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March 31, 2005

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

*Re: New Part 4 of the Commission's Rules Concerning Disruptions to  
Communications (ET Docket No. 04-35)*

*Notice of Oral Ex Parte Communication*

Dear Ms. Dortch:

On Thursday, March 31, 2005, Hamilton E. Gray, Jr., Network VP-BellSouth Long Distance, Inc. (BSLD), Carol L. Matz, Manager-Regulatory Policy, BellSouth Telecommunications (BST), Archie C. McCain, Director-Operational Standards, BellSouth Telecommunications, Theodore R. Kingsley, Senior Regulatory Counsel-BellSouth and the undersigned met with Jeff Goldthorp, Kent Nilsson and Jim Schlichting to discuss service disruption issues raised in BellSouth Corporation's January 3, 2005 *Petition for Reconsideration and/or Clarification*.

First, BellSouth reviewed its proposal for adopting a different metric for the reporting of outages involving non-intelligent network elements, such as feeder cables and DLC systems. Under the FCC's new rules, a provider must report an outage that lasts at least 30 minutes and affects a minimum of 900,000 potential "user minutes," defined as "the mathematical result of multiplying the outage duration, expressed in minutes, by the number of end users potentially affected by the outage." BellSouth reiterates its request that the Commission substitute the number of affected cable pairs for "user minutes."

For wireline carriers such as BellSouth, the number of "end users" is the sum of "assigned" and "administrative" telephone numbers, as currently defined by FCC rules. BellSouth explained that because non-intelligent network elements such as feeder cables and DLC systems, acting as conduits, simply pass calls from one point to another and do not use telephone number data to route calls, they do not possess the ability to calculate or ascertain the number of assigned/working lines directly from these facilities. In addition, because feeder cables are passive elements that are incapable of electronic failure, they are neither equipped with alarm

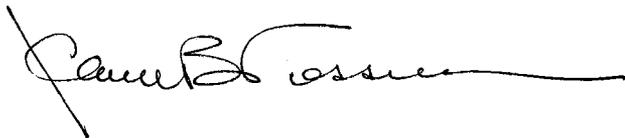
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devices nor are monitored on a company-wide level. BellSouth estimates it would have to spend approximately \$23M to develop a mechanical system to quickly determine the number of assigned and administrative telephone numbers associated with non-intelligent feeder network events, which total approximately 100 per year. The FCC could achieve the same result, i.e., receive notification of outages affecting non-intelligent elements, by allowing providers to count the number of affected cable pairs as the reporting metric, which would be a much more accurate, far less costly and less burdensome alternative. BellSouth further recommends that wireline LECs be required to report outages affecting non-intelligent elements, such as feeder cables or DLC systems, only if 600 or more cable or derived pairs are out of service for more than five calendar days after discovery. This approach would use a threshold convention that is standard throughout the industry.

Second, BellSouth reiterated its request for clarification of the rules that require pure resellers such as BSLD to report outages that affect facilities it neither owns, operates, nor maintains. BSLD obtains transmission facilities, data services, complex voice services and signaling facilities from a variety of non-affiliated vendors and resells them to its long distance customers. Because BSLD neither controls nor manages these services and facilities, it does not have any direct knowledge of equipment design, or engineering or installation procedures employed by these vendors. Thus, the information sought by the FCC in its network outage reports is not in BSLD's possession and BSLD must depend on customer trouble reports and the cooperation of underlying owners/operators/vendors for access to information required to complete FCC outage reports. If a network outage meets the threshold set by the FCC for services or facilities resold by BSLD, only the underlying carrier has access to the specific information that is necessary to file a complete outage report, and any information vendors agree to share with BSLD would only duplicate information already filed by the vendor. For these reasons, BSLD recommends that the FCC exempt pure resellers from the obligation to file outage reports when the outage involves resold facilities or services that the reseller neither controls nor manages.

In accordance with Section 1.1206(B)(2) of the Commission's rules, I am filing this letter electronically with your office for inclusion in the public record. Please direct any questions regarding this matter to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul B. Ross", with a long horizontal flourish extending to the right.

cc: Jeff Goldthorp  
Kent Nilsson  
Jim Schlichting