

Law Office of
Richard A. Finnigan
2112 Black Lake Blvd. SW
Olympia, Washington 98512
Fax (360) 587-3852

Richard A. Finnigan
(360) 956-7001
rickfinn@localaccess.com

Kathy McCrary, Paralegal
(360) 753-7012
kathym@localaccess.com

May 29, 2012

VIA E-MAIL AND U.S. MAIL

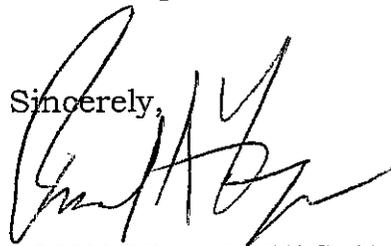
Filing Center
Oregon Public Utility Commission
550 Capitol Street NE Ste 215
Salem, OR 97301-2551

Re: UM 1547 – Oregon Telecommunications Association's Comments
in Response to Staff's Comments

Dear Sir/Madam:

Enclosed are the original and one copy of the Oregon
Telecommunications Association's Comments in Response to Staff's Comments
and Certificate of Service.

Sincerely,



RICHARD A. FINNIGAN

RAF/km
Enclosures

cc: Service List (via e-mail)
Brant Wolf (via e-mail)
Craig Phillips (via e-mail)
Member Companies (via e-mail)

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1547

In the Matter of PUBLIC UTILITY
COMMISSION OF OREGON STAFF
Investigation of Call Termination Issues.

OREGON TELECOMMUNICATIONS
ASSOCIATION'S COMMENTS IN
RESPONSE TO STAFF'S COMMENTS

The Oregon Telecommunications Association (OTA) welcomes the opportunity to comment on the Staff's recommendation.¹

This Docket was opened to investigate call terminations in rural service areas in the State of Oregon. As Commission Staff notes, there has been a significant level of complaints filed by consumers in rural Oregon concerning the inability to have calls completed to them or calls that are completed to them but with such poor quality that communications cannot occur. OTA's members are very concerned about these issues and have worked very closely with Staff to find solutions.

On April 23, 2012, the Staff filed its Comments in this proceeding.² OTA congratulates Staff on the preparation of a very detailed and well thought out set of Comments.

In those Comments, Staff sets out a number of possible solutions and then makes a recommendation. That recommendation is to amend certification rules. Specifically, Staff recommends that OAR 860-032-0007 "could be amended to include provisions that: 1) prohibit telecommunications service providers from subjecting any particular person, class of person, or locality to any undue or unreasonable prejudice or disadvantage; 2) prohibit blocking, choking, reducing, or restricting traffic in any way, including to avoid termination charges; and 3) make telecommunications service providers responsible for acts, omissions, or failures of their agents or other persons acting for or employed by the carrier."³ OTA supports Staff's recommendations with two qualifications. In addition, OTA suggests including VoIP providers in the call termination resolution.

The first qualification is that sub-item 2) in Staff's recommendation needs to be qualified to allow restricting traffic of carriers that do not comport with filed tariffs or do not pay lawfully assessed charges and whose service is subject to disconnection for that failure. A carrier should not be allowed to willfully refuse to pay lawful charges and not face disconnection as a result of a rule that prohibits restricting traffic.

The second qualification relates to the third element of Staff's recommendation. OTA agrees that carriers should be responsible for their subcontractors' actions.

¹ CenturyLink is filing its own comments and is not participating in these Comments.

² The Comments are dated as of May 23, 2012. However, that is clearly a typographical error.

³ Staff's Comments at p. 10.

However, it also cannot be a rule that results in the application of draconian measures for third party conduct when the responsible carrier is acting to try to prevent the call termination problems. No carrier can make a one hundred percent guarantee that their subcontractors will not do anything inappropriate. Such a standard would be impossible to meet.

There are items that could be incorporated to put some structure behind Staff's third element. For example, it might be appropriate to require carriers to include provisions in their contracts with subcontractors requiring the subcontractors to live up to the three elements that Staff recommends. The agreements with subcontractors could be written to be subject to immediate termination for a violation of those standards. The contracts could, and should, contain performance standards.

OTA supports Staff's objective in this third element. However, OTA believes that more detailed discussion of the ideas set out above needs to occur to put a better definition on how this standard would be applied and under what circumstances.

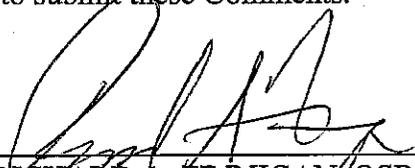
There is yet another issue that needs to be addressed. That is the extent to which these rules would apply to interconnected voice over Internet protocol (VoIP) providers. What OTA's members have found is that a significant percentage of the traffic appears to be the use of VoIP transmission. So called Session Initiation Protocol (SIP) providers are holding themselves out as call termination service providers using IP technology. The issue that arises affects both voice and facsimile traffic.

It is particularly difficult, or so it appears, for a fax transmission to be either initiated as IP or converted to IP and then delivered for termination on the public switched telecommunications network (PSTN). The "handshake" that allows the receiving fax machine to recognize that a signal is being sent to it is often distorted when IP is involved in the transmission of the call.

While these problems are particularly acute with fax traffic, they also occur with voice traffic and lead to the deterioration of the signal stream for voice communication.

The Federal Communications Commission has extended its jurisdiction over interconnected VoIP providers for any number of items including, but not limited to, E911, support of federal universal service fund, reciprocal compensation, number portability issues, etc. OTA suggests the Commission should consider the extent to which it may extend jurisdiction for call signaling and call transmission purposes to VoIP providers, including the call termination services described above.

Thank you for the opportunity to submit these Comments.



RICHARD A. FINNIGAN, OSB No. 965357
Attorney for the Oregon Telecommunications
Association

**CERTIFICATE OF SERVICE
UM 1547**

I certify that I have this day sent the attached Oregon Telecommunications Association's Comments in Response to Staff's Comments by electronic mail and U.S. mail to the following:

FILING CENTER
PUBLIC UTILITY COMMISSION OF OREGON
550 CAPITOL STREET NE STE 215
SALEM, OR 97301-2551
puc.filingcenter@state.or.us

I further certify that I have this day sent the attached Oregon Telecommunications Association's Comments in Response to Staff's Comments by electronic mail, unless otherwise noted, to the following parties or attorneys of parties:

CHARLES L BEST
ATTORNEY AT LAW
1631 NE BROADWAY #538
PORTLAND, OR 97232-1425
chuck@charleslbest.com

CYNTHIA MANHEIM
AT&T
PO BOX 97061
REDMOND, WA 98052
cindy.manheim@att.com

DAVID COLLIER
AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST INC.
645 E PLUMB LN
PO BOX 11010
RENO NV 89502
david.collier@att.com

RON L. TRULLINGER
MANAGER - OREGON REGULATORY
CENTURYLINK
310 SW PARK AVE 11TH FL
PORTLAND, OR 97205
ron.trullinger@centurylink.com

WILLIAM E. HENDRICKS, ATTORNEY
CENTURYLINK, INC.
902 WASCO ST A0412
HOOD RIVER, OR 97031
tre.hendricks@centurylink.com

OPUC DOCKETS
CITIZENS' UTILITY BOARD OF
OREGON
610 SW BROADWAY, STE 400
PORTLAND, OR 97205
dockets@oregoncub.org

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G. CATRIONA MCCrackEN
CITIZENS' UTILITY BOARD OF
OREGON
610 SW BROADWAY, STE 400
PORTLAND, OR 97205
catriona@oregoncub.org

MARK TRINCHERO
DAVIS WRIGHT TREMAINE LLP
1300 SW FIFTH AVE SUITE 2300
PORTLAND OR 97201-5682
marktrincher@dw.com

RENEE WILLER
FRONTIER COMMUNICATIONS
NORTHWEST INC.
20575 NW VON NEUMANN DR
BEAVERTON, OR 97006-6982
renee.willer@ftr.com

DOUGLAS K DENNEY
INTEGRA TELECOM OF OREGON INC.
1201 NE LLOYD BLVD, STE 500
PORTLAND OR 97232
dkdenney@integratelecom.com

LISA F. RACKNER
MCDOWELL RACKNER & GIBSON PC
419 SW 11TH AVE., SUITE 400
PORTLAND, OR 97205
dockets@mcd-law.com

MALIA BROCK
PUBLIC UTILITY COMMISSION OF
OREGON
PO BOX 2148
SALEM, OR 97308
malia.brock@state.or.us

DOUG COOLEY
COMCAST BUSINESS
COMMUNICATIONS LLC
1710 SALEM INDUSTRIAL DRIVE NE
SALEM, OR 97303
doug_cooley@cable.comcast.com

PHYLLIS WHITTEN
FRONTIER COMMUNICATIONS
9260 E STOCKTON BLVD
ELK GROVE, CA 95624
phyllis.whitten@ftr.com

GEORGE SCHRECK
INTEGRA TELECOM
1201 NE LLOYD BLVD, STE 500
PORTLAND OR 97232
george.schreck@integratelecom.com

GREGORY DIAMOND
LEVEL 3 COMMUNICATIONS LLC
1505 5TH AVE STE 501
SEATTLE WA 98101
greg.diamond@level3.com

MICHAEL DEWEY
OCTA
1249 COMMERCIAL ST SE
SALEM, OR 97302
mdewey@oregoncable.com

JOHANNA RIEMENSCHNEIDER
PUC STAFF - DEPT OF JUSTICE
BUSINESS ACTIVITIES SECTION
1162 COURT ST NE
SALEM, OR 97301-4796
johanna.riemenschneider@doj.state.or.us

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JASON W. JONES
PUC STAFF - DEPT OF JUSTICE
BUSINESS ACTIVITIES SECTION
1162 COURT ST NE
SALEM, OR 97301-4796
jason.w.jones@state.or.us

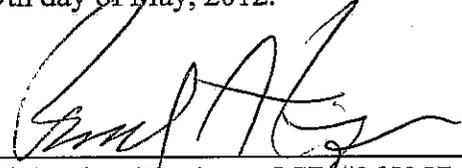
RICHARD B SEVERY
VERIZON
2775 MITCHELL DR, BLDG. 8-2
WALNUT CREEK CA 94598
richard.b.severy@verizon.com

LORRAINE A KOCEN
VERIZON CALIFORNIA INC.
2523 W HILLCREST DR, 2ND FL
NEWBURY PARK CA 91320
lorraine.kocen@verizon.com

RUDOLPH M REYES
VERIZON CORPORATE COUNSEL
201 SPEAR STREET, 7TH FLOOR
SAN FRANCISCO CA 94105
rudy.reyes@verizon.com

MARC M. CARLTON
WILLIAMS, KASTNER & GIBBS PLLC
888 SW FIFTH AVENUE, SUITE 600
PORTLAND, OR 97204-2025
mcarlton@williamskastner.com

Dated at Olympia, Washington, this 29th day of May, 2012.


Richard A. Finnigan, OSB #965357
Attorney for the Oregon Telecommunications Association