United States Senate

WASHINGTON, DC 20510

December 3, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

We have heard from many constituents in our states regarding the persistent problem of some long-distance telephone calls not being completed to consumers in rural areas. Telephone service has become less reliable as consumers experience calls that fail to complete, are delayed, have poor voice quality, lack correct caller ID information, or are never connected because some originating providers simply refuse to connect calls to customers served by small rural carriers.

While an increasing number of Americans rely on high-speed Internet and mobile communications, many people still depend on traditional landline telephone service. Call completion problems have serious economic consequences throughout rural America. During this difficult economic period, small businesses cannot afford to lose business opportunities because of dropped calls and poor service quality. We are also concerned about public safety and worry it is only a matter of time before this situation leads to tragedy when a rural customer is unable to receive an urgent call. Small business owners and people living in rural areas are rightfully frustrated and demand a resolution to these problems.

Our constituents' concerns are supported by the National Exchange Carrier Association's April 2012 call completion study that concluded that call failure rates were significantly higher in rural areas compared to their non-rural counterparts across all call originating platforms. The study found that instances of poor voice quality and delays were also higher in rural areas. Additionally, the study revealed that a concerning rate of calls originating as nomadic VoIP were failing to be completed.

We believe the Federal Communications Commission's February 2012 Declaratory Ruling on Rural Call Completion Issues was a step in the right direction, but unfortunately, these problems are continuing to occur at an alarming rate. Swift action is needed to restore quality service in rural areas and to preserve the basic integrity of our nation's communications network. We understand the Commission has been investigating call termination problems since fall 2011 and has developed online portals for consumers and providers to report problems. We urge the Commission to release a summary of its investigation and the information it has gathered in aggregate form that protects the privacy of consumers and individual companies' confidential information.

These problems have continued for far too long. To protect rural consumers and ensure these problems are promptly addressed, we urge the Commission to continue promoting industry best practices and use all authorized and appropriate enforcement powers to take action against parties found to be engaging in the prohibited activities outlined in the Commission's

Declaratory Ruling. Should the Commission suspect an originating provider is violating its Declaratory Ruling, we urge the Commission to expedite its investigation by requiring the originating provider to submit network performance data. This information should include a detailed analysis of call completion rates. If an originating provider submits information indicating that calls sent from that provider's network to rural consumers have materially greater failure rates than calls to urban areas, such information should trigger further review of the provider's operations.

The use of least cost routing services is believed by many to be a factor contributing to these problems. When the Commission suspects an originating provider is failing to properly deliver calls to rural areas, the Commission should require the originating provider to report whether it has utilized a least cost routing service. Such information could warrant additional scrutiny by the Commission.

Thank you for your attention to this matter. We respectfully request that you consider implementing the actions we have recommended and urge you to work with the Federal Trade Commission to conduct a parallel investigation if it is determined that your agency lacks jurisdiction over any of the providers failing to properly complete calls to rural areas. We also ask that you outline your plans for carrying out our recommendations or describe an alternative action plan that will resolve these problems and ensure that rural businesses and consumers can once again access reliable telephone service.

Sincerely,

Senator Tim Johnson

Senator Chuck Grassley

Senator John Thune

Senator Al Franken

Senator Patrick J. Leahy

Senator Bernard Sanders

Senator Tom Harkin

Senator Ben Nelson

Senator Amy Klobuchar

Senator Jon Tester

Senator Jeff Merkley

Senator John Barrasso

Senator Max Baucus

Senator Barbara Boxer

Senator Michael B. Enzi

Senator Kent Conrad

Senator Michael F. Bennet

Senator James M. Inhofe

Senator John Hoeven

Senator Maria Cantwell

Senator Richard J. Durbin

Senator Tom Udall

Senator Herb Kohl

Senator Mark Kirk

Senator Mike Johanns

Senator Orrin G. Hatch

Senator Debbie Stabenow

Senator John Boozman

Senator Carl Levin

Senator Mark Udall

Senator Jeff Bingaman

Senator Mark L. Pryor

Senator Ron Wyden

Senator Claire McCaskill

cc: Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai