

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF HORN MEMORIAL HOSPITAL	DOCKET NO. FCU-2014-0014
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ORDER REGARDING FURTHER PROCEDURE

(Issued March 17, 2016)

A telephone prehearing conference was held in this case on January 6, 2016. Following the prehearing conference, a “Corrected Order Regarding Second Prehearing Conference and Requiring Filings” was issued on January 7, 2016. The order discussed the prehearing conference and set deadlines for required filings, including a stipulation of facts. The order stated that additional decisions regarding appropriate procedure for the case would be made after the stipulation and reports had been filed with the Board.

On January 20, 2016, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a response to the order stating that Ms. Weber of Horn Memorial Hospital (the hospital) reported the hospital continues to have call completion problems with respect to incoming calls. Ms. Weber also reported the hospital had not had any problems with outgoing calls since filing the initial complaint and the hospital was satisfied with the resolution of the previous problems with outgoing calls.

On January 28, 2016, Frontier Communications of America, Inc. (Frontier),¹ filed a response to the Consumer Advocate's report. Frontier noted the hospital had not had any call completion problems with outgoing calls since the original complaint and was satisfied with the resolution of the previous problems. Since outgoing call completion issues were the basis of the hospital's original complaint and had not recurred since June of 2014, Frontier stated it had not needed to take any corrective action as all outgoing call completion issues have been resolved. With regard to the hospital's continuing call completion problems with incoming calls, Frontier stated that further communication between the Consumer Advocate and the hospital revealed the hospital does not have any information regarding the dates and times of such incoming call completion issues. Frontier stated the hospital understands that incoming call completion problems are the responsibility of the originating carrier of the persons initiating the calls to the hospital, not Frontier. Frontier further stated there is insufficient information about the problematic incoming calls to be able to investigate the calls or take any specific remedial actions.

On February 25, 2016, Frontier filed a report explaining the call completion reports it is filing with the Federal Communications Commission (FCC) and the actions it is taking to address and prevent call completion issues. Frontier notes the FCC implemented reporting requirements in August of 2015 for covered providers

¹ In its filing, Frontier clarified that Frontier Communications of Iowa, Inc., referred to in previous orders, is a local exchange carrier that operates only in Iowa. Frontier further clarified that Frontier Communications of America, Inc., is an affiliate company and was the long distance provider for the complainant in this docket. Frontier clarified that the term "Frontier" in the filing referred to the long distance carrier. Therefore, this order relates to Frontier Communications of America, Inc., and the term Frontier in this order refers to Frontier Communications of America, Inc.

regarding call completion.² Frontier states it is a covered provider within the meaning of the rule and it has complied with all reporting requirements since the rule took effect. Frontier filed quarterly certified reports with the FCC on August 1, 2015, November 1, 2015, and February 1, 2016, which report the monthly data required by the rules. Frontier commits to complying with all future applicable FCC requirements for call completion reporting.

In its February 25 report filed with the Board, Frontier also discussed the actions it has taken to address and prevent call completion issues. Frontier states it carefully selects wholesale providers used to complete its originating long distance calls and has a number of requirements prospective carriers must satisfy before Frontier will include them in its call completion network. Frontier provided details of these requirements in its report. Among other things, Frontier investigates potential carrier's equipment and systems to ensure there is sufficient capacity to carry traffic and that the equipment is properly designed and functioning correctly. Frontier performs a number of tests before placing a downstream carrier in service and monitors the ongoing performance of its downstream carriers to ensure continued quality of service. If there are problems, Frontier follows up with the carrier and may remove a carrier from routing to a specific local exchange carrier, area, or Frontier's entire network if needed. Frontier states it provides information to its customers regarding service concerns, including call completion issues, through bill messages and information in telephone directories. The information tells customers how to report service problems. If a customer reports a call completion issue, Frontier

² 47 C.F.R. § 64.2105.

promptly communicates with the customer to identify the cause and resolve the problem. Frontier notes its actions to promptly resolve the customer's call completion problem in this case, including providing the customer with a direct telephone number to call and a long distance repair toll-free number to report any further long distance issues. Frontier further notes that the hospital has not had any further outgoing call completion problems since its original complaint and that this case is the only call completion complaint case regarding Frontier in the State of Iowa. Frontier states it takes service quality very seriously and has always been and will continue to be committed to adopting best practices in the industry that are applicable to its network.

Orders granting requests for additional time to file the parties' stipulation of facts were granted on February 26 and March 7, 2016.

On March 10, 2016, the Consumer Advocate filed a "Stipulation of Facts" on behalf of itself, Long Lines, Metro, Inc. (Long Lines), Frontier, Impact Telecom, Inc. (Impact), and Level 3 Communications, LLC (Level 3). Among other things, the parties stipulated that on June 6, 2014, Ms. Michele Weber filed a complaint on behalf of the hospital regarding long distance calls from the hospital to Horn Physicians Clinic that were failing to complete during the days of June 3-6, 2014. The parties stipulated it is not known with certainty which hospital telephone lines were used to make the calls in question, and therefore, the parties are not able to determine the underlying facts in this complaint. However, the parties stipulated, the following telecommunications companies were presumed to be involved in the handling of the calls and have participated in the investigation: a) Long Lines, the local exchange carrier for the hospital and for Horn Physicians Clinic; b) Frontier, the

hospital's long distance carrier; c) Impact, an intermediate long distance carrier; d) Level 3, an intermediate long distance carrier; and e) Iowa Network Services (INS), the provider of centralized equal access service throughout Iowa.

The parties stipulated to details of their investigation, and what they could and could not learn. In the course of Frontier's investigation of the hospital's complaint, Frontier made test calls on June 10 and 11, 2014. The test calls on June 10 routed through Impact and Verizon completed, but the test calls routed through Impact on June 11 failed to complete. During the investigation, Frontier temporarily, and then permanently, removed Impact from the call route for the hospital. The parties also stipulated that Impact routed the test calls to Level 3, and on June 12, Impact received an email from Level 3 reporting that Level 3 was experiencing problems with its underlying carrier and that routing changes were made to correct the issue. However, the parties stipulated, since the hospital was uncertain which of its telephone numbers was the originating call number for the calls that led to the original complaint, it is unknown who handled the calls after Frontier handed the calls to an intermediate carrier. The parties stipulated that given the confusion surrounding the originating number, the underlying facts are not able to be determined in this investigation.

The parties further stipulated that Frontier is complying with the FCC regulations regarding call completion. They stipulated that the FCC excluded intermediate carriers such as Impact and Level 3 from the requirements of the regulations. They also stipulated that local exchange carriers, such as Long Lines, and equal access providers, such as INS, were not included in the FCC's

consideration of call completion problems as the main source identified for the problems was long-distance routing.

After considering the filings of the parties, it appears that no further separate procedures are necessary in this case at this time. It appears that this case is similar to the other call completion cases³ being considered by the Board and that the solutions to the call completion issues in this case should be similar to the solutions involved in the other cases. Therefore, the undersigned administrative law judge will be considering this case along with the other call completion cases in determining the necessary and appropriate order to be issued.

As stated in the "Order Requiring Filing," issued in Docket No. FCU-2014-0007 on March 17, 2016, and in many other orders issued in these call completion cases, the focus of these call completion proceedings has been on understanding the causes of the call completion problems as much as that is possible, and then on finding effective, preventative, long-term solutions to the call completions problems customers in Iowa have experienced. The cases have also monitored whether the complaining customers have continued to experience call completion problems. Understanding the specifics of the actions the long distance and intermediate carriers have taken to solve these problems on a nationwide basis in their interactions with the FCC and in industry proceedings has been important as well. Understanding the actions these carriers are already taking to correct call completion problems, and

³ Board Docket Nos. FCU-2012-0019, *Rehabilitation Center of Allison, Iowa*; FCU-2013-0004, *UnityPoint Clinic Family Medicine at Huxley*; FCU-2013-0005, *Hancock County Health Systems*; FCU-2013-0006, *Complaints of Helen Adolphson and Charlotte Skallerup*; FCU-2013-0009, *Complaint of Douglas Pals*; FCU-2013-0007, *Complaint of Carolyn Frahm*; and FCU-2014-0007, *Complaint of Sutherland Mercy Medical Clinic*.

whether those actions have been successful, is essential to deciding whether additional Board action needs to be taken. If Board action is needed, the information provided by the parties in these cases will help gain an understanding of exactly what is needed, and will allow any requirements to be narrowly tailored so they consider and fit with the effective actions the carriers are already taking.

IT IS THEREFORE ORDERED:

No further separate procedures for this case are needed at this time and this case will be considered with the other call completion cases before the Board. An order will be issued after completion of this review.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

Dated at Des Moines, Iowa, this 17th day of March 2016.