

May 08, 2013

IOWA UTILITIES BOARD

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

In the Matter of	Docket No. FCU-2013-0006
The Complaints of Helen Adolphson and Charlotte Skallerup	(C-2013-0006 and C-2013-0011)

JOINDER IN STAFF REQUEST FOR FORMAL PROCEEDING

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

1. On January 17 and 19, 2013, sisters Helen Adolphson of Red Oak and Charlotte Skallerup of Glenwood submitted complaints that phone calls were not completing to their elderly mother in Emerson. Their mother reports no difficulty placing outgoing calls. Emerson (population 438) is nine miles west of Red Oak and twenty-one miles east of Glenwood.¹

2. Adolphson alleged the calls sometimes go through fine. At times, however, she hears ringing and ringing, but her mother hears nothing. Other times, Adolphson hears one or two rings, followed by a busy signal or a drop. Still other times, the connection is so poor that she and her mother cannot hear one another.

3. Skallerup also reports the calls sometimes go through without difficulty. Other times, “it rings once or twice and then goes dead.” Still other times, “it may ring

¹Population figure is from 2010 census.

sounding fine for the first couple of rings and then the ring sounds garbled and if mother tries to answer we cannot hear or understand each other.” Skallerup stated she has hung up and tried as many as 8-10 times and after numerous tries the call may go through. She says she can tell immediately if the ring sounds clear and if the call is going to be proper.

4. On January 17 and 24, 2013, staff requested responsive information from CenturyLink.

5. On March 21, 2013, CenturyLink responded. According to the responses, CenturyLink opened a trouble ticket. Calls records were searched for calls that corresponded with the date and time information provided by Adolphson and Skallerup. Not all of the calls were found, but testing was able to continue with the calls that were found, apparently three in number. The technician determined that the routing was the source of the problem for the three calls.

6. According to the responses, CenturyLink had used an underlying carrier, Intermetro Communications, Inc. The CenturyLink technician removed Intermetro as an intrastate routing option to the NPA/NXX local exchange of the destination number in Emerson. CenturyLink also opened a trouble ticket with Intermetro. According to the responses, following the routing change, CenturyLink verified with Adolphson and Skallerup that the calls were completing correctly.

7. On March 22, 2013, staff requested responsive information from Intermetro.

8. On April 17, 2013, Intermetro responded. According to the response, Intermetro handed the calls to another provider after CenturyLink handed them to Intermetro. According to the response, CenturyLink had identified an “intermittent”

problem and opened two trouble tickets with Intermetro. Intermetro then “researched the matter, identified the provider with the intermittent problem, and permanently removed that provider from delivering calls to Iowa on behalf of Intermetro.” According to the response, Intermetro in conjunction with CenturyLink later verified with Adolphson and Skallerup that the calls were completing correctly.

9. On April 19, 2013, staff asked InterMetro to provide the name, address and contract information for the underlying provider used by Intermetro.

10. On April 22, 2013, Intermetro responded:

InterMetro treats its vendor information as CONFIDENTIAL and PROPRIETARY InterMetro is obligated by a confidentiality clause in its Master Services Agreement with the vendor at issue: “. . . The Parties understand and agree that the terms and conditions of this Agreement . . . are Confidential Information A violation or threatened violation by either Party or its agents of this Section will entitle the other Party to seek an injunction or restraining order.” InterMetro will have to notify its vendor of your request before we can provide it because of this contract. It would help resolve the matter quickly if you could advise us that the IUB would treat this information as confidential and proprietary and the proper procedure for submitting this information as such.

11. On April 29, 2013, staff issued proposed resolutions. The proposed resolutions stated:

Call completion issues have been increasing in frequency in complaints filed with the Board. This complaint describes that many of Ms. Adolphson’s [Skallerup’s] calls to her mother are not completing. The increased call completion problems could point to failures due to the use of least cost routers for call completion. Many rural carriers believe that call completion problems begin with least cost routers, and routing is handled by such intermediate or underlying providers. In this case InterMetro states a confidentiality clause in its contract with its underlying carrier prevents InterMetro from disclosing the identity of that carrier. InterMetro has not yet provided the vendor’s information. Further investigation is appropriate in this case for examination of the call completion issues, including the roles and responsibilities of the various carriers regarding the call failures alleged in this complaint. Initiating a

formal proceeding would create a docket in which InterMetro could file a request for confidential treatment of the identity of its underlying carrier, allowing the investigation to proceed. Staff will recommend that the Board initiate a formal proceeding on its own motion.

12. OCA concurs with staff that there is a “reasonable ground for investigation,” within the meaning of Iowa Code § 476.3. The problems reported by Adolphson and Skallerup are occurring with more than sufficient frequency, and to more than a sufficient number of rural telecommunications consumers, to justify investigation.

13. OCA concurs with staff that investigation is needed regarding the roles and responsibilities being played by the several carriers, including the as yet unidentified carrier which, according to Intermetro, was causing the problem and was permanently removed from delivering calls to Iowa on behalf of Intermetro.

14. Investigation is needed regarding the nature of the problem. Although changing the routing on calls to particular destinations alleviates the problems for those who have complained, it not does prevent like problems from occurring at other locations or even from recurring at a later time at the same locations. What is needed is an understanding of the cause of the problem and tools with which to prevent the problem *before* it occurs.

15. OCA concurs with staff that initiating a formal proceeding would give InterMetro an opportunity to request confidential treatment regarding the identity of its underlying carrier, should Intermetro elect to do so. Such a docket would also give other parties an opportunity to resist such a request if made.

16. As Adolphson and Skallerup observe, the failure of calls to complete vitally affects the health, safety and welfare of Iowans. There appears to be a consensus among those who have studied the problem that its source often lies with the underlying

carriers or “least cost routers.” Yet with isolated exceptions, no one outside the industry has until recently appeared to know even who these carriers are.

17. It is not clear why the identity of these underlying carriers would be proprietary or why parties to a contract could agree to shield their identity from public knowledge, especially when the routing of calls on the public network has failed. Public awareness of the failures, including enforcement activity against those responsible when needed, may be an essential part of the solution.

18. An investigation will materially contribute to solving the problem, because carriers will know they are being watched, with a view toward enforcement when needed.

WHEREFORE, OCA concurs with staff that the Board should initiate a formal proceeding on the Adolphson and Skallerup complaints.

Respectfully submitted,

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