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October 5, 2012

VIA E-MAIL AND U.S. MAIL

Diane Davis
Oregon Public Utility Commission
550 Capitol Street NE, Suite 215
Salem, OR 97301-2551

Re: AR 566 – Reply Comments of the Oregon Telecommunications
Association

Dear Ms. Davis:

The Oregon Telecommunication Association (OTA) appreciates the opportunity to file these Reply Comments. Many of the comments that the Commission received called for the Commission to not adopt rules on call termination. OTA's position is that rules on call termination are urgently needed. OTA requests that the Commission adopt the compromise proposal set forth in OTA's comments of September 28, 2012. Absent support for the compromise proposal, OTA supports the proposed rules in their draft form with the suggested change to Subsection (20) contained in the September 28, 2012 comments.

Some commentators argue that the Commission has sufficient authority as it now exists.¹ While the Commission may have authority to deal with call completion issues, it also has the authority to adopt these rules that specify every carrier's responsibility for call completion. The clarity and certainty that the rules bring to this subject will be very beneficial in addressing the call termination problems in rural Oregon.

1) See, e.g., Comments of the Oregon Cable Telecommunications Association beginning at p. 2.

Other commentators argue that the action taken by the FCC, primarily in its Declaratory Ruling,² is working and should be given time.³ Some of the commentators even point to comments from the Rural Associations to argue that there is some improvement in call completion statistics.⁴ What they are pointing to is the release dated May 22, 2012 by the National Exchange Carrier Association (NECA), the National Telecommunications Cooperative Association (NTCA), the Organization for the Promotion and Advancement of Small Telecommunication Companies (OPASTCO) and the Western Telecommunications Alliance (WTA). The release was to announce the findings of the joint call completion test project.

What is clear about this release is that the call completion problem is not anywhere close to being solved in the wake of the FCC's February order. As stated in the release, "Perhaps the most striking finding, however, was that nearly a third of rural test lines experienced completion problems on more than 20% of incoming calls."⁵ As stated in the release, "While we've seen a slight improvement, rural call completion issues are still at unacceptable levels," quoting Jeff Dupree, NECA Vice President of Governmental Relations. Ms. Shirley Bloomfield, NTCA Chief Executive Officer is quoted as saying that there is a need for a "steadfast solution to this epidemic affecting the reliability of our country's communication network." (Emphasis supplied) OPASTCO President John Rose stated, "The rural call completion problem remains largely unabated." As stated by Kelly Worthington, Executive Vice President at WTA, "The data presented to the FCC today validates what we continue to hear from our members and their customers - the call completion problem continues to persist."

Despite these clear statements that the FCC's February order has not solved the call termination problems, other commentators in this docket have suggested that the FCC's order coupled with recent action by ATIS in adopting a call termination workbook should be given time to solve the problem.⁶ Now is hardly the time for further "wait and see." As noted by the Rural

2) In the Matter of Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers, CC Docket No. 01-92; WC Docket No. 07-135, Declaratory Ruling, DA-154 (released February 6, 2012).

3) See, e.g., Initial Comments of tw telecom of oregon llc, Level 3 Communications, LLC and Sprint Communications Company beginning at p.2.

4) See, e.g., Verizon's Opening Comments in the Call Termination Docket beginning at p.8.

5) A copy of the release is attached as Exhibit 1.

6) See, e.g., AT&T's Comments beginning at p.5.

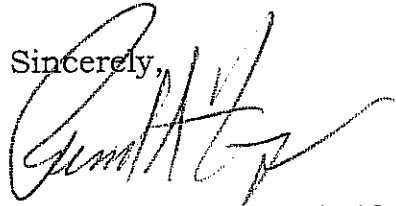
Diane Davis
October 5, 2012
Page 3 of 3

Associations, the problem has not abated. The problem is an epidemic. "Wait and see" is not the appropriate approach for an unabated epidemic.

The fact that the problem persists is underscored by the recent filing of the National Association of Regulatory Utility Commissioners (NARUC). The NARUC filing was attached to OTA's comments of September 28, 2012 and demonstrates that the problem is still current, still exists and needs a solution. OTA strongly recommends that the Commission adopt the compromise proposal set out in OTA's comments of September 28, 2012.

Thank you for the opportunity to submit these reply comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Finnigan", written over the word "Sincerely,".

RICHARD A. FINNIGAN

RAF/cs
Enclosures

cc: Service List (via e-mail)

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NECA, rural telecom associations announce results of call completion test project

Calls to rural areas still not completing as reliably and effectively as calls to non-rural areas

05.22.12 – The National Exchange Carrier Association (NECA), the National Telecommunications Cooperative Association (NTCA), the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) and the Western Telecommunications Alliance (WTA) have released the findings of a joint call completion test project conducted to determine the frequency with which calls to rural areas are being successfully terminated. The release followed a meeting with FCC staff at which the associations previewed the results.

The project found that despite recent efforts to restore faith in the integrity of the public switched telephone network, rural consumers continue to encounter significant problems receiving calls. While a comparison of recent test call results with those from the Rural Associations' September 2011 test call project shows a modest improvement, call completion problems remain at an alarming and unacceptable level.

The current study found that call failure rates were 13 times higher to test lines in rural areas compared to those in non-rural areas. The occurrence of poor voice quality or "delayed setup" was also significantly higher in rural areas. Perhaps the most striking finding, however, was that nearly a third of rural test lines experienced completion problems on more than 20% of incoming calls.

Test calls were initiated and documented by volunteers in both rural and non-rural locations using a wide variety of interexchange carriers, wireless service providers, and VoIP services. More than 7,400 test calls were made April 9 to April 13 to 115 rural and non-rural test lines set up in 40 states.

pixel The test call project was conducted to gauge the current scope of rural call completion issues that continue to threaten public safety, commerce and the basic ability of friends and family to communicate between rural and more urban areas. While the associations applaud recent actions by the Federal Communications Commission (FCC) to examine these issues—including the creation of a Call Completion Task Force and the adoption of a February Declaratory Ruling advising providers of potential liability for call failures—this recent test call project confirms that this nationwide epidemic remains a threat to public safety, commerce and basic communications between Americans. Accordingly, the associations renew their calls for the agency to take clear and unmistakable steps to enforce its rules and to ensure that routing practices by originating carriers and service providers produce high quality, reliable call completion results in all areas of the country.

"While we've seen a slight improvement, rural call completion issues are still at unacceptable levels," said Jeff Dupree, NECA vice president of Government Relations. "Without additional and sustained action by the FCC, including enforcement action where appropriate, further necessary improvements may not be realized and any recent gains may in fact be lost."

"The results of this project clearly show that much more remains to be done to resolve rural call completion issues in the wake of the FCC's February ruling," said NTCA Chief Executive Officer Shirley Bloomfield. "In presenting these results to the commission and to the public, we are once again drawing attention to the critical need for strict enforcement of the commission's rules and a steadfast solution to this epidemic affecting the reliability of our country's communications network."

"The data illustrate what rural carriers already know," OPASTCO President John Rose said. "The rural call completion problem remains largely unabated, and it appears this will remain the case until firm enforcement action is taken against those who perpetuate it by design or negligence."

"The data presented to the FCC today validates what we continue to hear from our members and their customers – the call completion problem continues to persist," said Kelly Worthington, executive vice president of WTA. "Rural residents, businesses and communities are being adversely affected by the lack of calls being completed and that those calls that are being completed still have a high level of poor call-quality. The FCC should engage in enforcement proceedings against offending carriers to begin correcting this problem," said Worthington. [Press Release](#)

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CERTIFICATE OF SERVICE

AR 566

I certify that I have this day sent the attached Reply Comments of the Oregon Telecommunications Association to AR 566 by electronic mail and U.S. mail to the following:

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I further certify that I have this day sent the attached Reply Comments of the Oregon Telecommunications Association by electronic mail to the following parties or attorneys of parties:

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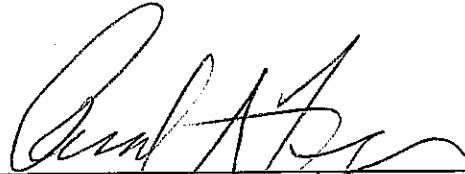
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16 Dated at Olympia, Washington, this 5th day of October, 2012.

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