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March 19, 2014

Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, Minnesota 55101-2147

RE: **Reply Comments of the Minnesota Department of Commerce**  
Docket No. P999/CI-12-1329

Dear Dr. Haar:

Attached are the reply comments of the Minnesota Department of Commerce in response to the initial comments filed as a result of the January 16, 2014, Notice of Commission Investigation and Solicitation of Comments in the following matter:

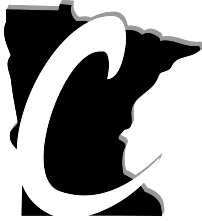
**In the Matter of the Commission Investigation of the Completion of Long-Distance Calls to Rural Areas in Minnesota**

Sincerely,

/s/ BONNIE JOHNSON  
Public Utilities Telecommunications Analyst

/s/ GREGORY J. DOYLE  
Manager, Telecommunications

BJ/GJD/ja  
Attachment



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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

REPLY COMMENTS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET No. P999/CI-12-1329

**I. BACKGROUND**

On January 16, 2014, the Commission issued a Notice of Commission Investigation and Solicitation of Comments. The Department of Commerce (Department) and several other parties<sup>1</sup> provided initial comments. The Department appreciates the interest of the parties that filed comments and provides the following response to the initial comments of interested parties as well as recommendations to reduce call completion problems in Minnesota.

**II. DISCUSSION AND ANALYSIS**

**A. *ALL PARTIES AGREE THAT CALLS COMPLETING TO RURAL AREAS OF MINNESOTA HAS BEEN, AND CONTINUES TO BE, A SIGNIFICANT PROBLEM***

The Parties that commented in this proceeding agree that calls failing to complete to rural areas of Minnesota are a significant concern. Dan Fabian, who represents District 1A, (Kittson, Marshall, Pennington and Roseau Counties), filed public comments in this proceeding. Representative Fabian's comments confirmed the problem continues and is a looming public safety issue, stating:

Having heard numerous stories from constituents and local carriers in Northwest Minnesota, I support the department's request and urge the PUC to conduct a thorough investigation and identify solutions for Minnesotans.

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<sup>1</sup> Initial comments were filed by, AT&T, CenturyLink, Integra, Minnesota Cable Communications Association, Minnesota Telecom Alliance, Sprint Corporation and, tw telecom of minnesota llc.

While the Federal Communications Commission adopted rules in October 2013 intended to address some of the issues, the ***problem persists to the detriment of families trying to remain connected and small businesses seeking to maintain and grow.***

The commission and the Minnesota Department of Commerce should use their authority to regulate such [“least cost routing”] practices to ensure that carriers are following all applicable rules and regulations.

The families and businesses committed to Northwest Minnesota should not be left in the cold as a result of poor or inconsistent long-distance call quality. Such poor service not only harms the economic livelihood of people here, but is also a looming public safety issue. ***If people are unable to rely on their long-distance telephone service, they may lose access to law enforcement or other emergency services at critical moments.***<sup>2</sup>

Comments submitted by others also recognize the seriousness of this problem that continues to plague rural areas of Minnesota. For example, AT&T said it “...understands and shares the concerns discussed by the Minnesota Department of Commerce (“DOC”) in its comments dated January 13, 2014”<sup>3</sup>; Integra appropriately recognizes that “...progress in resolving rural call completion problems has been slower than regulators and many carriers would prefer...”<sup>4</sup>; Minnesota Telecom Alliance (MTA) commented that “[t]he problem of long distance calls completing in rural areas is serious and widespread”; and, tw telecom of minnesota llc (TWTC) said “TWTC appreciates the Commission’s interest in this important matter and supports ongoing efforts to improve call completion in rural portions of Minnesota.”<sup>5</sup>

In its comments the MTA states that it brought the issue of rural call completion forward to the Department because of the severity of the issue.<sup>6</sup> Prior to MTA bringing this issue forward, the Department had been addressing consumer complaints on rural call completion received directly from consumers. The customer that prompted MTA’s action is Mattracks, a rural Minnesota business located in Representative Fabian’s district. The Department quoted excerpts of an email between Mattracks and its local service provider in its January 13, 2014 comments,<sup>7</sup> but

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<sup>2</sup> Attachment 1. (Emphasis added)

<sup>3</sup> AT&T initial comments, p. 1.

<sup>4</sup> Integra initial comments, p. 2.

<sup>5</sup> TWTC initial comments, p. 8.

<sup>6</sup> MTA initial comments, p. 3.

<sup>7</sup> Department January 13, 2014 Comments, p. 10.

also contacted this customer before filing comments to clearly understand whether or not the problem of call completion had improved. The customer confirmed that the problem still exists:<sup>8</sup>

“We are thankful that the Commerce Department is taking this important step in finding a solution to the call completion issues experienced in Greater Minnesota,” said Roger Brazier, Sales Manager at Mattracks in Karlstad, MN. “This is an issue that greatly affects the vibrancy of rural economies – we know that the call completion problem has cost our business millions of dollars and appreciate the ongoing investigation and regulatory involvement on behalf of our community.”<sup>9</sup>

Although all commenters agree this is a serious issue that continues to impact the lives and livelihood of rural Minnesotans, the commenters do not agree on how to resolve the matter.

*B. THE MINNESOTA COMMISSION SHOULD CONSIDER WHAT ACTIONS IT MAY TAKE TO REDUCE RURAL CALL COMPLETION FAILURES*

Some commenters do not object to Commission action, as long as that action does not conflict or duplicate FCC efforts underway.<sup>10</sup> Other commenters suggest that there is no need for the Minnesota Commission to act in this matter because of the open proceeding before the FCC:

- AT&T states that “...the issue of rural call completion is better addressed on a nationwide, rather than a state-by-state basis.”<sup>11</sup>
- CenturyLink recommends that “The Commission allow federal requirements to take effect and analyze their impact before imposing additional requirements at this time.”<sup>12</sup>
- The Minnesota Cable Communications Association (MCCA) claims that “The FCC has promulgated rules that should be given time to demonstrate their effectiveness before additional burdens are placed on originating interexchange carriers.”<sup>13</sup>
- Sprint states that “...the Commission should decline to impose additional state-specific data collection and reporting requirements that would add yet another layer of costs and burdens upon carriers.”<sup>14</sup>

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<sup>8</sup> In its January 14, 2014 comments, the Department described how the problem seems to taper off for a period of time and then reappear. Mattracks confirmed that has been their experience. The problem is resolved only to occur again.

<sup>9</sup> January 13, 2014 Press Release announcing “Commerce Department Pursues Next Steps to Protect Greater Minnesota Households and Businesses from Call Failures” at <http://mn.gov/commerce/media/newsdetail.jsp?id=206-109291>.

<sup>10</sup> See for example TWTC initial comments, p. 1, and Integra initial comments, p. 4

<sup>11</sup> AT&T initial comments, p. 2.

<sup>12</sup> CenturyLink initial comments, p. 14.

<sup>13</sup> MCCA initial comments, p. 10.

<sup>14</sup> Sprint initial comments, p. 2

- The Minnesota Telecom Alliance (MTA) recommends that "...the Commission work through the FCC processes to facilitate application of these requirements with respect to traffic directed to customers in rural Minnesota."<sup>15</sup>

In contrast, the FCC contemplates that States may investigate and take action regarding rural call completion. The intrastate call completion performance data that the FCC is collecting and to be provided to States is intended to *assist the States* in investigating rural call completion issues rather than to supersede State Commissions' investigations of the issues and taking appropriate action. This is confirmed by the statement of the former Acting Chairwoman, Mignon L. Clyburn, who said; "The Order will also give our state partners invaluable data on intrastate calls to *assist them in their efforts to address call completion issues*."<sup>16</sup> Because there is no dispute on the seriousness of the problem, the Commission should take actions it deems reasonable and within its jurisdiction to provide relief to rural customers.

Further, the Minnesota Commission, along with several other state Commissions and the Department, filed comments on May 13, 2013, in support of the May 8, 2013 comments and the recommendations of NARUC.<sup>17</sup> Those comments stated: "The Joint State Commissions agree with NARUC that while the NPRM's proposed data collection is a positive step for monitoring the rural call completion problem, collecting data alone is not sufficient to resolve the problem."<sup>18</sup> The NARUC comments made several recommendations including that the FCC "*Expressly recognize that states may continue existing or undertake new investigations or enforcement proceedings under independent state law addressing intrastate concerns with call completion based on information provided to the FCC or otherwise obtained*."<sup>19</sup>

While the Department agrees that the Commission should exercise care to ensure it takes no action that may conflict with the FCC orders, there are several steps the Commission make take to help Minnesota subscribers and resolve call completion problems.

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<sup>15</sup> MTA initial comments, pp. 1-2

<sup>16</sup> 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. (*November 8 R&O and FNPRM*) at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2013/db1108/FCC-13-135A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db1108/FCC-13-135A1.pdf) (Emphasis added)

<sup>17</sup> In the Matter of Rural Call Completion, WC Docket No. 13-39 (rel. Feb. 7, 2013), NARUC May 8, 2013 comments at

<http://www.naruc.org/Filings/13%200508%20NARUC%20Call%20Completion%20Comments%20fin.pdf>

<sup>18</sup> In the Matter of Rural Call Completion, WC Docket No. 13-39 (rel. Feb. 7, 2013), Joint States Commissions May 13, 2013 comments at [http://www.in.gov/iurc/files/Rural\\_Call\\_Completion\\_Joint\\_State\\_Commission\\_Comments13-39\\_05-13-2013.pdf](http://www.in.gov/iurc/files/Rural_Call_Completion_Joint_State_Commission_Comments13-39_05-13-2013.pdf).

<sup>19</sup> NARUC May 8, 2013 comments, pp. 14-16.

### C. *FCC ACTION*

The FCC stated in its November 8, 2013 *FCC Report and Order*<sup>20</sup> that the FCC began taking actions on rural call completion issues in 2007 (seven years ago), many of which merely re-emphasized and clarified rules that had been in place for years.<sup>21</sup> These early actions/clarifications did not prevent calls to rural areas from failing to complete and the most recent actions should help, but it is less than clear that they will prevent call failures. It simply will take time to see what relief occurs as a result of FCC actions. In the meantime, the consequences of call failures are being experienced.

One of the previous FCC actions that has not been fully implemented is the November 18, 2011 USF/ICC Transformation Order, (USF/ICC Order) which reformed intercarrier compensation and the Universal Service Fund.<sup>22</sup> The USF/ICC Order attempts to reduce arbitrage by moving some intrastate switched access charges to the same rate levels as interstate rates, and to reduce terminating access charges generally. The incentive to avoid higher access costs may help rural call completion problems in the coming years, but the Department cautions that the reductions have been scheduled to occur over a period of several years, with reductions for the rate-of-return LECs scheduled to occur each year until July 1, 2020. Furthermore, while some rates will move to bill and keep, where each carrier is responsible for its own cost, paragraphs 817-821 of the USF/ ICC Order explains that some rate elements have not yet been transitioned at all. There is also a concern that greater distances to reach rural customers may result in a continued incentive to avoid terminating calls to such areas. Paragraph 820 of the USF/ICC Order includes the following: “Ultimately, we [the FCC] agree with concerns raised by commenters that the continuation of transport charges in perpetuity would be problematic,” and “[a]s a result, commenters suggest that perpetuating high transport rates could undermine the Commission’s reform effort and lead to anticompetitive behavior or regulatory arbitrage such as access stimulation.”<sup>23</sup>

Another action by the FCC is called the “Prohibition of False Audible Ringing.” The Department supports this decision, but as stated on page 2 of the Department’s January 13, 2014 comments, “The barring of the audible ring when the terminating side of the call is not actually ringing will serve to alert the caller that there is a problem, so it can be reported.” Therefore, although it will help identify there is a problem, it will not resolve the problem of calls completing to rural areas

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<sup>20</sup> *In the Matter of Connect America, et al.* in WC Dockets No. 10-90, 07-135, 03-109, and 10-208, GN Docket No. 09-51, CC Dockets 09-92 and 96-45, and WT Docket No 10-208, *Report and Order and Further Notice of Proposed Rulemaking (USF/ICC Transformation Order)* at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-11-161A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-11-161A1.pdf)

<sup>21</sup> For example CenturyLink comments state that, “The *USF/ICC Transformation Order* also re-emphasized the Commission’s *long standing prohibition* on call blocking” and the “(FCC) issued a Declaratory Ruling to clarify *the scope of its existing rules prohibiting* the blocking, choking, reducing or restricting of telephone traffic.” See CenturyLink initial comments at pp. 3-4. (Emphasis added)

<sup>22</sup> *Report and Order and Further Notice of Proposed Rulemaking (USF/ICC Transformation Order)* at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-11-161A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-11-161A1.pdf)

<sup>23</sup> *Id.*

if no process is in place to address reports and resolve the underlying problem. Certainly, if the reports of customers are given appropriate attention, and/or intermediate providers that are cause of the problem are identified, it is reasonable to expect call completion problems will be reduced.

Commenters also discussed how the Alliance for Telecommunications Industry Solutions (ATIS) has developed the “Intercarrier Call Completion/Call Termination Handbook,” which documents practices that the FCC identified in its Declaratory Order as necessary to properly address rural connectivity issues. AT&T admits “[a]lthough not legally binding, the ATIS standards are generally recognized as the ‘gold standard’ for industry practices.”<sup>24</sup> While setting a voluntary “gold standard” sounds worthwhile, it is unreasonable to expect that an originating carrier or intermediate provider that will not comply with the existing laws that have been in place for years will now abide by non-mandatory industry practices.

In its initial comments, AT&T quotes the FCC regarding the “safe harbor and waiver process” that the FCC adopted. The FCC said it will: “create incentives for providers to improve their rural call completion performance immediately.”<sup>25</sup> This suffers the same flaw as the ATIS standards; that is, carriers that qualify for the safe harbor or waiver process are not likely to be the cause of call completion problems.

States have been hopeful that each FCC action taken would resolve the problem of rural calls completing. Successful call completion is too important for the Commission to take a “wait and see” approach to the most recent FCC action rather than proactively determining what actions it may take to supplement the actions of the FCC. Better is to follow the FCC’s own directive for States to engage in “*efforts to address call completion issues.*”<sup>26</sup>

*D. ARE INTERMEDIATE PROVIDERS SUBJECT TO THE COMMISSION’S JURISDICTION, AND IF SO, SHOULD THEY BE CERTIFIED OR REGISTERED?*

While the Commission may be able to assert jurisdiction over intermediate providers that are part of the call path for terminating intrastate calls, the Department believes the Commission should not make a determination on this question at this time. The information pertaining to intermediate providers is insufficient in terms of who they are, the various functions each may perform, etc., for the Commission to make a decision based on the record in this matter. While building such a record may at some point be appropriate, it will take time and shouldn’t postpone other actions the Commission could more readily adopt. Thus, the Department is not providing any supplemental legal analysis to support the Commission’s jurisdiction over intermediate providers in these comments. Further, as TWTC pointed out in initial comments, “The FCC is currently addressing its own jurisdiction over intermediate providers and whether they should be subject to the reporting requirements....”<sup>27</sup> Also, U.S. Senator Tim Johnson of South Dakota

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<sup>24</sup> AT&T initial comments, pp. 3-4.

<sup>25</sup> AT&T initial comments, p. 4, (quoting the Rural Call Completion Order at ¶ 85.)

<sup>26</sup> *November 8, 2013 R&O and FNPRM*, p. 87.

<sup>27</sup> TWTC initial comments, p. 5.

introduced the *Public Safety and Economic Security Communications Act* (S 2125) on March 13, 2014, which would require companies that transport voice calls to register with the FCC and comply with basic service quality standards, and requires the use of only registered intermediate providers. If the actions of Congress, the FCC, and the Commission on rural call completion prove to be inadequate, the question of the State regulating intermediate providers can be addressed in the future.

Because the Department is recommending that the Commission take no action on whether it has jurisdiction over intermediate providers at this time, the Department also recommends that the Commission take no action on whether interexchange carriers should be required to use only intermediate providers that are certified or registered.

*E. SHOULD ORIGINATING INTEREXCHANGE CARRIERS BE RESPONSIBLE FOR CALL TERMINATION PROBLEMS?*

Whether or not the Commission eventually asserts jurisdiction over intermediate providers, originating interexchange carriers (IXC) have responsibility for termination problems on calls they originate. IXCs need to proactively ensure that any intermediate providers in the call paths used for the termination of calls they originate do not cause call failures. While an IXC may only choose the first intermediate provider on the call path, an IXC should not be absolved of responsibility if the 2<sup>nd</sup>, 3<sup>rd</sup>, etc. intermediate provider in the call path fails to properly route the call to terminate. The contract between the IXC and any intermediate provider needs to ensure that calls will be properly terminated. Thus, an IXC needs to ensure that any intermediate provider it contracts with will use only other intermediate providers that properly terminate calls, and so forth. However, IXCs should be provided every tool possible to ensure that its calls are completing. CenturyLink states that the “Commission should encourage rural incumbent carriers to make test lines available so that interexchange carriers have the opportunity and ability to test the effectiveness of their call routing.”<sup>28</sup> This appears to be a reasonable request and one that will help IXCs ensure that any intermediate providers in the call path are properly routing/completing calls.

To ensure that call completion problems are addressed, the Commission should require that all originating interexchange carriers report each call completion complaint it receives to the Commission and Department on a monthly basis, for some period of time, such as a year, or until the Commission determines that the data is no longer needed. By bringing transparency to the problem there will be an incentive for IXCs to ensure that intermediate providers properly route calls. There would be no additional burden for IXCs that do not receive any complaints, as they would not need to file a report. There is no overlap with FCC requirements as the FCC has not sought reporting of individual customer complaints by interexchange carriers. Interexchange carriers that attempt to avoid the spotlight by not reporting call termination complaints would be violating the Commission’s Order, which would be an enforceable violation. Because customers often first report problems to their local service provider, and sometimes a regulatory agency, the

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<sup>28</sup> CenturyLink initial comments, p. 10.



process would provide for some cross-checks that may disclose any IXC that attempts to disregard the Commission's Order. The report should include:

- a. Root cause analysis on any call completion complaints for any intrastate call completion problem regardless of who reports the incident to the carrier.<sup>29</sup>
- b. If an intermediate provider in the call path was responsible for call failure, the name of that intermediate provider and whether the intermediate provider was removed as a routing alternative.
- c. Any past performance or call failure problems that the IXC has had with the intermediate provider (if not already reported via this process).
- d. An explanation of what steps the IXC has taken with the intermediate provider to ensure call completion problems do not occur in the future.
- e. Whether test lines were made available by the ILEC in the exchange where the call failed, and if so, the testing process used by the IXC.

By gathering the specific complaints of all IXCs, it may be determined that failures occur because of common causes or with certain intermediate providers. If it is discovered that any intermediate provider is responsible for ongoing call failures as a result of the reporting by all IXCs receiving complaints, the Commission may at that point engage in a proceeding to determine whether IXCs should be required to avoid use of that intermediate provider for intrastate calls. An originating interexchange carrier that knew or should have known the intermediate provider has had poor performance in completing calls may be found in violation of Minnesota Statute § 237.121 (a) (2).

*F. SHOULD THERE BE POINT OF CONTACT INFORMATION FOR INTERMEDIATE PROVIDERS?*

There would appear to be value in knowing the identities of intermediate providers that carry intrastate calls to and from Minnesota consumers, as greater transparency of intermediate providers and their operations may serve to improve call completion. However, since the Department is not seeking a registration/certification process at this time through a Commission Order, the most viable way to obtain the point of contact information of intermediate providers is from the IXCs. Each IXC could be required to supply the list of intermediate providers it routes intrastate calls to, the name of the contact person of the intermediate provider that the IXC has on file to address any call completion problems, and the contact person's telephone number. The Department or the PUC could maintain the list of intermediate providers. To facilitate the investigation of any call completion complaint, ready access to the contact person of each intermediate provider could be listed on the Department's website, or the PUC could choose to maintain the list on its website.

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<sup>29</sup> 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.

*G. SHOULD CONTRACTS BETWEEN INTEREXCHANGE CARRIERS AND INTERMEDIATE PROVIDERS INCLUDE CERTAIN LANGUAGE?*

As stated above, the contracts between IXC's and their intermediate providers need to ensure that calls will be properly terminated, and IXC's should ensure that intermediate providers will use only other intermediate providers that properly terminate calls, and so forth. At this time there is inadequate information on existing contracts, and how those contracts may change to comply with FCC requirements, for the Commission to adopt specific contract language that may prevent or reduce call termination problems. As CenturyLink points out in its response to this question, the FCC requirements will significantly alter contracts that exist between interexchange carriers and intermediate providers, and interexchange carriers, including CenturyLink, are in the process of re-drafting contracts with intermediate providers to comply with FCC rules.<sup>30</sup> Thus, a review of existing contracts may not prove beneficial. However, if any interexchange carrier is later found to be having difficulty with the termination of calls through the required reporting and it at risk of a violation of state law, there may be an examination of the contract(s) that the interexchange carrier uses with intermediate providers at that time.

At this time the Commission could direct that any new contracts for call routing/termination services contain a provision typically found in contracts, under which the parties agree to comply with all applicable laws and rules as, for example, TWTC said its contracts with intermediate providers contain.<sup>31</sup>

With respect to the issue of confidentiality provisions between interexchange carriers and intermediate providers, some carriers, such as CenturyLink, state that they will identify intermediate providers whose call routing causes call completion problems.<sup>32</sup> The Department is unaware of any authority that would allow a regulated entity to fail to provide to the Commission/Department its records of regulated activity on grounds of "confidentiality."

*H. WHAT ACTIONS SHOULD THE COMMISSION TAKE WHEN THE CALLING PARTY INFORMATION IS REMOVED OR ALTERED?*

Changing the call signaling information to commit fraud may be part of the reason that some calls fail to complete. As CenturyLink points out in its comments,<sup>33</sup> the FCC found that service providers in the call path were intentionally removing or altering identifying information, and addressed this in the USF/ICC Transformation Order.<sup>34</sup> However; in spite of the FCC taking this action in 2011, in its April 2013 presentation to the FCC, Onvoy discussed the trends of originating call number changes.<sup>35</sup> If an originating interexchange carrier, or an intermediate

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<sup>30</sup> CenturyLink initial comments, pgs. 11-13.

<sup>31</sup> TWTC initial comments, p. 7.

<sup>32</sup> CenturyLink initial comments, p. 13.

<sup>33</sup> CenturyLink initial comments, p. 3.

<sup>34</sup> *USF/ICC Transformation Order*, 26 FCC Rcd at 18028-29, paras. 973-974.

<sup>35</sup> See Attachment 1 to the January 13, 2014 Department comments.

provider involved in the routing of its calls, alters the call signaling information for the purpose of committing fraud, in the absence of any regulation over intermediate providers, the originating interexchange carrier should be investigated for violating Minnesota Statute § 237.121 (a)(2), which states a carrier may not “intentionally impair the speed, quality, or efficiency of services, products, or facilities offered to a consumer under a tariff, contract or price list.”

### **III. DEPARTMENT RECOMMENDATIONS**

There is no dispute that call completion problems have been, and continue to be, a serious problem in Minnesota. The actions by the FCC may reduce call termination problems, but it will take some time for various reforms to occur. Further, the actions of the FCC are not intended by the FCC to be the complete universe of possible solutions. As the rural call completion problem is serious, the Minnesota Commission should take those actions it deems as reasonable and within its jurisdiction to provide relief to rural customers. The Department recommends that the Commission:

- 1) Not make a determination on whether intermediate providers are subject to the Commission’s jurisdiction at this time. If the actions taken by the FCC and the Commission on rural call completion prove to be inadequate, the question of regulating intermediate providers can be addressed in the future.
- 2) Find that IXCs need to proactively ensure that any intermediate providers in the call paths used for the termination of calls they originate do not cause call failures to occur.
- 3) Require that all originating interexchange carriers report each call completion complaint it receives to the Commission and Department on a monthly basis, for some period of time, such as a year, or until the Commission determines that the data is no longer needed.

The report should include:

- a. Root cause analysis on any call completion complaints for any intrastate call completion problem regardless of who reports the incident to the carrier.
- b. If an intermediate providers in the call path was responsible for call failure, the name of that intermediate provider and whether the intermediate provider was removed as a routing alternative.
- c. Any past performance or call failure problems that the IXC has had with the intermediate provider (if not already reported via this process).

- d. An explanation of what steps the IXC has taken with the intermediate provider to ensure call completion problems do not occur in the future.
  - e. Whether test lines were made available by the ILEC in the exchange where the call failed, and if so, the testing process used by the IXC.
- 4) Require each IXC to supply the list of intermediate providers they route intrastate calls to, the name of the contact person of the intermediate provider the IXC has on file to address any call completion problems, and the contact person's telephone number. The Department has agreed to maintain the list on its website.
  - 5) Require any new contracts entered for call routing/termination to contain the typical provisions found in legal contracts, such as the agreement to comply with legal and regulatory requirements.
  - 6) Encourage interexchange carriers to not include confidentiality provisions in call routing/termination contracts to avoid any delay in producing information deemed necessary by regulatory authorities.
  - 7) Express that the removal or altering of call signaling information to commit fraud is a serious offense in violation of federal and state law, and will not be tolerated.
  - 8) Require rural incumbent carriers to make test lines available so that interexchange carriers have the opportunity and ability to test the effectiveness of their call routing.

/ja

**Dan Fabian**  
State Representative

District 1A  
Kittson, Marshall, Pennington and Roseau  
Counties



# Minnesota House of Representatives

Via Electronic Delivery

February 5, 2014

Dr. Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, Minnesota 55101

RE: Rural Call Completion Issues

Dr. Haar,

Recently, the Minnesota Department of Commerce filed comments in Docket No. P999/CI-12-1329 recommending that the Minnesota Public Utilities Commission open an investigation into call completion and other impediments to safe and consistent long-distance telephone service in rural Minnesota. Having heard numerous stories from constituents and local carriers in Northwest Minnesota, I support the department's request and urge the PUC to conduct a thorough investigation and identify solutions for Minnesotans.

While the Federal Communications Commission adopted rules in October 2013 intended to address some of the issues, the problem persists to the detriment of families trying to remain connected and small businesses seeking to maintain and grow. Folks in my district report many of the same frustrations as do those in other parts of Greater Minnesota – phantom ringing heard by those calling from another area, “not in service” notices despite having spoken with the recipient by phone the same day, and dead air after correctly dialing a number.

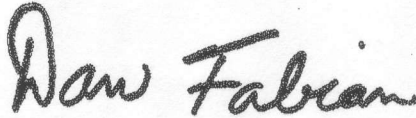
Although a number of factors contribute to the long-distance call completion issue, many local carriers believe the main problem lies with the “least cost routing” mechanism employed by contractors engaged by some carriers. Carriers who hire firms that use this method should be obligated to ensure that the intermediate router(s) comply with all applicable federal and state regulations. The commission and the Minnesota Department of Commerce should use their authority to regulate such practices to ensure that carriers are following all applicable rules and regulations.

The families and businesses committed to Northwest Minnesota should not be left in the cold as a result of poor or inconsistent long-distance call quality. Such poor service not only harms the economic livelihood of people here, but is also a looming public safety issue. If people are unable to rely on their long-distance telephone service, they may lose access to law enforcement or other emergency services at critical moments.



Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Dan Fabian". The letters are dark and fluid, with a prominent loop at the start of the first name.

Dan Fabian  
State Representative – District 1A

Cc: Mr. Michael Rothman, Commissioner, Minnesota Department of Commerce

## **CERTIFICATE OF SERVICE**

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce  
Reply Comments**

**Docket No. P999/CI-12-1329**

Dated this 19<sup>th</sup> day of **March 2014**

**/s/Sharon Ferguson**

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