

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF SUTHERLAND MERCY MEDICAL CLINIC	DOCKET NO. FCU-2014-0007
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ORDER REQUIRING FILING

(Issued March 17, 2016)

On January 7, 2016, an “Order Regarding Fourth Prehearing Conference and Requiring Filings” was issued in this case. The order stated that, to the knowledge of the Consumer Advocate Division of the Iowa Department of Justice (Consumer Advocate), the Sutherland Mercy Medical Clinic (Sutherland Clinic) had not experienced any further call completion problems. Among other things, the order required the parties to file a stipulation of facts, required CenturyLink QCC (CenturyLink) to file proposed solutions, and required the Consumer Advocate and Comcast Phone of Iowa, LLC (Comcast), to file statements of position as to whether Comcast should be required to file limited proposed solutions, considering its role in the case. A subsequent order issued on February 9, 2016, extended the filing deadlines that were set in the January 7 order.

CenturyLink filed “Qwest Communications Company, LLC d/b/a CenturyLink QCC’s Proposed Solution to Rural Call Completion Issues” on February 19, 2016. CenturyLink states that because the underlying issues in this case are virtually

identical to the underlying issues in the other five CenturyLink call completion cases, the proposed solutions it offered in the other cases are appropriate for this case.¹ CenturyLink provided information about what it has done and is doing to solve call completion issues, both in Iowa and in all states in which it provides long distance services. CenturyLink also stated the most recent check of its long distance repair database shows no recurrence of the problems at the Sutherland Clinic. CenturyLink believes its adoption of the FCC's Safe Harbor Requirements and going beyond what is required to provide a one-hop routing requirement is the best solution to solving call completion concerns in Iowa. CenturyLink states its adoption of the one-hop protocol has resulted in steep declines in complaints to its long distance repair center involving call completion issues. CenturyLink states its implementation of the near real-time proactive review of daily call completion results has allowed CenturyLink to ensure its ongoing watchfulness on long distance call completion with its underlying carriers. CenturyLink has also updated its website and continued its leadership in the ATIS forum on long distance call completion. CenturyLink states its actions will prevent call completion issues in many instances and will ensure they are timely addressed in other instances. CenturyLink commits to maintaining its leadership role at ATIS and to adopting best practices in the industry as they are relevant to CenturyLink's network.

¹ CenturyLink referred to the proposed solutions it filed in Docket Nos. FCU-2012-0019, FCU-2013-0004, FCU-2013-0005, FCU-2013-0006, and FCU-2013-0009 on April 27, 2015.

The parties filed a detailed “Stipulation of Facts” on February 19, 2016. Among other things, the parties stipulated that on January 28, 2014, Mr. Jason Wilbur filed a complaint with the Utilities Board (Board) on behalf of the Sutherland Clinic regarding long distance calls that were failing to complete. The parties stipulated that CenturyLink was the long distance carrier for the Sutherland Clinic and Comcast was an intermediate long distance carrier. They stipulated that Iowa Network Services (INS) is the provider of centralized equal access service throughout the state. The parties investigated five calls that failed to complete on January 28, 2014. With regard to the calls in question, the parties stipulated that CenturyLink received the calls from INS and routed them to Comcast, Comcast routed the calls to additional underlying carriers, and ultimately the calls did not complete. Comcast named two of the underlying carriers, but the parties are treating those names as confidential. The Board has not yet ruled on the question of whether the names of the intermediate carriers are confidential, so for the purposes of this order, the underlying carriers are not named. The parties stipulated that after Comcast handed the calls to another intermediate carrier, the call routing is lost and it is unknown who handled the calls after that point. The parties also stipulated it is unknown who sent the answering signal to INS indicating three of the calls had reached their destination when this was not true. The parties stipulated that given the complexity of call routing and the timeframes for which carriers maintained records at the time of the complaint, these facts are not able to be determined. The parties further stipulated

that CenturyLink is complying with FCC regulations regarding call completion. They stipulated that the FCC excluded intermediate carriers such as Comcast from requirements of the FCC call completion regulations. They also stipulated that local exchange carriers and equal access providers such as INS were not included in the FCC's consideration of call completion problems because the main source identified for the problems was long-distance routing.

On February 26, 2016, the Consumer Advocate filed a "Response to Order and Proposed Solutions," and Comcast filed "Comcast Phone's Statement Regarding Filing of Proposed Solutions." In its filing, the Consumer Advocate stated it did not think that Comcast necessarily needed to file its own proposed solutions, but the Consumer Advocate believes Comcast needs to participate in the solutions. The Consumer Advocate stated that all carriers must interconnect with the same public telephone network, and interoperability and coordination are needed across all components of the network. The Consumer Advocate further stated that industry-wide participation, including the participation of intermediate carriers such as Comcast, is necessary for a comprehensive solution to call completion problems.

In its filing, Comcast stated it has cooperated in the investigation of this case and has provided investigative information to Board staff and the Consumer Advocate. Comcast stated the investigation showed it successfully accepted and handed off the calls in question, and it identified the carriers to whom it passed the calls and explained the signaling it received back from those carriers. Comcast

argues there was no failure on its system, and because there is no assertion Comcast is aware of that it caused the call completion problem in this case, Comcast does not believe there is anything for it to solve. Comcast states it understands the Consumer Advocate is neutral on the question of whether Comcast needs to file its own proposed solutions and that the Consumer Advocate will be filing its own proposed solutions, some of which would have implications for Comcast. Therefore, Comcast states there is nothing for it to propose. Comcast also states it will cooperate with the Board or Consumer Advocate investigations of any future issues to the extent it may have helpful information, but it does not believe it is necessary or appropriate to file additional material in this case.

It appears from the stipulation of facts and the other information that has been filed that this case is similar to the other Iowa call completion cases involving CenturyLink and that the solutions to the call completion issues in this case should be similar to the solutions involved in the other CenturyLink call completion cases. For this reason, the undersigned administrative law judge will be considering this case along with the other CenturyLink call completion cases.

As has been stated in many orders in these call completion cases, the focus of these Board 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. Understanding the specifics of the actions the long distance

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. The cases have also monitored whether the complaining customers have continued to experience call completion problems.

The Consumer Advocate is correct that Comcast needs to participate in the solutions to call completion problems. As the Consumer Advocate stated in its response, “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.” In its Intercarrier Call Completion/Call Termination Handbook², the Alliance for Telecommunications Industry Solutions (ATIS) states: “Call completion/call termination in today’s Public Switched Telephone Network (PSTN) depends on coordination between different service provider (SP) entities, each playing their part in setting up a workable connection between calling and called parties.”

In this case, long distance calls from the Sutherland Clinic did not complete as they should have. A number of carriers were included in the call path, including Comcast. In its statement, Comcast appears to be taking the position that since it successfully handed off the calls to other intermediate carriers, it does not bear any

² ATIS-0300106, ATIS Standard on Intercarrier Call Completion/Call Termination Handbook, approved October 2015.

responsibility for causing the call completion problem in this case and it does not have any responsibility to find solutions to this particular or to any call completion problem. This argument is not valid and misses the point of these proceedings. CenturyLink could also argue that because it handed off the calls to Comcast, it bears no responsibility for the calls that failed to complete. If that argument were accepted as valid, no carrier would accept responsibility for its share in the problem and the problem would not be solved. We have learned in these Iowa proceedings that call completion/call termination is an industry-wide problem that needs industry-wide solutions. Furthermore, an important part of these proceedings is to understand what the carriers themselves are already doing to correct call completion problems and whether those actions have been successful. Knowing this information is essential to deciding whether additional Board action needs to be taken, and if Board action is needed, to be able to understand exactly what is needed and to narrowly tailor any requirements considering the effective actions already taken by the carriers.

At the August 26, 2015, prehearing conference, the undersigned asked each of the long distance carriers and intermediate carriers to update us on the actions the carrier has taken to address its call completion issues, to let us know whether the carrier is participating in the standard-setting work of ATIS, and to tell us whether the carrier is committed to following those standards as they are developed, to the extent they may apply to the carrier. Since it is so late in these proceedings, Comcast will

not be required to file its own proposed solutions. However, the undersigned needs to know Comcast's answers to these questions. Therefore, Comcast will be required to file the answers to the questions within a relatively short period of time.

IT IS THEREFORE ORDERED:

On or before March 31, 2016, Comcast Phone of Iowa, LLC, must file a response to this order stating the specific actions the company has taken to address its call completion issues, including whether the company has assigned a particular staff person or team to handle call completion issues if they arise. If the company has information indicating that its actions have been effective, it would be helpful to know this information. The response must also state whether Comcast is participating in the standard-setting work of ATIS and whether Comcast is committed to following those standards as they are developed, to the extent they may apply to Comcast.

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.