

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Rural Call Completion) WC Docket No. 13-39
)
Vonage Holdings Corp. Petition for Extension of)
Time and Limited Waiver)

ORDER

Adopted: February 28, 2014

Released: February 28, 2014

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau (Bureau) grants Vonage Holdings Corp. (Vonage) a further extension of time to comply with the ring signaling rule that the Commission adopted in the *Rural Call Completion Order*.¹ The Bureau concludes that Vonage has shown good cause for requesting a limited waiver of section 64.2201 of the Commission’s rules, and that granting this waiver is in the public interest.²

II. DISCUSSION

2. The ring signaling rule adopted in the *Rural Call Completion Order* became effective on January 31, 2014.³ In a previous order in this docket, the Bureau granted Vonage an extension, until

¹ *Rural Call Completion*, WC Docket Nos. 13-39, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, 16200-04, paras. 111-19 (2013) (*Rural Call Completion Order*); 47 C.F.R. § 64.2201.

² On January 17, 2014, Vonage filed a petition requesting an extension of time to comply with the obligations imposed by section 64.2201, until March 3, 2014. See Vonage Holdings Corp. Petition for Extension of Time and Limited Waiver, WC Docket No. 13-39 (filed Jan. 17, 2014) (Original Petition); *Rural Call Completion; Vonage Holdings Corp. Petition for Extension of Time and Limited Waiver*, Order, WC Docket No. 13-39, 29 FCC Rcd 744 (Wireline Comp. Bur. 2014) (*Waiver Order*) (granting Vonage’s requested extension, until March 3, 2014). On February 21, 2014, Vonage filed a second petition requesting an additional 30 days to comply with section 64.2201, until April 2, 2014. See Vonage Holdings Corp. Petition for Extension of Time and Limited Waiver, WC Docket No. 13-39 (filed Feb. 21, 2014) (Second Petition).

³ See 78 Fed. Reg. 76218 (Dec. 17, 2013) (announcing January 31, 2014 as the effective date for 47 C.F.R. § 64.2201). In the *Rural Call Completion Order*, the Commission prohibited “false audible ringing,” which occurs when a long distance voice service provider or intermediate provider prematurely triggers audible ring tones to the caller before the call has actually reached the called party’s service provider. *Rural Call Completion Order*, 28 FCC Rcd at 16200-01, paras. 111-12. False audible ringing was identified as a problem by the Commission because consumers were not receiving accurate information regarding whether calls they had placed were arriving at their destinations or were arriving in a timely manner. *Id.* The ring signaling rule prohibits all originating and intermediate providers from causing audible ringing to be sent to the caller before the called party’s service provider has signaled that the called party is being alerted. Originating and intermediate providers must also convey audio tones and announcements sent by the called party’s service provider to the calling party. 47 C.F.R. § 64.2201; *Rural Call Completion Order*, 28 FCC Rcd at 16202-03, para. 115.

March 3, 2014, to comply with the rule.⁴ In order to comply, Vonage states that it is replacing its existing system, which plays a ringing sound for its customers if Vonage has not received a ring signal from an intermediate provider within four seconds.⁵ Vonage states that it has performed software upgrades and is installing new network components at its call processing centers.⁶ Following tests of the new system, however, Vonage has determined that under certain circumstances the new system will not play ringing received from the intermediate carrier, so the customer would hear silence until the called party answered.⁷ In an effort to correct this problem, Vonage is now testing a new software upgrade that it received on February 17, 2014. Vonage asserts that “[o]nly after the system is fully tested can the company stage implementation across the Vonage network,” and that a staged implementation is “intended to minimize and isolate any potential disruptions to customers’ services.”⁸

3. Accordingly, Vonage requests additional time to implement this new system that will allow it to deliver a solution in compliance with section 64.2201. Vonage states that it continues to work with its vendors to push this process forward quickly, but that it requires additional time before it can roll out a complete solution to all its customers. Vonage therefore requests an additional 30-day extension, until April 2, 2014, to be in full compliance with the ring signaling rule contained in section 64.2201.

4. Generally, the Commission’s rules may be waived if good cause is shown.⁹ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹⁰ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹¹ Waiver of the Commission’s rules is appropriate only if both (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest.¹²

5. We conclude that Vonage has shown good cause for requesting another extension of time to comply with the ring signaling rule. Vonage states that it had “no reasonable alternative but to undertake substantial network modification” in order to comply with the rule, because modifying its existing system could not have brought Vonage into compliance with the rule across its entire customer base.¹³ Vonage further states the technical solutions being implemented have the potential to impact every Vonage call and that “[t]he company cannot rush to deploy the new system as doing so would create substantial risk for disruption of service to customers, including calls not working at all, new network messages not being delivered, or new network messages not cutting off correctly when a ring

⁴ See *Waiver Order*, 29 FCC Rcd at 744.

⁵ Second Petition at 2. Vonage asserts that it cannot modify its existing system to comply with the ring signaling rule and therefore is building a new system to play a message to customers in situations where a ring is not received from an intermediate carrier within four seconds for customers’ calls. *Id.*; see also *Waiver Order*, 29 FCC Rcd at 745. Vonage asserts that its new system will be significantly more flexible than trying to modify its existing system, but also emphasizes that “[i]nstallation of this new media delivery system is a fundamental modification of Vonage’s network architecture, touches all calls made on Vonage’s network, and requires careful design, testing, and implementation.” Second Petition at 3.

⁶ Second Petition at 3.

⁷ *Id.*

⁸ *Id.* at 4.

⁹ 47 C.F.R. § 1.3.

¹⁰ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹¹ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

¹² *Northeast Cellular*, 897 F.2d at 1166.

¹³ Original Petition at 7.

signal is received from the intermediate carrier.”¹⁴ This appears to be a special circumstance limited to Vonage. We find that these reasons justify an extension of time to comply with section 64.2201. Accordingly, the Bureau grants Vonage’s petition and allows Vonage an additional 30 days—until April 2, 2014. We direct Vonage to file a letter in WC Docket No. 13-39 no later than April 3, 2014, notifying the Commission that it has come into full compliance with section 64.2201.

III. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED, pursuant to sections 0.91, 0.291, and 1.3 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, that the Petition for Extension of Time and Limited Waiver filed by Vonage Holdings Corp. IS GRANTED, and that section 64.2201 of the Commission’s rules, 47 C.F.R. § 64.2201, IS WAIVED to the extent described above.

7. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission’s rules, 47 C.F.R. § 1.102(b)(1), that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach
Chief
Wireline Competition Bureau

¹⁴ Second Petition at 4.