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July 25, 2003

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in CC Docket No. 94-102, IB Docket No. 99-67

Dear Ms. Dortch:

Pursuant to Section 1.206 of the Commission's rules, this letter is filed to advise you that James S. Blaszak and I, on behalf of the Ad Hoc Telecommunications Committee, met with Marcy Greene and Greg Cooke of the Wireline Competition Bureau on Friday, July 25, 2003 to discuss the proceeding identified above.

The parties discussed Ad Hoc's position in the proceeding as reflected in its previously filed comments as well as the outline attached hereto, copies of which were left with Ms. Greene and Mr. Cooke.

If you have any questions or need any additional information, please let me know.

Sincerely,



Andrew M. Brown

Attachments

cc: Greg Cooke (w/o Attachment)
Marcy Greene (w/o Attachment)

**Ad Hoc Telecommunications Users Committee
Meeting with FCC Wireline Competition Bureau
Re: E911/MLTS Issues in CC Docket 94-102**

July 25, 2003

- **The E911/MLTS Issue**

- FCC seeking information about “appropriate role” for it (if any) in requiring MLTS owners/operators to provide specific call-back and location information.
- Determination of the need for and appropriate level of detail required for call-back and location information in large corporate environments (high rises, campuses, etc.) essentially an issue of workplace safety standards.
- No statutory jurisdiction or agency expertise permitting FCC to regulate MLTS owners/operators or workplace safety issues.
- Admirable public safety goals obfuscating legal and jurisdictional issues associated with some proposals for MLTS regulation.

- **Ad Hoc’s Interest**

- Representative organization of large corporate end-users of telecommunications services.
- Members’ telecommunications networks support tens of thousands of employees.
- Regulations directly related to safety, health, and welfare of employees in the workplace customarily imposed by governmental entities with relevant expertise and legal authority (OSHA and state counterparts) over workplace safety issues.
- Diversity of members’ workplaces creates a “One Size Fits All” Problem
- MLTS regulations imposed solely from a communications technology perspective (*i.e.*, is it technologically feasible?) could impose significant costs without commensurate employee/public safety benefits.

- **FCC Lacks Jurisdiction to Impose Regulations on MLTS Operators**

- No jurisdiction granted under Communications Act
 - No jurisdiction over employers conferred by Title II or Title III.
 - Subject matter jurisdiction under §§ 1 and 4, while general, is not unlimited.
- No personal or subject matter jurisdiction granted under Wireless Communications and Public Safety Act of 1999
 - Does not authorize FCC to expand regulations to MLTS regulations as suggested by some commenters.
 - Act specifically prohibits FCC from imposing costs.
- No jurisdiction *contemplated* under pending legislation.
 - Enhanced 911 Emergency Communications Act of 2003 [S.1250].
- **OSHA Exists for the Purpose of Regulating Workplace Safety**
 - Specific delegation by Congress to regulate workplace safety issues creates no question regarding OSHA jurisdiction.
 - Expertise in analyzing and promulgating workplace safety regulations.
 - Detailed workplace safety regulations already in place.
- **Public Comments in Support of MLTS Regulation Flawed**
 - None address jurisdictional issues raised by Ad Hoc.
 - Perceived “public expectations” inadequate substitute for legal authority.
 - Admirable public safety goals used to urge FCC to impose regulations outside its authority and at undefined cost.
- **Assuming, *arguendo*, FCC Jurisdiction, No sufficient Cost/Benefit Analysis to Support Proposed Regulations Has Been Undertaken**
 - Costs have not been adequately addressed in record.

- Benefit of generalized regulations given diversity of workplaces, differing PSAP capabilities, existence of alternative signaling capabilities, technological limitations, and industry-specific requirements have not been established.
- Prior to issuance of any regulations over MLTS providers, FCC should undertake meaningful cost/benefit analysis to ensure narrowly tailored regulations meet public safety goals.
- **Consensus Proposal reflects negotiated compromise on MLTS regulations**
 - In the event that FCC promulgates MLTS regulations, Consensus Proposal reflects comprehensive package of negotiated compromises.
 - Transmission of location and call-back information allocated to agreed upon number of square feet in corporate premises.
 - Waiver permitted for employers with alternative signaling procedures.
 - Pre-emption of inconsistent state requirements.