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Comments from Jon D. Jones, CEO - Data Tech, Inc.
CABS Billing Service Bureau and Inter-carrier Billing Consultants

Regarding Docket No. 14-228, Data Tech, Inc. would like to file the following brief comments pertaining to the ongoing issue of IntraMTA traffic disputes filed by the IXC's who are named in the previous comments and responses the FCC has received from other parties to date. These comments will not contain footnotes or lengthy term definitions, as all parties should be aware of those based on their industry experience.

Data Tech, Inc. provides Carrier Access Billing (CABS) services to a number of CLECs of varying sizes. The owner/operators of Data Tech have been performing CABS billing, in some capacity, since the mid 1980's, and have a deep understanding of the CABS billing process. In its role for its customers, Data Tech is responsible for addressing collections and disputes that may result from the billings it produces. As a matter of record, Data Tech fundamentally disagrees with the practice of IXC's routing IntraMTA calls over IXC FGD facilities, and also disagrees with the current and retroactive disputes filed by those IXC's for calls allegedly routed that way, for all of the reasons cited by the opposing parties. Data Tech has also filed denials to those disputes in its normal course of business. Yet, Data Tech also understands that it is not a common carrier, and thus has no real stake other than to address the accuracy of the billing service it provides to its customers, and to collect access charges where access charges are due.

So, the purpose of our comments here are not to reiterate those reasons which stand valid on their own as stated by the multiple opposing parties, but to provide practical and logistical reasons why these disputes and the associated routing practices are simply unsupportable in CABS. Those reasons will appear in somewhat of a list format to follow.

1. Carrier Access (CABS) systems and industry standard CABS call detail records (CDRs in ATIS Category 11 EMI format) do not support the jurisdictional determination of InterMTA vs. IntraMTA. CABS jurisdiction is determined by the relative geographic location associated to a Calling Party Number and Called Party Number based on the two sets of NPA/NXX codes of those telephone numbers, at a state and LATA level. Since CMRS geography is MTA defined, and since CMRS numbers are mobile, that existing CABS jurisdictional methodology cannot be accurately used to determine CMRS originated call jurisdiction to any degree of accuracy. Those deficiencies can be somewhat addressed in ICA compensation terms directly between CMRS providers and LECs where they are directly interconnected, however no such terms exist when a third party IXC is involved in the call-flow (for CLECs and small LECs at least two intermediate carriers involved counting the Tandem LEC where the FGD traffic is aggregated), and Switched Access tariffs LECs and mirroring CLECs largely make no reference to specialized billing treatment for MTA orientation because the tariffs do not anticipate that an IXC will carry IntraMTA or non-Interexchange traffic.

2. Determining MTA jurisdiction using the JIP indicator is not practical or supportable because so few carriers provide it in the call stream and/or, the data is lost in converting the switch CDR from its native format into a CABS CDR. Even in the event the JIP were somehow always present, which it is not probably 90% of the time based on our analysis, that JIP NPA/NXX value must represent the geographic first tower location where the CMRS subscriber originated its call, and there is simply no way to validate that it is correct. First Tower has always been an issue in trying to accurately bill the CMRS providers directly, and remains no less of a problem when billing an IXC.

3. Determining more accurate jurisdiction using SS7 records is neither practical nor feasible as our analysis of those records provided by the disputing IXC's and/or their expense validation bureaus, in support of these disputes, has found sketchy JIP population at best, and an enormous amount of "enrichment" using other outside
Data sources which cannot be validated. SS7 records are not employed (at least in any main stream fashion that Data Tech knows of) in the creation of production CABS billing records today, primarily due to the expense of recording and warehousing SS7 records, but also because the actual switch record itself has always proven to be sufficient for use in CABS billing, absent the misrouting of calls by CMRS providers and IXCs which causes them to become less useful and less accurate.

4. Utilizing traffic factors for the purpose of allocating some portion of an IXCs CMRS carried usage to IntraMTA is not supportable for a couple of reasons. First, analytical challenges exist for all of the reasons stated above, as the same records used, or not used, to establish MTA orientation in real-time billing would be the ones used or not used to establish a factor to do the allocation. Secondly, no advent for the employment of an “MTA factor” exists in current CABS software platforms, primarily because no issue or requirement from ATIS’ Ordering and Billing Forum has ever been created and implemented for that purpose. Based on this, neither do the LEC and CLEC counterpart entities of the disputing IXCs possess industry compliant logic to address the billing of IXC carried IntraMTA calls to other IXCs that they themselves bill. Those LEC and CLEC entities should absolutely be held to the standard of their disputing IXC counterparts.

5. As the ICC Reform glide path progresses, and associated access revenues decline, LECs and CLECs allocate fewer and fewer resources, financial and human, to augmenting systems that support a fading revenue stream. From a compliance perspective, the last major mandated augment was to support VoIP allocation and associated PVU (Percent VoIP Usage) logic into CABS. That issue was worked through the ATIS OBF and took months and many dollars to implement.

6. Finally, the CMRS provider should carry some responsibility for accurate routing. Their relative “Access Free” designation enjoyed over the years should stimulate their willingness to cooperate with the parties who carry and terminate their calls towards a resolution of this very resource exhaustive and untimely issue. Data Tech has made numerous attempts at engaging the CMRS originators of the very calls in dispute with no response from the CMRS provider, and I am sure all parties have noticed that CMRS providers have been quite silent, basically absent, in the back and forth over Docket No. 14-228.

Hopefully these comments will be meaningful and/or helpful in helping the FCC make its expedient decision, as the dialogue on 14-228 has declined to nothing more than repeated reiterations of the same supporting arguments from carriers on both sides.

Respectfully submitted,

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