

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a Proposed Rescission)
and Consolidation of Commission Rules)
Relating to Telecommunications)

Case No. TX-2018-0188

COMMENTS OF THE MISSOURI TELECOMMUNICATIONS INDUSTRY ASSOCIATION

In response to the Missouri Public Service Commission's ("Commission") *Notice of Proposed Rulemaking*,¹ the Missouri Telecommunications Industry Association ("MTIA") offers the following comments:

INTRODUCTION

The MTIA is a non-for-profit trade association that represents the interests of Missouri's telecommunications providers. The association monitors the activities of several state regulatory agencies, as well as the state legislature, federal agencies and Congress, serving as the industry's primary liaison in the state. Through the association, member companies communicate collectively with state regulators, legislators, and other stakeholder groups on public policy issues of mutual interest. A list of member telecommunications companies is included in Attachment A.

The MTIA opposes the rescission of Chapters 29, 34, and 36. All three Chapters of the rules identified in this case were established after years of compromise and effort by the telecommunication industry, Commission Staff, and other interested stakeholders and continue to have relevance today:

¹ MISSOURI REGISTER, Vol. 43, No. 10, May 15, 2018.

- Chapter 29 has been effective in protecting the integrity of Missouri's telecommunications network, supporting appropriate intercompany compensation, and preventing fraud.
- Chapter 34 addresses Missouri's public safety answering point (PSAP) and E-911 calling system.
- Chapter 36 provides clear procedural rules for alternative dispute resolution under the federal Telecommunications Act.

Therefore, in lieu of a wholesale rescission of these Chapters, the MTIA proposes that the Commission schedule industry workshops to address on a chapter-by-chapter basis any clarification or updates that may be needed to these rules in light of new technology and changing regulations.

COMMENTS

A. CHAPTER 29 – ENHANCED RECORD EXCHANGE RULES

The Enhanced Record Exchange Rules contained in Chapter 29 address the use of the Feature Group C (FGC) Network connecting Missouri's local exchange carriers (LECs), which is also sometimes referred to as the LEC-to-LEC Network. Following the introduction of competition (i.e., competitive local exchange carriers, or "CLECs") to the telecommunications market, disputes arose over the use of this network and the appropriate compensation for such use, which resulted in years of litigation and lost revenue for Missouri companies. Chapter 29 was implemented after years of problems with uncompensated and/or unidentified traffic being delivered to LECs. The rules helped resolve these issues by requiring records to be created and made available to

downstream carriers for billing the carrier whose customer placed the call (i.e., for use of the downstream carrier's network in completing the upstream subscriber's call). Chapter 29 has been effective in decreasing the flow of this uncompensated and unidentified traffic and continues to be necessary today to ensure the timely exchange of this billing information so that appropriate intercompany compensation can occur. In addition, Chapter 29 provided Missouri LECs with a lawful procedure to block such traffic.

For example, a few years ago a company called Halo Wireless claimed to be a "wireless" carrier and delivered millions of dollars in access traffic to large and small LECs alike without payment. After being sued by carriers across the country, Halo Wireless declared bankruptcy. In Missouri, however, Chapter 29 allowed LECs to minimize their losses and block the illegal traffic at an early stage, a process that was upheld by the Missouri PSC. See *Halo Wireless v. Craw-Kan Tel. Coop. et al.*, Case No. TC-2012-0331, *Report and Order*, issued Aug. 1, 2012. Thus, Chapter 29 is an administrative rule that has increased the integrity of Missouri's telecommunications network and helps both large and small Missouri businesses that provide essential telecommunications services and good jobs here in the state. The fact that there have been no recent complaints or cases relating to these rules is not an indication that they are unnecessary but a reflection that they are achieving their intended purpose.

B. CHAPTER 34 – EMERGENCY TELEPHONE SERVICE STANDARDS

The Emergency Telephone Service Rules contained in Chapter 34 establish detailed guidance for emergency 911 call routing and service related to public safety answering points (PSAPs) in the state of Missouri, including:

- Requirements for E-911 Service Providers
- Service Order Standards for Facilities Based Companies
- Telecommunications Facilities, Repair, and Routing Standards
- Database Accuracy Standards, including timeframes for updating the Master Street Address Guide (MSAG).

The rescission of Chapter 34 would remove the only state rules or regulations governing the operational framework of complex E-911 Systems. It is noteworthy that the provisioning of E-911 Services from the origin of a caller dialing 911, to the delivery and presentation of E-911 Data to the PSAP Operator, often involves multiple carriers on a jointly-provided service basis. The existing rules make clear the obligations of participating carriers in routing 911 calls, as well as maintaining and updating the E-911 database.

It has been many years since these rules were amended, so it may be appropriate for the industry and Commission Staff to hold a workshop with subject matter experts to review whether any amendments or revisions are needed to address new practices or technologies (such as voice over internet protocol or “VoIP” services). However, the existing rules in Chapter 34 address public safety and should be retained.

C. CHAPTER 36 – ALTERNATIVE DISPUTE RESOLUTION PROCEDURAL RULES GOVERNINE FILINGS MADE PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996

The Alternative Dispute Resolution (ADR) Procedural Rules in Chapter 36 establish procedural guidelines for telecommunications carriers under the Telecommunications Act of 1996 (the Act). The authority to establish these rules was delegated to the states by the FCC. After the Act came into effect, numerous disputes arose across the country about procedural matters including arbitrations and mediations between carriers. The Missouri PSC rules allow Missouri carriers (and the Commission) to focus on the substantive issues related to interconnection rather than procedural issues. The rules are clear and easy for all parties to understand. There is no reason to rescind them and open the door for future procedural disputes.

CONCLUSION

The MTIA opposes rescission of Chapters 29, 34, and 36, and the MTIA recommends that the Commission schedule telecommunications industry workshops with Staff to review any changes or updates to these rules that may be needed in light of new services and technologies.

Respectfully submitted,

/s/ Richard Telthorst, President & CEO

Attachment A

Alma Telephone Company
American Broadband
AT&T Missouri
Bluebird Network
BPS Telephone Company
CenturyLink
Chariton Valley Telephone Corporation
Choctaw Telephone Company
Citizens Telephone Company
Craw-Kan Telephone Cooperative, Inc.
Ellington Telephone Company
FairPoint Communications Missouri, Inc.
 d/b/a Consolidated Communications
Farber Telephone Company
Fidelity Telephone Company
Goodman Telephone Company
Granby Telephone Company
Green Hills Telephone Corporation
GRM Networks
IAMO Telephone Corporation
Kingdom Telephone Company
Le-Ru Telephone Company
LTC Networks
Mark Twain Rural Telephone Company
McDonald County Telephone Company
Miller Telephone Company
Mokan Dial, Inc.
New Florence Telephone Company
New London Telephone Company
Northeast Missouri Rural Telephone Company
Northwest Missouri Cellular
Orchard Farm Telephone Company
Oregon Farmers Mutual Telephone Company
Otelco Mid-Missouri LLC

Ozark Telephone Company
Peace Valley Telephone Company, Inc.
Rock Port Telephone Company
Seneca Telephone Company
Steelville Telephone Exchange, Inc.
Stoutland Telephone Company
Verizon Communications