

## telecommunications, media, and technology lawflash

March 5, 2015

### Revised Rural Call Completion Reporting Requirements Effective April 1

*Covered providers must begin collecting and retaining rural call completion data as of April 1, to be reported beginning August 1.*

On March 4, the Federal Communications Commission (FCC or the Commission) published in the *Federal Register* a notice that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the FCC's Rural Call Completion Order (the Order). The information collection, retention, and reporting requirements under the Order begin on **April 1**. The FCC also issued a public notice that provides further information about recording, collection, and reporting deadlines and electronic filing.

The Order contains a host of new data collection, retention, and reporting requirements aimed at ensuring completion of calls to rural areas.

#### Providers Covered by the Rules

The Commission's recording, retention, and reporting requirements apply to providers of long-distance voice services that make the initial long-distance call path choices for more than 100,000 domestic retail subscriber lines. This 100,00 number is arrived at by counting the total of all business and residential fixed subscriber lines and mobile phones and aggregated over all of the providers' affiliates, regardless of whether the providers are facilities based or not (covered providers). In most cases, this is the calling party's long-distance provider. **Covered providers include voice over Internet protocol service providers (interconnected and one-way), local exchange carriers, interexchange carriers, and commercial mobile radio service providers.** The rules do not apply to intermediate providers. Originating long-distance voice service providers that do not make the initial long-distance call path decisions for more than 100,000 domestic retail subscriber lines are not required to comply with the recording and reporting requirements. Instead, the entity or entities that make the initial long-distance call path decisions for calls from those providers' end-user customers must record and report data for those calls. All originating long-distance voice service providers that have more than 100,000 domestic retail subscriber lines but that are not required to file quarterly reports must file a one-time letter with the Commission and certain affected carriers on April 1.

#### Information Collection Effective Date

Covered providers must begin recording the required data on April 1.

#### Information Collection Requirements

The rules require covered providers to collect and retain the following information for each long-distance call attempt: calling party number; called party number; date; time of day; whether the call is handed off to an intermediate provider and, if so, which intermediate provider; whether the call is going to a rural carrier and, if so, which rural carrier, as identified by its Operating Company Number (OCN); whether the call is interstate; and whether the call attempt was answered. The rules also require certain "cause code information" to be retained.

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The rules require covered providers to record data for all domestic long-distance calls, regardless of whether the calls are interstate or intrastate, and to report data on interstate and intrastate calls separately.

## Autodialer Traffic

Covered providers must include autodialer traffic in their collection, retention, and reporting. Covered providers may, however, submit separate calculations in their reports that segregate autodialer traffic from other traffic, accompanied by an explanation of the method that the provider used to identify the autodialer traffic. Call attempts of short duration must also be included, but the rules exclude both call attempts handed back to an upstream provider and call attempts to toll-free numbers.

## Data-Retention Requirements

The rules apply a six-month retention period for covered carriers to retain the required collected information for calls made to rural telephone companies as identified by OCNs.

## Reporting Requirements

The rules require covered providers to submit a certified report to the Commission once per calendar quarter that includes for each full month in that quarter (1) for each rural OCN, the OCN, the state, the total number of attempted interstate calls, the number of attempted interstate calls that were answered, the number of attempted interstate calls that were not answered, and the number of those calls reported separately for call attempts signaled as “busy,” “ring no answer,” or “unassigned number”; (2) the same information described in (1), but for intrastate calls; (3) the same information regarding attempted interstate calls described in (1), but for nonrural OCNs in the aggregate; and (4) the same information regarding attempted intrastate calls described in (2), but for nonrural OCNs in the aggregate. Affiliated providers can report individually or aggregated to the holding-company level.

The rules require covered providers to report data that will allow the Commission to calculate the call answer rate, rather than requiring covered providers to report the call answer rate themselves. The rules also require covered providers to report data regarding unanswered calls. Specifically, covered providers must report, for each rural OCN and for nonrural OCNs in the aggregate but separated by interstate and intrastate call attempts (a) the total number of call attempts, (b) the number of answered calls, (c) the number of call attempts that result in a “busy” code, (d) the number of call attempts that result in a “ring no answer” code, and (e) the number of call attempts for which the called number was reported to be unassigned.

Pursuant to the Commission’s rules, the National Exchange Carrier Association (NECA) has provided a list of rural and nonrural OCNs on its website at <https://neca.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=11187&libID=11207>.

The reports must be submitted in electronic form using a template specified by the Commission. Generally, the quarterly reports will be due each year on February 1 (reflecting monthly data from October through December), May 1 (reflecting monthly data from January through March), August 1 (reflecting monthly data from April through June), and November 1 (reflecting monthly data from July through September).

Covered providers that file reports may request confidential treatment of all or portions of the data that they submit without filing the detailed confidentiality justification required by section 0.459 of the Commission’s rules. The Commission will release information to states on request if those states are able to maintain the confidentiality of this information. The Commission will also inform carriers of any data requests made covering reported information.

The Commission will encourage, but not require, rural incumbent local exchange carriers to report quarterly on the number of incoming long-distance call attempts received, the number answered, and the call answer rate calculation for each of the previous three months by the reporting dates for covered providers.

## Exceptions, Safe Harbors, and Waivers

The rules include a “managing intermediate provider safe harbor” measure, which will provide reduced collection, retention, and reporting requirements. This safe harbor will apply to providers that use no more than two intermediate providers in a given call path before the call reaches the terminating provider. The rules provide additional detail on how the safe harbor will be applied and specific qualification requirements.

The rules also contain a waiver process to enable providers that have taken steps in addition to satisfying the requirements for the safe harbor to ensure that calls to rural areas are being completed to receive a waiver of the data-retention obligations. The Wireline Competition Bureau, in consultation with the Enforcement Bureau, has been delegated authority to consider requests for waiver of the specific reporting and data-retention rules. The rules provide additional detail on how to apply for a waiver and what waiver requests must demonstrate.

## Contacts

If you wish to further discuss the Commission’s Order and the notice of proposed rulemaking, please do not hesitate to contact any of the following Morgan Lewis lawyers:

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