

STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
David C. Boyd	Commissioner
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
Betsy Wergin	Commissioner

In the Matter of the Commission Investigation
of the Completion of Long-Distance Calls to
Rural Areas in Minnesota

Docket No. P999/CI-12-1329

**INTEGRA PETITION FOR RECONSIDERATION OR IN THE ALTERNATIVE
AMENDMENT OF THE COMMISSION’S JULY 21, 2014 ORDER**

August 11, 2014

Integra Telecom of Minnesota, Inc. and Eschelon Telecom of Minnesota, Inc. dba Integra (“collectively Integra”) respectfully request that the Commission reconsider, or in the alternative, amend its July 21, 2014 Order Requiring Interexchange Carriers to Report Call Completion Complaints (“Order”) in this proceeding. The reporting requirements enacted by the Commission are premature and are unlikely to provide actionable information in the Commission’s investigation into call completion issues in rural Minnesota.¹ In addition, given the scope of this investigation, the reporting requirements are overly broad and lack clarity.

RECONSIDERATION

In its Order the Commission outlines reporting requirements for “all originating interexchange carriers doing business in Minnesota”² for “*each* call completion complaint they receive” (emphasis added).³ For each complaint, reports must include a root cause analysis, the

¹ See MTA Comments, February 17, 2014, p. 2 noting that the Commission’s limited jurisdiction results in “a significant limit on the effectiveness of any action by the Commission.”

² *Order*, July 21, 2014, p. 7.

³ *Order*, July 21, 2014, p. 7.

name of the intermediate provider (if determined responsible), the intermediate provider's past performance, a description of steps taken to eliminate the issue, and an indication as to whether test lines were made available by the terminating incumbent local exchange carrier (ILEC).⁴ Requiring this degree of information, for *each* call completion complaint received is unnecessary and may hinder resolution of genuine rural call completion issues by diverting some of the resources that would otherwise be fully dedicated to resolving these issues.⁵

When Integra is alerted to a potential call completion issue by a customer or another carrier, Integra collaborates closely with the party to expeditiously identify the cause and resolve the issue.⁶ The goal is not to assign blame,⁷ but to work together to reach a solution for the impacted end user customer(s) as quickly as possible.⁸ This collaborative process can be effective, and should be encouraged by the Commission.⁹ To the extent this process is unsuccessful, or a party is not completely satisfied with the outcome, the customer or carrier can file a complaint¹⁰ with the Commission. This approach allows and empowers the industry to problem-solve independent of the Commission, to the extent possible, and focuses the Commission's limited resources on the issues that are most in need of additional oversight and intervention. Integra therefore supports the request by MCCA to "proceed on a case by case basis to investigate rural call completion complaints."¹¹

⁴ *Order*, July 21, 2014, pp. 7-8.

⁵ See Verizon's Reply Comments, March 19, 2014, pp. 1-2.

⁶ Integra Comments, February 18, 2014, pp. 2 and 8.

⁷ Integra Comments, February 18, 2014, p. 5.

⁸ Integra Comments, February 18, 2014, pp. 4-5 and 7-8.

⁹ Integra Comments, February 18, 2014, pp. 5-6.

¹⁰ Minnesota Administrative Rules 7829.1500 (informal complaint), 7829.1700 (formal complaint).

¹¹ Minnesota Cable Communications Association Petition for Reconsideration of the Commission's July 21, 2014 Order, July 31, 2014, p. 4.

ALTERNATIVE AMENDMENT

To the extent the Commission elects not to reconsider its order and does not opt for intervention on a complaint basis, Integra requests the Commission amend and clarify its call completion complaint reporting requirements by enacting the following changes.

1. The Commission's Order states:

“...the Commission will adopt the Department’s recommendation to require all originating interexchange carriers doing business in Minnesota to report each call completion complaint they receive to the Commission...”¹²

A “call completion complaint” should be clearly defined in order to enable a reporting carrier to provide clear direction to the teams it assigns to capturing the required information.¹³

To that end, Integra requests that the Commission's Order clarify that the Commission is collecting data for call completion complaints associated with *intrastate* calls. Part 2.A of the Order references “intrastate call completion problem[s]”¹⁴ in the context of the “root cause analysis,”¹⁵ but that limitation is not included in the other provisions of Order part 2. Integra requests that the reference to intrastate calls be included in a definition of “call completion complaint” so that it clearly applies to Order 2 and all of its subparts.

In addition to limiting the requirements to intrastate calls, Integra requests that the Commission clarify that a reportable call completion complaint is related to the *repeated* failure of calls to terminate to a specific end user or end users, during a time when the originating caller is able to terminate calls to other end users. This clarification would prevent a one-time event

¹² *Order*, July 21, 2014, pp. 6-7 (*see also* Reply Comments of the Minnesota Department of Commerce, pp. 10-11).

¹³ Integra Comments, February 18, 2014, pp. 2-3.

¹⁴ *Order*, July 21, 2014, p. 7.

¹⁵ *Order*, July 21, 2014, p. 7.

from being considered a call completion “problem,” and would also distinguish a genuine call completion problem from other network problems, such as an out-of-service condition. The Department of Commerce recommended the following:

“The report should be limited to problems identified by root cause as rural call completion issues such as: call blocking, lengthy periods of dead air on the calling party’s end after dialing a number, audible ringing tones on the calling party’s end when the called party’s telephone never rings at all, false busy signals, inaccurate intercept messages, and the inability of one or both parties to hear the other when the call does go through.”¹⁶

Integra’s proposed definition of a reportable call completion complaint should sufficiently capture the instances identified by the Department of Commerce.

Finally, Integra requests that the Commission limit reportable call completion complaints to those involving termination to “rural” Minnesota carriers. The Department of Commerce noted that the comments in this proceeding agree, “that calls failing to complete to *rural* areas of Minnesota are a significant concern.”¹⁷ In its *Rural Call Completion Order*¹⁸ the Federal Communications Commission (FCC) proposed a list of rural operating company numbers (OCNs), to be maintained by NECA, for which call completion performance must be recorded, retained, and reported.¹⁹ This list serves as a reference in determining whether a call completion complaint truly involves a “rural” terminating carrier, as contemplated by the FCC Order, and presumably also, this “Commission Investigation of the Completion of Long-Distance Calls to

¹⁶ Reply Comments of the Minnesota Department of Commerce, March 19, 2014, p. 8, footnote 29.

¹⁷ Reply Comments of the Minnesota Department of Commerce, March 19, 2014, p. 1 (emphasis added). See also MTA Comments, February 14, 2014, p. 2, requesting that efforts be focused on “traffic directed to customers in rural Minnesota.”

¹⁸ *In the Matter of Rural Call Completion*, WC Docket No. 13-39, *Report and Order and Further Notice of proposed Rulemaking*, adopted October 28, 2013, released November 8, 2013 (*FCC Rural Call Completion Order*).

¹⁹ *FCC Rural Call Completion Order* at ¶ 73 (See NECA list of rural OCNs: <http://www.neca.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=8874&libID=8894> © Copyright, National Exchange Carrier Association, Inc. [2013])

Rural Areas in Minnesota.” There have been no claims in the record that there are call termination problems associated with non-rural areas. Focusing the detailed reporting of complaints on rural areas will narrow the scope of the Commission’s request, and focus attention on potentially problematic areas.

With the above requests in mind, Integra proposes amending the Order by adding the following definition of reportable call completion complaints:

A reportable call completion complaint is a complaint by a carrier or customer, to an originating carrier, regarding the repeated failure of intrastate calls to terminate to an end user or end users associated with a rural carrier, as defined in the FCC Rural Call Completion Order, at a time when the customer[s] originating the call to an end user served by a rural carrier is able to terminate calls to other end users.

2. The Commission’s Order states:

“...the Commission will adopt the Department’s recommendation to require all originating interexchange carriers doing business in Minnesota to report each call completion complaint they receive... on a quarterly basis, for one-year.”²⁰

The Order does not specify the timeframe of the quarterly reporting. Integra requests that the one-year reporting period begin on January 1, 2015. This will provide carriers time to implement the processes necessary to comply with the reporting requirements, and align quarterly reporting with calendar quarters. Integra also recommends clarifying Order part 2 to indicate that the requested information contained in the subparts should be provided for each reportable complaint.

Therefore, Integra requests the following amendments to Order part 2:

All originating interexchange carriers doing business in Minnesota shall report each reportable call completion complaint they receive to the Commission and the Department on a quarterly basis, for a one-year period. Each quarterly report shall be due thirty (30) days following the completion of the quarter, with the first

²⁰ Order, July 21, 2014, p. 6

quarter covering January 1, 2015 through March 31, 2015. The report shall include the following details for each complaint:

3. The Commission's Order outlines the report requirements in Order part 2, subparts A through E.

Order part 2.A requires a root cause analysis for each call completion complaint. Carriers will usually attempt to identify the cause of a call completion problem, but may not always be able to do so. A problem could be intermittent, or have occurred at some point in the past that makes determination of root cause difficult or impossible.

For clarity Integra also proposes deletion of duplicate language in Order part 2.A that would be contained in the definition of a reportable call completion complaint, should the Commission implement that definition.

Therefore, Integra requests that the Commission amend Order part 2.A as follows:

- 2.A. Root cause analysis or explanation as to why a root cause could not be determined ~~on any call completion complaints for any intrastate call completion problem regardless of who reports the incident to the carrier;~~

Integra requests the Commission amend Order part 2.B so that it requires the originating carrier to identify the relevant intermediate provider in *all* instances, regardless of fault. Carriers working to resolve a call completion problem will not always agree on what party is at fault. In addition, to the extent a cause can be determined, it will be identified as part of the root cause analysis. Simply naming the intermediate carrier to which the call was initially delivered, if the call was handed off to an intermediate carrier, will facilitate reporting while avoiding unproductive disputes between carriers.

Integra also requests that Order part 2.B be amended to clarify that the originating carrier is only required to provide the name of the intermediate provider to which the originating carrier

routed the call. There may be multiple intermediate providers involved in a call path, but the originating carrier would typically only be able to identify the initial intermediate provider.²¹

Additionally, Integra requests that the alternative routing provision from Order part 2.B be moved to the part that addresses actions taken to resolve the problem.

Therefore, Integra requests that the Commission amend Order part 2.B as follows:

2.B. If an intermediate provider is used in the call path ~~was responsible for call failure~~, the name of the intermediate provider to which the originating carrier routed the call ~~and whether the intermediate provider was removed as a routing alternative; and~~

Integra requests the Commission delete Order part 2.C. This part requires carriers to provide information regarding past performance of intermediate providers. Integra does not capture this information today and would not be able to readily provide this information. If required to provide information, it would be incomplete and potentially lead to incorrect conclusions. Further, the requested amendment to Order part 2.B., to require the reporting of the intermediate provider in all instances, would provide the Commission with insight into intermediate providers' performance over time²².

Therefore, Integra requests that the Commission amend Order part 2.C as follows:

~~2.C. Any past performance or call failure problems that the interexchange carrier has had with the intermediate provider (if not already reported via this process);~~

Finally, Integra requests that the Commission amend its order with respect to 2.D and 2.E. These parts require carriers to disclose actions taken to resolve the complaint. Actions could include alternative routing, the use of test lines, or some other action. Reporting on the use of test lines separately is therefore not necessary. The availability and use of test lines is useful

²¹ Integra Comments, February 18, 2014, p. 9.

²² Department of Commerce Reply Comments, March 19, 2014, p. 8.

when a customer/carrier is experiencing a call termination problem in real time, but not all complaints are reported under this scenario. Carriers should use test lines to troubleshoot call termination problems only when that method is likely to help resolve the issue.

Integra requests that the Commission amend Order part 2.D. and 2.E as follows:

- ~~2.D~~ C. An explanation of what steps the interexchange carrier has taken to resolve the issue, including whether the call path was rerouted and whether test lines were requested and made available, with the intermediate provider to ensure call completion problems do not occur in the future; and
- E. ~~Whether test lines were made available by the incumbent local exchange company in the exchange where the call failed, and if so, the testing process used by the interexchange carrier.~~

CONCLUSION

For the reasons stated above, Integra requests that the Commission reconsider its Order and address rural call termination problems on a complaint basis. To the extent the Commission does not reconsider its Order, Integra requests that the Commission amend part 2 of its Order for the reasons described above.

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Respectfully Submitted,



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