

May 24, 2013

IOWA UTILITIES BOARD

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

In the Matter of	Docket No. FCU-2013- <u>0009</u>
The Complaint of Douglas Pals	(C-2013-0026)

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 complaint. In support of the request, OCA states:

1. On March 13, 2013, Douglas Pals submitted a complaint alleging difficulties when attempting to place calls from his home in Clive, Iowa, (area code 515) to a number in West Liberty, Iowa (area code 319).¹ In particular, the complaint alleged that on February 12, 2013, at 2:00 p.m., the called party did not answer because her caller ID displayed an incorrect calling party name (BIDAXIS) and an incorrect calling party number in New York City (area code 347). After listening to his voice message, she called him back. They did a few test calls. One worked fine. Another had a problem connecting but did not have the same incorrect caller ID information.

2. On March 14, 2013, staff requested responsive information from CenturyLink.

3. On April 3, 2013, CenturyLink responded. According to the response, CenturyLink opened a trouble ticket and determined that the routing of the calls was the issue. The routing of the calls used an underlying carrier, Blue Tone. The technician

¹ The population of West Liberty is 3,736 (2010 census).

removed Blue Tone from the routing to the NPA NXX of the West Liberty destination number and opened a ticket with Blue Tone. The technician then tested the fix.

4. On April 3, 2013, staff requested responsive information from Blue Tone.
5. On April 24, 2013, Blue Tone responded. The response stated:

As per Bluetone's process, the destination number was blocked to allow CenturyLink to route the call to another provider while Bluetone's technicians worked to troubleshoot the problem. This change was completed within two hours of receiving the initial complaint. Upon further investigation, call records were reviewed and confirmed that the correct calling party number . . . was received from CenturyLink and forwarded along correctly to Bluetone's downstream provider. Test calls were completed over the Bluetone network however, did not duplicate the CPN BIDAXIS 347-466-5248 report. This single test call received no name or number as confirmed by the end user. Subsequent test calls completed to the end user confirming that the calling party number was correct. As a precautionary measure, Bluetone's downstream provider was removed from routing. Also, routing adjustments remain in place to allow CenturyLink to route the call to an alternate provider.

6. On May 23, 2013, staff issued proposed resolution. The proposed resolution stated that Bluetone had provided additional information on May 10, 2013, apparently including the identity of the downstream provider, and that Bluetone was claiming the information was confidential. The proposed resolution continued:

Your complaint states that your call to another party did not reflect your name and telephone number. This is an issue customers are reporting in the growing number of call completion problems reported to the Board. Some rural carriers believe that call completion problems relate to the use of least cost routers as intermediate or underlying providers. In this case, Blue Tone provided the name of the vendor to the Board staff but stated that a confidentiality clause in its contract with the underlying carrier prevents this information to be public.

Staff has not yet distributed the response containing the vendor's name. Bluetone submitted a request for confidential treatment to Board staff by email on May 13, 2013. That request does not comply with the Board's requirements in rule 199 IAC 1.9. Initiating a formal proceeding would create a docket in which Bluetone could file a request for confidential treatment of the identity of its vendor, allowing the

investigation to proceed. Staff will recommend that the Board initiate a formal proceeding on its own motion.

7. OCA concurs with staff that there is a “reasonable ground for investigation,” within the meaning of Iowa Code § 476.3. The problems reported by Pals are occurring with more than sufficient frequency, and to more than a sufficient number of rural telecommunications consumers, to justify investigation. Investigation is needed regarding the roles and responsibilities being played by the several carriers.

8. 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.

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

10. 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.

11. 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.

12. 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 Pals complaint.

Respectfully submitted,

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