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FCC Waives Access Arbitrage Rules to Enable Conference Calling

The FCC's Wireline Competition Bureau today temporarily waived the agency's access arbitrage rules for Inteliquent, Inc., which carries traffic for conference calling providers Zoom Video Communications and Cisco WebEx.

Absent the action in WC docket 18-155, "the massive increase in conference calls made by American consumers using Zoom and WebEx to work and attend classes from home during the COVID-19 pandemic would likely result in Inteliquent being deemed an 'access-stimulating' carrier under the FCC's rules," the agency said in a news release. "This, in turn, would trigger financial responsibilities — namely significant cost increases — for Inteliquent that would impede its ability to serve these conference calling companies."

"This nationwide pandemic has fundamentally changed our daily lives. Americans across the country — me included — have transitioned to teleworking, and their kids have transitioned to remote learning. Inteliquent's customers enable these things to happen by providing popular conference calling platforms," said FCC Chairman Ajit Pai. "Given the sharp increase in conference calling traffic, we've granted a waiver to Inteliquent so it can continue to provide service to these platforms, specifically by avoiding unintended, negative financial consequences under our access arbitrage rules. Those rules targeted companies that have been exploiting our intercarrier compensation system by generating inflated call volumes to pad their bottom lines. They weren't intended to ensnare companies that, during a national emergency, are experiencing unprecedented call volumes that would push them out of compliance without a waiver."

The temporary waiver will expire on June 1; Inteliquent may seek a renewal.

Meanwhile, FCC Commissioner Brendan Carr said today that the FCC deserves its share of credit for the strong performance of communications networks during the pandemic.

"The strong performance we've seen in the U.S. is no accident. Over the past few years, we have created a regulatory environment that enabled Internet providers to invest heavily in their networks — outpacing investments in other countries — and to build new Internet infrastructure at a record-breaking pace," Mr. Carr said in a Medium column. "Over the last two weeks, the FCC has been in constant contact with network operators and infrastructure builders to keep ahead of any potential problems. We have anticipated increased demand by allowing wireless providers access to more spectrum on a temporary basis. FCC Chairman Pai also increased funding for healthcare providers for Internet connections, and he obtained commitments from Internet providers to help Americans stay connected through financial difficulty. Internet providers have also expanded their own efforts to keep

low-income Americans and students connected. A review of network loads and performance provides insights into how Americans' lives have shifted and how our connections are holding up.”

In other coronavirus pandemic-related news, AT&T, Inc., today reported that core network traffic was 29% higher yesterday compared with the same day last month, while wireless voice minutes of use were 27% higher, Wi-Fi calling minutes of use were 78% higher, and home voice calling minutes of use were 38% higher than an average Thursday. “We currently have 10 portable cell sites operating and have deployed more than 22 during the response to COVID-19 to bolster coverage for our FirstNet customers,” AT&T added. —Paul Kirby, paul.kirby@wolterskluwer.com

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