in Ida Grove, advised it had routed the calls through Impact Telecom (Impact). Frontier removed Impact from the routing. Calls then routed to AT&T or Verizon. No additional troubles were reported.

4. Impact advised it had opened a trouble ticket with Level 3 Communications, L.L.C (Level 3).¹ Impact stated it had sent an e-mail to Level 3 regarding a batch of unresolved trouble tickets, including the one in question. Impact claimed to have sent an e-mail to Level 3 noting a decrease in Level 3's answer seizure rate (ASR) and a high number of trouble tickets. Impact claimed to have received a response from Level 3 stating the issues were with underlying carriers.²

5. Level 3 advised its investigation found no issues with calls terminating to Mapleton. Level 3 could not find the trouble ticket identified by Impact and denied that the calls in question were sent to the Level 3 network. Level 3 claimed the trouble ticket addressed an unrelated issue having to do with equipment in New Jersey.³ Level 3 stated it needed detailed ticket information, as well as substantiation that the calls were routed to Level 3, in order to investigate further. According to Level 3, Impact provided "selected portions" of e-mails and "deliberately" omitted other "technical" portions. Level 3 stated: "We stand ready to continue our investigation, but we need the technical details from Impact, i.e., detailed ticket information and recent call dates and times, in

¹Last year, Level 3 entered into a consent decree with the FCC's Enforcement Bureau resolving and terminating the Bureau's investigation into possible violations of Sections 201(b) and 202(a) of the federal Communications Act of 1934, as amended, with respect to Level 3's call completion practices to rural areas, including its use and monitoring of intermediate providers. *In the Matter of Level 3 Communications, L.L.C.*, 28 F.C.C.R. 2274 (2013).

²In response to a question from staff asking for Impact's long-term solution to the call completion problems, Impact advised it was implementing a plan, part of which included reducing the number of intermediate providers, while relying primarily on tier 1 providers. According to the response, Impact recently completed an interconnection agreement with INS to provide further quality control as well as redundancy. Impact is also prioritizing rural call completion complaints and dropping vendors with higher connection issues from routing.

³The possibility that problematic equipment is located in New Jersey in no way renders it irrelevant to call completion in Iowa. As observed by the FCC, IP-supported networks increasingly rely on geographically remote servers to support key functions. "April 2014 Multistate 911 Outage: Cause and Impact, Report and Recommendations," Public Safety Docket No. 14-72 (FCC Oct. 2014).

order to verify that the problem existed and/or to determine what changes, if any, could be made.”

6. On October 24, 2014, staff issued a proposed resolution. The proposed resolution observes there is conflicting information from Impact and Level 3 regarding the routing of the calls and that Level 3 has accused Impact of deliberately editing and removing information. The proposed resolution observes that calls are now completing properly.

7. There is a reasonable ground for investigating this complaint. The informal investigation did not resolve the conflicting claims of Impact and Level 3. Nor did it determine what caused the difficulties. Investigation is needed to obtain the relevant documents, including the trouble ticket, any substantiation Impact may have of its claim that the calls were routed to Level 3, and the full e-mails that Level 3 has accused Impact of editing inappropriately. Investigation is needed to ascertain whether Impact routed the calls to Level 3 and if so whether Level 3 routed them to another downstream carrier or carriers, to determine if possible what caused the difficulties, and to address what each of the carriers is doing to address the call completion failures.

8. A number of formal proceedings are already pending on rural call completion complaints. In those proceedings, companies are being asked to provide commitments to the Board regarding what they will do to prevent call completion failures in Iowa. See, for example, *In re Complaint of Frahm*, Order Regarding Fifth Prehearing Conference and Procedural Order, No. FCU-2013-0007 (August 15, 2014). While Impact is currently a party to one such proceeding, see *In re Complaint of Hancock County Health Systems*, No. FCU-2013-0005, neither Frontier nor Level 3 is a party to

any such proceeding. Docketing this complaint will enable the Board to secure appropriate commitments from these additional parties, thus furthering the goal of reducing and eliminating the problem in Iowa.

9. The fact that Frontier addressed the problem after the Horn Memorial Hospital experienced a year of difficulties is not an adequate solution. It is not enough for Frontier merely to pull Impact on the routing for someone who complains, while Frontier, Impact, and Level 3 continue to engage in systemic routing practices that put Iowans, including Iowa hospitals, at risk for call completion failures. There must be a concerted effort to address the systemic problem proactively and not just isolated reactive corrections after problems have already been experienced.

WHEREFORE, OCA requests a formal proceeding on the Horn Memorial Hospital complaint.

Respectfully submitted,

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