



INDIANA UTILITY REGULATORY COMMISSION  
101 W. WASHINGTON STREET, SUITE 1500 EAST  
INDIANAPOLIS, INDIANA 46204-3407

llandis@urc.in.gov  
Office: (317) 232-2706  
Facsimile: (317) 232-6758

October 24, 2013

**Notice of Ex Parte**

The Honorable Mignon Clyburn,  
Acting Chairwoman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

The Honorable Jessica Rosenworcel,  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

The Honorable Ajit Pai,  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**Re: *In the Matter of Rural Call Completion, WC Docket No. 13-39***

Dear Chairwoman and Commissioners:

Media accounts of the forthcoming Order and Further Notice of Proposed Rulemaking in the above captioned proceeding are indeed welcome and I affirm the three sitting FCC commissioners for their willingness to act. I agree wholeheartedly with the recent statement of Acting Chairwoman Clyburn that "It is shocking that in this day and age, long-distance calls to rural Americans all too often are not being completed....All told, this is a serious and unacceptable situation for people living in rural America."<sup>1</sup> As a member of the National Association of Regulatory Utility Commissioners (NARUC), I endorse the Association's statement that it is "pleased that the FCC Chair, Mignon Clyburn has made call completion a priority and pressed for a response to the [Feb. 7, 2013] rulemaking."<sup>2</sup> In the flurry of last-minute filings before the sunset date urging restraint and seeking to obscure the seriousness of the problem, the need for an immediate, forceful response could be blunted or lost by those who seek to overwhelm the record once again.

While the inconvenience suffered by rural residential customers and those attempting to call them is certainly significant, there is another aspect of this problem that warrants additional emphasis. Call completion problems can have a direct impact on the livelihood of individual businesses and on the overall economic climate of rural areas in Indiana and across the country. In that regard, I direct

<sup>1</sup> "Statement of Acting Chairwoman Mignon Clyburn on Circulation of Rural Call Completion Order" (Sept. 17, 2013).

<sup>2</sup> News Release: Statement by John Burke, Chair of the NARUC Committee on Telecommunications (Sept. 17, 2013).

your attention to the September 30 Notice of Ex Parte in this proceeding and, more particularly, the underlying e-mail message that Mr. Lee VonGuntен, General Manager of Craigville Telephone Company, sent to you on September 26. <<http://apps.fcc.gov/ecfs/document/view?id=7520946501>> As Mr. VonGuntен said, rural carriers “live and die by the friends and neighbors we serve with telecom, internet, and TV... Literally, our survival depends on whether our business customers can receive calls from their customers.” By [the FCC’s] lack of enforcement of “**rural call termination**” [the FCC] may single-handedly destroy the viability of our company and others like us [*Emphasis in original*]. If business customers pull their service from our network, the end will come for us and there is not one thing I can do to stop it.” As the backdrop for this E-Mail, Mr. VonGuntен cited one large business customer with over 300 customers that informed him it could no longer accept not being able to receive calls from its customers and stated it planned to move its telecom services “back to a large national carrier.” “If this continues rural communications (and life in general) for our company and employees will never be the same.”

Increasingly, rural providers are having to resort to extraordinary “workarounds” in order to assure that the calls directed to them are in fact ultimately delivered to their customers. In a last ditch effort for business customers bedeviled by call termination problems, Craigville Telephone has ported about 30 of its customer numbers to INdigital Telecom (Craigville is a minor shareholder) in Fort Wayne, Indiana. (INdigital Telecom has a Certificate of Territorial Authority from the IURC to operate as a CLEC, toll reseller, and wireless provider in Indiana.) The General Manager explains that INdigital call forwards a newly assigned (temporary) number back to the Craigville Telephone switching network and Craigville delivers the call to the customer. While this is a painful and time consuming process, they have no other alternative which will assure call delivery for these customers.

There is no other way to describe the actions of the manipulative least cost routers than to characterize them for what they are: a perversion of the marketplace, illegal activity motivated by greed and reckless disregard for those attempting to play by the rules. Such activity must be crushed.

In closing, I again encourage you to take bold, additional enforcement action now, with significant penalties for both past and future infractions of the rules. Immediate action is warranted to resolve those rural call completion problems that can be resolved now, and to move aggressively in seeking broad additional comment where the record is insufficient to allow immediate resolution.

Best personal regards,



Larry S. Landis, Commissioner  
Indiana Utility Regulatory Commission

cc: Marlene H. Dortch, FCC Secretary