

“unassigned number.”⁵ Covered providers must report information individually for each rural operating company number (“OCN”) and in the aggregate for nonrural OCNs.⁶ The *Rural Call Completion Order* defined each category of call attempt as follows:

“*Answered.*” The *Rural Call Completion Order* defined an “answered call” as “a call that was answered by or on behalf of the called party (including calls completed to devices, services or parties that answer the call such as an interactive voice response, answering service, voicemail, or call-forwarding system), causing the network to register that the terminating party is prepared to receive information from the calling user.”⁷

“*Ring No Answer.*” In the *Rural Call Completion Order*, the Commission noted that, if a call attempt is not answered, a “User” category cause value *such as* “no user responding” (cause value 18) is returned.”⁸

“*Busy.*” The *Rural Call Completion Order* noted that the SIP cause code for a busy signal is 486 and that the SS7 cause code for a busy signal is cause value 17.⁹ It also stated “that user busy signaling may in reality reflect network problems.”¹⁰

“*Unassigned Number.*” The *Rural Call Completion Order* stated that, “[f]or purposes of this Order, an unassigned number is one for which a call cannot be completed because it is not assigned to an end user.”¹¹ The Commission also noted that *one “commonly occurring”* ‘User’ cause is ‘unallocated (unassigned) number’ (cause value 1), which indicates that the caller has dialed a properly formatted telephone number, but that number itself is not assigned to an end user.”¹²

Appendix C to the *Order* provided a reporting template for covered providers to use when filing the required call completion data with the Commission each quarter.¹³ The legend accompanying this reporting template identified specific Integrated Services Digital Network User Part (ISUP) Cause values and corresponding Session Initiation Protocol (SIP) Response messages for each category of call attempt

⁵ 47 C.F.R. §§ 64.2103(e)(8)-(9), 64.2105(b); *Rural Call Completion Order*, 28 FCC Rcd at 16174-77, 16184-87, paras. 40-46, 65, 68-72; *see also Rural Call Completion*, WC Docket No. 13-39, Order on Reconsideration, 29 FCC Rcd 14026 (2014) (*Rural Call Completion Recon Order*) (providing exemption for narrow category of intraLATA call attempts).

⁶ *Rural Call Completion Order*, 28 FCC Rcd at 16184-87, paras. 65, 68-72.

⁷ *Id.* at 16187, para. 72. The Commission emphasized that “the call answer rate is the data point least susceptible to variations in data reporting or to differences in the quality or accuracy of signaling: the called party either answered the call or did not answer the call.” *Id.* at 16186, para. 71.

⁸ *Id.* at 16175, para. 43, n.120 (emphasis added).

⁹ *Id.* at 16175, 16187, para. 43 n.120, para. 71 n.195.

¹⁰ *Id.* at 16176, para. 43.

¹¹ *Id.* at 16185, para. 68 n.186.

¹² *Id.* at 16175, para. 43 n.120 (emphasis added).

¹³ *Id.* at 16218, Appx. C. The electronic spreadsheet will be provided by the Commission.

that must be reported.¹⁴ In particular, Appendix C states, “Answered = calls signaled back with ISUP 16 & 31 and SIP BYE & CANCEL.”¹⁵

3. *Public Notice.* Following release of the *Rural Call Completion Order*, Level 3 and Verizon raised concerns that release cause code 16 is also used to indicate that the calling party hung up before the called party answered, i.e., when the call attempt was not answered. They assert that counting such unanswered call attempts as “answered” calls would result in much higher call answer rates.¹⁶ In response, the Bureau released a Public Notice on April 21, 2014,¹⁷ seeking comment on “whether to modify or otherwise provide assistance regarding [the] criteria described in Appendix C of the Rural Call Completion Order for categorizing certain types of call attempts.”¹⁸ The Bureau received comments from Alliance for Telecommunications Industry Solutions (ATIS), CenturyLink, COMPTTEL, Level 3, the National Cable & Telecommunications Association (NCTA), Verizon and Verizon Wireless (Verizon), the Voice Communication Exchange Committee (VCXC), XO Communications, LLC (XO), and ZipDX.¹⁹

III. DISCUSSION

A. Covered Providers May Not Count Unanswered Call Attempts As Answered Calls

4. The *Rural Call Completion Order* made clear that the Commission did not intend to permit covered providers to count unanswered call attempts as answered calls. The *Order* defined an “answered call” as “a call that was answered by or on behalf of the called party . . . causing the network to

¹⁴ ISUP and SIP release cause codes are used within the network to identify the outcome of a given call attempt. See Harry Newton, Newton’s Telecom Dictionary 648, 1051 (26th ed. 2011).

¹⁵ *Rural Call Completion Order*, 28 FCC Rcd at 16218, Appx. C. Note that the Commission’s example of “Answered” in the Appendix C legend referred to a “call” whereas the examples of the unanswered subcategories all refer to “call attempts.” The Commission has also made it clear that the call attempt has to be first answered by the called party for a release code of 16 or 31 to indicate that the call was an answered call. See *Rural Call Completion*, WC Docket No. 13-39, Notice of Proposed Rulemaking, 28 FCC Rcd 1569, 1578, para. 29 n.54 (2013) (“For example, when a call attempt is answered by the called party, the terminating provider typically sends one of the ‘Call Completed’ category cause values, such as ‘normal call clearing’ (cause value 16) or ‘normal, unspecified’ (cause value 31) when one of the parties terminates the conversation by hanging up.”).

¹⁶ See Letter from Maggie McCready, Vice President, Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-39 (filed Mar. 24, 2014) (Verizon Mar. 24, 2014 *Ex Parte*); Letter from Joseph C. Cavender, Vice President, Federal Affairs, Level 3, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-39 (filed Jan. 29, 2014) (Level 3 Jan. 29, 2014 *Ex Parte*).

¹⁷ See *Wireline Competition Bureau Seeks Comment on Whether to Clarify Appendix C of the Rural Call Completion Order*, WC Docket No. 13-39, Public Notice, 29 FCC Rcd 3927 (Wireline Comp. Bur. 2014) (*Clarification PN*).

¹⁸ *Id.* at 3928.

¹⁹ See ATIS Comments, WC Docket No. 13-39 (filed May 27, 2014) (ATIS Comments); CenturyLink Comments, WC Docket No. 13-39, at 1-3 (filed May 13, 2014) (CenturyLink Comments); COMPTTEL Comments, WC Docket No. 13-39, at 3-5 (filed May 13, 2014) (COMPTTEL Comments); Level 3 Comments, WC Docket No. 13-39 (filed May 13, 2014) (Level 3 Comments); National Cable & Telecommunications Association (NCTA) Comments, WC Docket No. 13-39, at 2 (filed May 13, 2014) (NCTA Comments); Verizon Comments, WC Docket No. 13-39 (filed May 13, 2014) (Verizon Comments); Voice Communication Exchange Committee (VCXC) Comments, WC Docket No. 13-39 (filed May 13, 2014) (VCXC Comments); XO Comments, WC Docket No. 13-39 (filed May 14, 2014) (XO Comments); ZipDX Comments, WC Docket No. 13-39 (filed Apr. 28, 2014) (ZipDX Comments). Although the ATIS Comments and XO Comments were filed after the comment due date of May 13, 2014, we consider and respond to these comments in this Declaratory Ruling.

register that the terminating party is prepared to receive information from the calling user.”²⁰ That definition is not met when a calling party hangs up before the called party answers the call. Nothing in Appendix C contradicts that intent.

5. Appendix C was developed to provide a format for certain data reporting; it does not create, modify or narrow terms already discussed in detail in the *Order*.²¹ Moreover, we find that the legend to Appendix C must be viewed in light of the *Rural Call Completion Order* as a whole. Some parties suggest that the legend to Appendix C, viewed in isolation, could be read to permit covered providers to count call attempts as “answered” as long as the network generates SIP cause code 16, even if the calling party hangs up before the call is answered. We disagree. That reading is inconsistent with the language of the *Order* and ignores the fact that Appendix C provides a filing “template.”²² We therefore clarify that covered providers may count as answered calls only call attempts that meet the definition of “answered calls” in the *Order*. If the calling party hangs up before a call attempt is answered, covered providers may not count that call attempt as an answered call even if it generates cause code 16.

6. We also find that the Commission intended the cause codes referenced in the legend to Appendix C to be used as examples, rather than exhaustive definitions, of possible ways for providers to identify the different categories of call attempts required by the *Order*.²³ We reject arguments that the legend to Appendix C is inconsistent with or overrides the language of the *Order*.²⁴ Nothing in the *Order* suggests such a reading, and, to the contrary, Appendix C readily lends itself to an interpretation that is consistent with the *Order*. For instance, Appendix C states that call attempts are “generally” — not exclusively — categorized by the cause codes identified in the legend.²⁵ The *Order* explained that an indication of whether a call attempt is signaled as “busy, ring no answer, or unassigned number” is “likely to take the form of an SS7 signaling cause code or SIP signaling message code,” but the *Order* declined to fully specify the relevant cause codes.²⁶ Similarly, the *Order* merely identifies several cause codes that may indicate that a call is “busy;” it does not state that these codes are the exclusive identifiers of “busy” call attempts.²⁷

7. Perhaps most significantly, the Commission stated in the *Order* that its intent is to collect the required data “while accommodating differences in the specific cause codes or other data that providers may have, to give them flexibility to report such data based on their own network configurations,” and “to accommodate differences in signaling technology.”²⁸ Prescribing a rigid menu of specific codes that must always be used, regardless of circumstance, would be contrary to this specified

²⁰ *Rural Call Completion Order*, 28 FCC Rcd. at 16187, para. 72.

²¹ *Rural Call Completion Order*, 28 FCC Rcd at 16184, para. 66.

²² *Id.*

²³ *Rural Call Completion Order*, 28 FCC Rcd at 16184, para. 66.

²⁴ See, e.g., NCTA Comments at 2 (suggesting that calls should be reported as “answered” only if they meet criteria in the Appendix C legend and they are identified as answered); Verizon Comments at 1 (arguing that, as to “answered” call attempts, the Commission should retain the “release cause code” methodology in Appendix C).

²⁵ See *Rural Call Completion Order*, 28 FCC Rcd at 16218, Appx. C.

²⁶ *Id.* at 16176, para. 43 (emphasis added). For example, while the *Order* contemplates that one “commonly occurring ‘User’ cause is ‘unallocated (unassigned) number’ (cause value 1),” it does not suggest that this is the only cause code that might comport with the definition given therein. *Id.* at 16175, para. 43 n.120.

²⁷ *Id.* at 16176, para. 43.

²⁸ *Id.* at 16187, para. 71 n.195.

intent. The rules adopted in the *Rural Call Completion Order* that address recordkeeping and retention state that an “indication [of whether the call attempt was signaled busy, ring no answer, or unassigned number] may take the form of an SS7 signaling cause code or SIP signaling message code associated with each call attempt,” without specifying any particular codes.²⁹

8. Several commenters argue that categorizing “answered,” “busy,” “ring no answer,” and “unassigned number” call attempts consistent with the ISUP Cause values and corresponding SIP Response messages identified in the Appendix C legend will result in confusion and the submission of inaccurate data.³⁰ We reject these claims because the Appendix C call attempt category descriptions merely serve as examples; they may not fully capture every call attempt category completely, and they may not be appropriate in all cases. Since the Appendix C codes are merely examples, providers must determine whether they are appropriate for use in each case. For similar reasons, we find no reason to adopt commenter suggestions to eliminate the specific ISUP cause codes included in the Appendix C legend.³¹ Deleting the cause codes listed in Appendix C would not alter the definitions in the *Order* that covered providers must follow, and therefore there is nothing significant to be gained through their elimination.

9. We also do not think it necessary to specify alternative codes or other call attempt categorization methods³² and/or solicit further comment on the code definitions.³³ Any undertaking to identify specific cause codes as the exclusive methods of categorizing call attempts will necessarily supersede the level of specificity in the *Order* and therefore conflict with the *Order*’s text and intent to provide flexibility.³⁴ Indeed, the variations in the approaches proposed demonstrate that providers’ systems categorize call attempts differently. Providers should rely on the definitions in the *Rural Call Completion Order*, and they may consider the codes specified in the Appendix C legend as relevant examples. Because the *Rural Call Completion Order* does not precisely define certain call attempt categories, it permits some flexibility so long as the approach that providers adopt is consistent with the language and goals in the *Order*.

10. We disagree with commenters that argue that declining to specify mandatory codes heightens the chances for reporting inaccurate and/or misleading data.³⁵ Allowing providers to identify

²⁹ 47 C.F.R. § 64.2103(e)(9); *see also* 47 C.F.R. § 64.2103(e)(8) (“[A]n indication of whether the call attempt was answered . . . may take the form of an SS7 signaling cause code or SIP signaling message code associated with each call attempt.”).

³⁰ *See, e.g.*, CenturyLink Comments at 2-3, COMPTTEL Comments at 1-4; Level 3 Comments at 2-3; NCTA Comments at 1; XO Comments at 2-4; Verizon March 24, 2014 *Ex Parte* at 1.

³¹ *See, e.g.*, COMPTTEL Comments at 5-6; XO Comments at 2.

³² *See, e.g.*, CenturyLink Comments at 2-3 (stating that the best means to categorize a call as an “answered call” is to investigate into the calls via the Call Detail Record (CDR) for the indicator of conversation time which aligns with how billing to customers is determined); NCTA Comments at 2 (asserting that when call detail records indicate that calls with ISUP 16 and 31 and SIP BYE and CANCEL codes are unanswered, they should be reported as “ring no answer” calls).

³³ *See, e.g.*, COMPTTEL Comments at 5-6; Verizon Comments at 4; XO Comments at 2; *see also* ATIS Comments at 2 (stating that there is “substantial evidence on the record that the Commission’s focus on reporting of call answer rates is misplaced and that call answer rates—however they are determined—will not reliably identify rural OCNs with call delivery issues”).

³⁴ Such arguments would have been more appropriately raised in a petition for reconsideration of the *Rural Call Completion Order*. The Bureau does not have the authority to revisit the Commission’s decision.

³⁵ *See, e.g.*, XO Comments at 5-7.

categories of call attempts in the way that comports best with their existing methods of tracking, recording, and billing (so long as doing so is consistent with the *Order*) will produce more accurate data. Provider descriptions of the methodologies used to identify call attempt categories will help to ensure that the Bureau is able to interpret the reported data accurately. Providers therefore should make clear the method used to identify these call attempt categories in their quarterly reports.³⁶

B. Additional Commenter Requests

11. *Additional Time.* Verizon requests additional time if we “modify what constitutes an answered call or require the reporting of additional data.”³⁷ Similarly, COMPTTEL and XO assert that the Commission should delay the effective date of the recordkeeping, retention, and reporting rules pending the issuance of clarifying instructions.³⁸ Because we do not alter the data collection requirement by the *Order* or provide clarifying instructions, we conclude there is no reason to grant additional time. Further, our clarification in this Declaratory Ruling that covered providers have significant flexibility should obviate the need for extra time.³⁹

12. *Estimate Severity of Rural Call Completion Problems.* VCXC recommends that before proceeding, the Commission should estimate the percentage of total calls reflecting rural call completion problems, the error rate for respondent call completion data, and the percentage of calls in the indeterminate category.⁴⁰ VCXC further recommends that the Commission define the “confidence interval serving as the target for data reliability.”⁴¹ VCXC asserts that “[t]he exercise fails as a basis for FCC actions unless the error rate and the [indeterminate] category remain a small fraction of the problematic calls serving as the purpose for the data collection.”⁴²

13. We decline to undertake the calculations requested by VCXC. To the extent that VCXC is seeking reconsideration of the *Order*, such a request is untimely.⁴³ Further, the Commission has a

³⁶ Under 47 C.F.R. § 64.2105(a), covered providers are required to submit to the Commission quarterly reports containing the recording and retention data required by the rules adopted in the *Rural Call Completion Order*. See 47 C.F.R. §§ 64.2103, 64.2105; *Rural Call Completion Order*, 28 FCC Rcd at 16211-214, Appx. A. Before any reports are due, the Bureau will release a public notice that explains the filing mechanism in detail. The effective date of the information collections in these rules will be announced in the Federal Register, and covered providers must begin recording the data included in the reports they file with the Commission on the first day of the calendar month that is at least 20 days after the effective date. See *Rural Call Completion Order*, 28 FCC Rcd at 16184, para. 66.

³⁷ See Verizon Comments at 6.

³⁸ See COMPTTEL Comments at 5; XO Comments at 2, 5.

³⁹ We note that the data retention and reporting obligations adopted in the *Rural Call Completion Order* and modified in the *Rural Call Completion Recon Order* will not become effective until an announcement is published in the Federal Register of the Office of Management and Budget (OMB) providing approval. See *Rural Call Completion Recon Order*, 29 FCC Rcd at 14044-45, para. 44. OMB granted its approval on January 29, 2015. See OMB Control Number History, OMB Control Number 3060-1186, <http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-1186>.

⁴⁰ VCXC Comments at 1.

⁴¹ *Id.* at 1. VCXC states further that the anecdotes motivating the data collection suggest a problem with less than 1% of calls, while a review of comments suggests that coding is uncertain for at least 20% of calls. *Id.* We note that VCXC provides no basis for asserting that coding is uncertain for 20% of calls.

⁴² *Id.* at 1.

⁴³ A petition for reconsideration of a final order in a rulemaking proceeding must be filed within 30 days from the date of public notice of such action. 47 C.F.R. § 1.429(d). VCXC’s comments in this proceeding were filed on May

(continued...)

sufficient record of “frequent and pervasive” rural call completion problems⁴⁴ to justify its rules to address rural call completion issues, including the adoption of this Declaratory Ruling. The Commission, moreover, cannot determine the accuracy of respondent call completion data until such data are obtained and analyzed, as provided in the recordkeeping and retention rules adopted in the *Rural Call Completion Order*. To the extent that VCXC is asserting that we must define call completion categories more precisely and prescriptively, we disagree. Consistent with the *Rural Call Completion Order*, we anticipate that a certain degree of flexibility in reporting methodology is needed to ensure that we receive data that accurately accounts for differences in provider systems and technology.

14. *Additional Categories.* ZipDX argues that the reporting template should also include a column for “network failure,” noting that circumstances such as “all circuits busy” still occur and are distinct from “user busy.”⁴⁵ ZipDX also asserts that there should be a column for “call was unanswered and we don’t know what happened.”⁴⁶ ZipDX further argues that the data collection mandated in the *Rural Call Completion Order* will prove mostly ineffective and wasteful.⁴⁷ Finally, ZipDX states that rural citizens and their providers “would be better served if the resources were invested in developing efficient, near-real-time methods and systems for quickly investigating and resolving call-completion problems on a case-by-case basis as they are reported.”⁴⁸ These arguments are beyond the scope of this Declaratory Ruling and would require Commission reconsideration of its actions in the *Rural Call Completion Order*.⁴⁹ Further, the actions taken in the *Rural Call Completion Order* were designed to enable the Commission to work with providers to address and resolve call completion problems, by ensuring that providers record, retain, and report information critical for that purpose.⁵⁰

IV. CONCLUSION

15. In sum, consistent with the Commission’s stated intent in the *Order*, we clarify that covered providers may not count unanswered call attempts as answered calls under the Commission’s data retention and reporting rules. We clarify that the explanatory notes in Appendix C describing “answered” calls and “busy,” “ring no answer,” and “unassigned number” call attempts are intended to serve as examples rather than exclusive definitions. We reiterate that providers should, as part of their quarterly reports to the Commission required under 47 C.F.R. § 64.2105, explain the method they used to identify these call attempt categories.

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13, 2014, one hundred forty-seven days after the *Rural Call Completion Order* was published in the Federal Register on December 17, 2013. See VCXC Comments at 1; FCC, Rural Call Completion, 78 Fed. Reg. 76218 (Dec. 17, 2013), <http://www.gpo.gov/fdsys/pkg/FR-2013-12-17/xml/FR-2013-12-17.xml#seqnum76218>.

⁴⁴ *Rural Call Completion Order*, 28 FCC Rcd at 16160-162, 16215-217, para. 13; see also *id.* at paras. 1-15, Appx. A.

⁴⁵ ZipDX Comments at 4.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ ZipDX did not file a timely petition for reconsideration of the Commission’s *Rural Call Completion Order*. ZipDX’s comments were filed on April 28, 2014, one hundred thirty-two days after the *Rural Call Completion Order* was published in the Federal Register on December 17, 2013. See ZipDX Comments at 1.

⁵⁰ See *Rural Call Completion Order*, 28 FCC at 16174, 16184-185, paras. 40, 66-67.

V. ORDERING CLAUSES

16. Accordingly, IT IS ORDERED, pursuant to sections 1-5 and 201(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-155, 201(b), and sections 0.91, 0.291, and 1.2 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.2, that this Declaratory Ruling in WC Docket No. 13-39 IS ADOPTED.

17. IT IS FURTHER ORDERED that pursuant to section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), this Declaratory Ruling SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

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