

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)
)
Rural Call Completion) WC Docket No. 13-39
)

**REPLY COMMENTS OF THE AMERICAN CABLE ASSOCIATION
ON THE FURTHER NOTICE OF PROPOSED RULEMAKING**



I. INTRODUCTION AND SUMMARY

The American Cable Association (“ACA”)¹ hereby provides reply comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”)² issued by the Federal Communications Commission (“Commission”) to implement the Improving Rural Call Quality and Reliability Act of 2017 (“RCC Act”).³ Most ACA members have fewer than 100,000 domestic voice subscriber lines and thus are not covered providers pursuant to 47 CFR § 64.2101. However, a group of ACA members have 100,000 or more subscriber lines and are subject as covered providers to the Commission’s regulations and the RCC Act.

In response to questions raised in the FNPRM about implementation of the RCC Act regarding two matters, ACA recommends the following --

¹ ACA represents approximately 750 smaller cable operators and other local providers of broadband Internet access, voice, and video programming services to residential and commercial customers. These providers pass approximately 18.2 million households of which 7 million are served. Many of these providers offer service in rural communities and more remote areas.

² *Rural Call Completion*, WC Docket No. 13-39, Second Report and Order and Third Further Notice of Rulemaking, FCC 18-45 (Apr. 17, 2018) (“RCC Order” or “FNPRM,” as applicable).

³ Improving Rural Call Quality and Reliability Act of 2017, Pub. L. No. 115-129 (2018) (“RCC Act”).

- ACA agrees with the Commission that the definition of covered provider should be retained, especially the 100,000 subscriber line threshold for a provider to be deemed a covered provider. As the Commission noted in its previous decisions, “the exception will not compromise the effectiveness of the rule,” since as much as 95 percent of all callers subscribe to non-exempt carriers.⁴
- As for reviewing and assessing the value of existing requirements for covered providers, the Commission should commit to initiating a proceeding 18 months after the effective date adopting rules implementing the RCC Act to review the recordkeeping and retention rules⁵ as well as the monitoring rule to determine whether they are still necessary.

II. IMPLEMENTING THE RCC ACT

A. **The Commission should maintain the 100,000 subscriber line threshold to be deemed a covered provider.**

The RCC Act defined the term “covered provider” by using the definition in the existing rule (47 CFR § 64.2101) or any successor thereto.⁶ In the FNPRM, the Commission proposes to retain that definition, which means that only providers of long distance voice service that make the initial long distance call path choice for more than 100,000 subscriber lines would be deemed covered providers.⁷ ACA agrees. Not only would this definition cover almost all calls, but it would lower burdens on small providers. The value of the rule also would not be compromised because, as the Commission found in 2013, these providers continue to be subject to other requirements, including the prohibition against blocking calls and the Section

⁴ *Rural Call Completion*, WC Docket No. 13-39, Order on Reconsideration, 29 FCC Rcd 14026, 14034, para. 21 (2014); *Rural Call Completion*, WC Docket No. 13-39, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, 16169, para. 27 (2013) (“2013 RCC Order”).

⁵ 47 CFR § 64.2103.

⁶ 47 U.S.C. § 262(i)(1).

⁷ FNPRM at ¶ 107.

201 prohibition against unjust and unreasonable practices, and would be subject to an enforcement action against them should a valid complaint be filed.⁸

ACA further notes that the Congress effectively endorsed the current threshold since it used the current definition in the legislation without change and referenced the 100,000 threshold in the Senate Report.⁹ In addition, since the rules were adopted in 2013, to the best of ACA's knowledge, there have been no calls to lower the threshold or recommendations from the Commission to do so.

B. The Commission should commit to initiating a proceeding 18 months after rules implementing the RCC Act become effective to review existing recordkeeping and retention requirements as well as the monitoring rule to determine whether the rules should be preserved to address rural call completion issues.

The FNPRM seeks comment on whether to sunset the recordkeeping and retention rules imposed on covered providers,¹⁰ which the Commission decided to retain in the RCC Order even as it eliminated the reporting requirement.¹¹ Various stakeholders urged the Commission to sunset the requirements, arguing that the Commission found the data quality was not sufficient.¹² On the other hand, NTCA claimed that these rules “were effective in mitigating rural call completion problems” because they helped hold covered providers accountable for their

⁸ 2013 RCC Order at 16169, ¶ 27.

⁹ See Improving Rural Call Quality and Reliability Act of 2017, S. Rep. No. 115-6, Senate Committee on Commerce, Science and Transportation, at 5-6 (Mar. 21, 2017) (“Senate Report”).

¹⁰ FNPRM at ¶¶ 109-110.

¹¹ RCC Order at ¶ 64.

¹² See, e.g., Comments of Sprint Corporation, WC Docket No. 13-39, at 3 (June 4, 2018) (“Sprint urges the Commission to eliminate these rules, effective immediately upon publication of the adopting order in the Federal Register.”); Comments of ITTA, WC Docket No. 13-39, at 9 (June 4, 2018) (“The costs and burdens of maintaining the recording and retention requirements are misdirected at covered providers. The Commission already should have relieved covered providers of these burdens.”); Comments of USTelecom, WC Docket No. 13-39, at 15 (June 4, 2018) (“Given the cost and expense associated with recording and retaining such data, and the limited value in the data itself, the Commission should expeditiously sunset” them); Comments of NCTA, WC Docket No. 13-39, at 5 (June 4, 2018) (“NCTA also supports the proposal to eliminate recordkeeping and retention requirements. The Commission already has found that the data generated through these requirements is not particularly useful in identifying or resolving rural call completion problems.”).

performance.¹³ It added that “removal of even just a ‘paper trail’ with respect to call completion will frustrate investigation and enforcement efforts,” and that eliminating the requirements “may lead to an increase in the number of intermediate providers being used in the call path.”¹⁴

NTCA then concluded by stating that the “Commission should determine first if elimination of the reporting requirements has any impact on call completion, and also provide time for implementation and evaluation of the intermediate provider rules to be adopted in this proceeding before reaching any conclusions.”¹⁵ ACA does not believe that waiting until the new rules are given a chance to work is unreasonable, and it recommends that the Commission commit to initiating a proceeding 18 months after rules implementing the RCC Act become effective to review the recordkeeping and retention rules as well as the monitoring rule to determine whether they continue to have value for addressing rural call completion issues.

Respectfully submitted,

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¹³ Comments of NTCA, WC Docket No. 13-39, at 5 (June 4, 2018).

¹⁴ *Id.* at 6.

¹⁵ *Id.* at 7.