



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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FCC ENFORCEMENT ADVISORY

RURAL CALL COMPLETION

Long Distance Providers Must Take Consumer Complaints about Rural Call Completion Problems Seriously

Perfunctory Responses or Unexplained Denials of Responsibility Violate Commission Rules

The Enforcement Bureau is issuing this Enforcement Advisory to remind providers of long distance services of their obligations when served by the Commission with an informal complaint about rural call completion. A provider served with an informal complaint in connection with a telephone call originating on its long distance network must submit a written response explaining that the provider: (a) has satisfied the complaint, or (b) is unwilling or unable to do so. A provider does not satisfy its obligation to respond by claiming, for example, that it has no duty to investigate the problem because the complainant is not the provider's customer.

For the past several years consumers have reported problems with long distance calls to rural areas completing successfully. Based on our experience in investigating this issue, rural call completion problems often arise from the manner in which originating long distance providers route their calls. Often, rural consumers who are not customers of the originating provider file informal complaints with the Commission about this problem. These rural consumers are harmed when calls do not reach them: businesses lose orders, medical professionals are unable to reach patients, and family members cannot check on loved ones.

The Commission's Consumer and Governmental Affairs Bureau (CGB) routinely serves these informal complaints on the providers involved in the calls in question, including the long distance provider for the calling party. CGB includes with each complaint a cover letter directing the provider to address each allegation raised in the complaint and to describe actions the provider has taken to address the complaint.

Too often, long distance providers submit responses to these informal complaints that are wholly inadequate. For example, some long distance providers assert that they have no obligation to investigate the issues identified in the complaint because the complainant is not their customer, or assert, without any explanation, that the called party's rural telephone company is the source of any problems. These responses inhibit the Commission's ability to investigate and remedy rural call completion issues and are deficient under the Commission's Rules.

Going forward, the FCC may take enforcement action against providers that submit such patently deficient responses to informal complaints. Resolving rural call completion problems is a top priority of the Commission.

Practices that result in rural call completion problems threaten commerce, public safety, and the ability of consumers, businesses, and public health and safety officials in rural America to access and use a reliable network, making remediation of these practices, and the information needed to do so, critically important.

What are the symptoms of rural call completion problems? Callers to rural areas may experience the following: call attempts that do not complete when dialed, excessive call setup delay, prolonged ringing (either before the called phone actually rings or when it never rings at all), inaccurate or misleading intercept messages, as well as poor call quality and inaccurate caller ID on completed calls.

What laws apply? Carriers that allow rural call completion problems to persist may be liable for a violation of Section 201 of the Act. In 2012, the Commission's Wireline Competition Bureau issued a declaratory ruling clarifying that "it is an unjust and unreasonable practice in violation of section 201 of the Act for a carrier that knows or should know that it is providing degraded service to certain areas to fail to correct the problem or to fail to ensure that intermediate providers, least-cost routers, or other entities acting for or employed by the carrier are performing adequately. *This is particularly the case when the problems are brought to the carrier's attention by customers, rate-of-return carriers serving rural areas, or others, and the carrier nevertheless fails to take corrective action that is within its power.*"¹

Providers must address consumer complaints about rural call completion or explain why they are unable or refuse to do so. Section 208 authorizes "[a]ny person . . . complaining of anything done or omitted to be done by any common carrier . . . in contravention of the provisions" of the Act to file a complaint with the Commission.² Thus, "any" consumer may file an informal complaint against a carrier even if he is not a customer of that carrier.³ Rule 1.717 requires a carrier served with an informal complaint to explain in writing that the carrier has satisfied the complaint or is unable or refuses to do so.⁴ Consumer complaints about telephone service are processed through CGB, which serves the complaint on the provider and directs it to "submit a separate response to each complaint that specifically addresses each allegation raised in the complaint, and describes any action that your company has taken to satisfy each allegation." CGB further directs providers served with complaints concerning call completion or call quality to "include a narrative explanation as to how [the provider] handles telecommunications traffic directed to the local telephone service provider serving each of the called locations."

What are some examples of unacceptable responses or denials of responsibility? The Commission has received many responses to consumer complaints that do not satisfy Section 208 or the Commission's Rules. Responses to informal complaints about rural call completion show continued organizational indifference to the problem and unwillingness to investigate such complaints even though the complaint has identified an originating number on the provider's own long distance network. Responses to such complaints have included:

- "[This] is not [our] complaint. Please redirect to [the rural telephone company] for an accurate completion of this case."

¹ *Developing an Unified Intercarrier Compensation Regime*, Declaratory Ruling, 27 FCC Rcd 1351, 1355-56, para. 12 (Wireline Comp. Bur. 2012) (emphasis added) (footnote omitted) (citing 47 U.S.C. § 201); see also *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 18029, paras. 973-74 (2011) (prohibition against call blocking applies to VoIP-PSTN traffic), *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 2011).

² 47 U.S.C. § 208.

³ The FCC has long recognized that "'any person' alleging a violation of a provision of the Act, a Commission order, or a Commission Rule or Regulation," without regard to status as a customer, has standing to bring a section 208 complaint. *E.g., American Satellite Corp. v. Southwestern Bell Tel. Co.*, Memorandum Opinion and Order, 64 F.C.C. 2d 503, 507, para. 6a (1977).

⁴ 47 C.F.R. § 1.717.

- “This is a matter that has to be communicated for investigation to [the rural consumer’s] local carrier . . . we are just the long distance carrier.”
- “[The rural complainant] does not have an account with [our company]. Additionally, the number experiencing problems is also not [our] number; it is her landline number.”
- “[O]ur records . . . do not show that [we were] previously contacted by [our customer regarding] the problem described in the complaint. Thus [we have] not had the opportunity to investigate.”
- “We have contacted the [rural complainant] and have successfully resolved this matter by advising [her] that due to living in a rural area she will experience service issues.”

Long distance providers are cautioned that these responses do not satisfy the requirements of Section 208. They do not address the rural call completion problems raised in the complaint, provide a credible explanation as to why the provider cannot do so, or explicitly refuse to satisfy the rural call completion issue addressed in the complaint. As such, these responses provide the basis for further Commission investigation and enforcement action, which may include monetary fines.

How may a provider satisfy rural call completion complaints? Providers may satisfy such complaints by contacting the complainant, testing and troubleshooting call completion, and permanently moving traffic onto known well-performing routes when either testing or repeated complaints reveal a problem. These efforts and any contact with the rural telephone company should be detailed in the provider’s written response to the informal complaint.

What are the penalties for failure to respond adequately to or satisfy rural call completion complaints? Section 503(b)(1)(B) of the Act provides for the imposition by the Commission of forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order.⁵ Providers that fail to respond properly to informal rural call completion complaints by satisfying such complaints, adequately explaining why they cannot satisfy such complaints, or explicitly refusing to satisfy such complaints, may be subject to enforcement action for failure to comply with section 208 and Rule 1.717. The Commission may investigate providers that do not satisfy such complaints, including providers that comply with Rule 1.717 by explicitly refusing to satisfy such complaints. Multiple informal complaints about problems with calls that originate on a provider’s network not completing to a particular rural area may also evidence degraded service on that route. A provider’s failure to investigate and satisfy such complaints may trigger separate liability under section 201(b) and constitute the basis for additional penalties.

Need more information? For information related to rural call completion, please visit the FCC website at: <http://www.fcc.gov/encyclopedia/problems-long-distance-or-wireless-calling-rural-areas>. A special link for completing and filing rural call completion complaints is available at http://transition.fcc.gov/eb/rcc/RCC_Form2000B.html. To initiate a complaint, a consumer may also:

- Call 1-888-CALL-FCC (1-888-225-5322) (voice) or 1-888-TELL-FCC (1-888-835-5322) (TTY);
- Mail the complaint to Federal Communications Commission, Consumer & Governmental Affairs Bureau, Consumer Inquiries and Complaints Division, 445 12th Street, SW, Washington, DC 20554;

⁵ 47 U.S.C. § 503(b)(1)(B). Long distance providers are also required to respond in a timely and complete manner to Commission inquiries initiated outside the complaint process. Sections 4(i), 4(j), 218, 308, and 403 vest the Commission with broad power to compel the production of information from regulated entities. See 47 U.S.C. §§ 154(i), 154(j), 218, 308, 403. The ability to request and receive information is essential to the Commission’s work in discharging its responsibilities pursuant to the Act and the Commission’s rules establish a base forfeiture amount for failure to respond to Commission communications. See 47 C.F.R. § 1.80(b)(5) note.

- Fax the complaint to 1-866-418-0232;
- Email the complaint to fccinfo@fcc.gov; or
- Complete an online form on the FCC's web site at <http://www.fcc.gov/complaints>.

Media inquiries should be directed to Mark Wigfield at 202-418-0253 or Mark.Wigfield@fcc.gov.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at 202-418-1148 for further information about this Enforcement Advisory.

Issued by: Acting Chief, Enforcement
Bureau