

February 26, 2016

IOWA UTILITIES BOARD

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

IN RE:

THE COMPLAINT OF SUTHERLAND
MERCY MEDICAL CLINIC

DOCKET NO. FCU-2014-0007
(C-2014-0005)

RESPONSE TO ORDER AND PROPOSED SOLUTIONS

The Office of Consumer Advocate (“OCA”), a division of the Iowa Department of Justice, files this response to the Order dated January 7, 2016 and OCA’s proposed solutions in the above-captioned docket. While OCA does not think that Comcast necessarily needs to file its own proposed solutions, OCA believes that Comcast needs to participate in the solutions. All carriers must interconnect with the same public telephone network, and interoperability and coordination are needed across all components of the network. Industry-wide participation, including participation of intermediate carriers such as Comcast, is necessary for a comprehensive solution to call completion problems.

OCA proposes the following solutions in this docket:

1. Acknowledge responsibility for the performance of downstream carriers and exercise responsibility over the use of downstream carriers.

When using downstream intermediate carriers, Comcast should have in place sound policies to address each of the following elements:

- Establish and conduct standardized testing routines;
- Investigate on an ongoing basis whether downstream carriers have properly designed and properly functioning equipment, including properly designed and properly functioning software;
- Investigate on an ongoing basis whether downstream carriers have sufficient capacity in their switches and call paths to carry the traffic to the intended destinations;

- Require each downstream carrier on an ongoing basis to provide specific information regarding its system and the limitations of its system, including information regarding any difficulties its system may have interoperating with other systems using a different technology;
- Require each downstream carrier on an ongoing basis to provide specific information regarding any bandwidth or other capacity constraints that would prevent its system from completing calls to particular destinations at busy times;
- Require each downstream carrier to have properly designed and properly functioning alarms in its system so as to ensure immediate notice of any outages on its system;
- Require each downstream carrier to have properly designed and properly functioning mechanisms in place to ensure that the downstream carrier, if unable to complete a call, timely releases the call back to the upstream carrier;
- Require each downstream carrier to have properly designed and properly functioning mechanisms in place to ensure that the downstream carrier, if making successive attempts to route the call through different lower-tiered downstream carriers, timely passes the call to a second (or third or fourth) lower-tiered downstream carrier if a first (or second or third) lower-tiered downstream carrier cannot complete it;
- Require each downstream carrier to have properly designed and properly functioning mechanisms in place to detect and control looping, including the use of hop counters or other equivalent mechanisms that alert a carrier to the presence of a loop;
- Establish direct measures of quality and require downstream carriers to meet them;
- Establish and implement appropriate sanctions for intermediate carriers that fail to meet standards;
- Require downstream carriers to manage lower-tiered downstream carriers and to hold lower-tiered downstream carriers to the same standards to which they themselves are held;
- Define the responsibilities of downstream carriers in an agreement.

These elements are designed to restore network reliability to its former state, in which the facilities carrying the calls were engineered and maintained in such a way as to prevent the call completion failures from occurring in the first place, as distinct from troubleshooting failures

after they have already occurred. These elements are designed to work in tandem with the data collection and analysis now occurring pursuant to FCC rules.

2. Maintain on file with the Board a list of downstream carriers currently being used to carry Iowa traffic.

A simple filing of this character, with contact information for the downstream carriers, updated as changes occur, will keep the Board apprised of the identity of the companies that are carrying the Iowa traffic.

3. Reduce the number of intermediate carriers in the call paths.

A key reason for the increased call completion problems in rural areas is that a call is often handled by numerous providers, the identities of which may not even be known to the originating provider, resulting in nearly untraceable call routes. *In the Matter of Rural Call Completion*, 28 F.C.C.R. 16154 (Nov. 8, 2013) ¶¶ 17, 87, 88. A provider that limits the number of intermediate providers in the call path is better able to manage performance to rural destinations than a provider that sends calls through numerous intermediate providers. Limiting the number of intermediate providers also limits the potential for lengthy setup delay and looping. The reductions can be accomplished either through new interconnection agreements or through new construction.

4. Promote transparency in the use of downstream carriers.

Prior to the time that federal and state authorities began to investigate the rural call completion failures, many of the intermediate carriers were hidden from view. The lack of transparency lessens accountability and hampers the Board's ability to understand and address the difficulties. A commitment to certify that any nondisclosure agreement permits disclosure to the Board of both the identity of any intermediate providers and the relevant contract would increase transparency and accountability and therefore contribute to a long-term solution.

5. Actively participate in the standard-setting work of the Alliance for Telecommunications Industry Solutions.

The FCC has applauded efforts by the Alliance for Telecommunications Industry Solutions (“ATIS”) to diagnose problems in call routing, cooperate on finding solutions, and adopt best practices aimed at solving the problem. *In the Matter of Rural Call Completion*, 28 F.C.C.R. 16154 (Nov. 8, 2013) ¶ 12. Because all carriers must interconnect with the same public telephone network, and because interoperability and coordination are needed across all components of the network, wide industry participation in this work, including participation by intermediary carriers, would help. As new standards are developed, companies should report them to the Board so that the Board can ensure they adequately protect consumers and are followed. In time, as the standards are more fully developed for all technologies, the Board, either on its own for intrastate calls, or in partnership with the FCC for all calls, should consider giving these standards, or some of them, with any modifications that public comment may require, the force and effect of law.

6. Keep routing tables up-to-date.

Accurate routing tables are essential to successful call completion. *In the Matter of Rural Call Completion*, 28 F.C.C.R. 16154 (Nov. 8, 2013) ¶ 42 & n.49. If the tables are not properly updated, for example, some calls may fall into a loop and never be set up. *In the Matter of Rural Call Completion*, 28 F.C.C.R. 1569 (Feb. 7, 2013) (separate statement of Commissioner Pai). Consumer elections to switch carriers and local number portability, along with other factors, result in these tables constantly changing. Routing tables must therefore be kept up-to-date. The updating should be done through the Local Exchange Routing Guide (“LERG”) of the Traffic Routing Administration.

7. Provide periodic reports to the Board on implementation.

Comcast should provide periodic reports to the Board regarding the progress it is making in fulfilling any commitments it makes or obligations imposed by the Board.

Conclusion

These are concrete steps that Comcast should take as elements of a long-term solution to the problem of call completion. These actions are intended to complement the work of the FCC. These actions are also appropriate for consideration in a rule-making proceeding, which could afford long-term solutions industry-wide.

Respectfully submitted,

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