

MT-PSC

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Sept. 29, 2011

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Call Routing and Termination Problems

Dear Chairman Genachowski:

As Chairmen of the Montana Legislative Joint Consumer Committee and the Montana Public Service Commission, we are extremely concerned regarding the growing call routing and termination problems experienced by Rural Local Exchange Carriers (RLECs) in Montana.

The "Rural Representatives" of the rural telecommunications industry¹ wrote a letter to the Federal Communications Commission (FCC) Enforcement Bureau on June 13, 2011 which contained a survey of 200 RLECs nationwide regarding call routing and termination problems. The five major problems identified were: 1) calls failing to complete, 2) extremely poor voice quality, 3) delayed ringing at receiving end, 4) inaccurate or unintelligible caller ID, and 5) inaccurate or misleading interception messages.

The calls in question originate from traditional long distance carriers, wireless carrier, and VoIP providers that are contracting with third-party least-cost-routing providers to transit these calls.

The rural letter to the FCC Enforcement Bureau goes to greater lengths in describing these problems, and describing the legal basis which necessitates an immediate remedy. Our purpose is to add our voice to those requesting the FCC take immediate action in reining in these practices, which threaten health and safety, have disconnected literally rural Americans from their loved ones and business associates, and have decreased the value of the services RLECs provide.

The problem of call termination, as laid out in the letter of the Rural Representatives, seems to be growing at a nearly exponential rate. The associations representing Montana's RLECs have received voluminous correspondence forwarded by their members.

¹ National Exchange Carriers Association (NECA), National Telecommunications Cooperative Association (NTCA), the Western Telecommunications Alliance (WTA), and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO).

The examples the Montana PSC has seen put a human face on this issue which deserves recognition. One woman, a customer of an RLEC, wrote to an employee of her phone company on Sept. 21 of this year:

Rick, I don't know who else to ask about this, so I figured I would ask you. I do a little bit of work for an adoption agency in Utah, and the below email outlines the problems I am having receiving their phone calls, Also my family in [Texas] has quit calling me because of the same problem. [...] My daughter in [Idaho] has a hard time getting us, a friend in [Oregon] does too. Often people simply email me and ask me to call them because they can't get through. It has been especially bad in the past 6 months... This is getting to be a real problem in our lives. We would switch over to cell phones, but the way our property sits by the mountains, we don't get cell service either.

Another customer of a Montana RLEC wrote, similarly:

[W]hen anyone from any state—even Dillon [a larger town in Montana, a short distance away from the complainant]—calls the following takes place: they hear one ring and then nothing—I hear nothing.

They hear 20 rings—my answering machine does not pickup—I hear nothing. They hear a short ring and then music—I hear nothing. Once in a while they actually get me or the machine. When a call does come in the sound quality is poor.

When I try to dial out: I have to dial the number several times before it rings, call sound quality is very poor.

I have a small business-lack of reliable phone service is costing me \$\$\$\$-my cell phone does not work at the house, so I rely on my land line for everything. I am 65 and live by myself. I need my phone to work properly—I know you understand that.

I pay extra -to you- for unlimited long distance. My phone is of little to no use to me in the present condition. I was told by your office today to "tell the folks that do manage to get a call through to call their carrier and tell them that they need to fix a connection problem on their end"—sounds like an excuse to me.

Thanks for your time-hope you can resolve this problem-so I will remain one of your customers.

We hope you will agree that the conditions described in these letters represent an unacceptable status quo. It is not acceptable to render an individual's landline service unworkable for long-distance calls to family and friends. It is not acceptable to isolate a 65-year-old and deprive him of an important source of his income. Some people who are lucky enough to have email access in

Montana learn of the call-connection problems in that way. Many people remain ignorant that this problem even exists except when a calling party finally does reach the intended recipient by email or, finally, by phone and asks why they are not picking up the phone.

Notice, as well, that the customer blamed the RLEC for the failure of calls to terminate. This is understandably frustrating for the Montana RLECs since, if the call is not routed to them in the first place, the call cannot be completed. It is simply not the RLECs' fault. This puts RLECs, which have suffered in diminution in business since the advent of other telephony services, on even shakier ground as their marketability revolves around their quality of service and local staffing.

Local staff and the state jurisdiction are not ample to solve what is a national problem. The complaints quoted at length above were received just within the last two weeks, and representatives of Montana's RLEC associations note that *every* RLEC in the state is experiencing such problems.

We find it appalling that certain telecommunications providers, for economic gain, are not routing and terminating calls for which they are being paid to do so. We encourage the FCC to come down hard on these abuses, and send a strong message not only to the underlying transiting third-party carrier but the retail providers, who either do or should know that they are turning their own customer's calls over to underperforming third parties.

We are aware that the FCC has received abundant correspondence regarding these call termination issues and that much of that correspondence addresses the legal basis for the FCC to take action. We will not reiterate these arguments. Rather, we see this as a huge concern for the rural citizens and consumers of Montana and, quite frankly, the health and safety issues for those consumers are frightening.

We appreciate the recent decision to set up a task force on call completion, but emphasize that this is a problem which requires as immediate redress as possible. We strongly urge the FCC to take action to address these call routing and termination problems.

Senator Terry Murphy
Chairman, Legislative Consumer Committee

Commissioner Travis Kavulla
Chairman, Montana PSC