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Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWB-204  
Washington, DC 20554

Re: *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Network, EB No. 06-119; WC No. 06-63*  
Notice of Ex Parte Filing

Dear Ms. Dortch:

We understand that the Commission is considering revised rules governing back-up power requirements in the above-referenced proceeding to address industry concerns. AT&T has not yet had the opportunity to conduct an inventory of its central offices, cell sites, and remote terminals in order to assess fully the implications of a framework that bases compliance on explicit hour requirements and exceptions. Nevertheless, if the Commission were to adopt such a framework, AT&T believes that the following language would best implement such an approach.

In accordance with Commission's rules, this letter is being filed electronically with your office for inclusion in the public record.

Sincerely,

/s/ Robert W. Quinn, Jr.

## § 12.2 Backup Power

### (a) Definitions.

(1) "Cell Site" means a Commercial Mobile Radio Service facility that provides radio access to end users. Provided, however, that the term "Cell Site" shall not include Distributed Antenna Systems ("DAS"), repeaters, micro-sites, pico-sites, femto-sites and related equipment.

(2) "Central Office" means a LEC facility containing host switching equipment;

(3) "Remote Terminal" means a remote location containing remote switches or digital loop carrier systems connected to central office host switching equipment.

(b) To promote public safety in the event of a loss of commercial AC power, local exchange carriers (LECs), including incumbent LECS (ILECs) and competitive LECs (CLECs), and commercial mobile radio service (CMRS) providers, shall provide at least 24 hours of back-up power at Central Offices, and 8 hours of back-up power at Cell Sites and Remote Terminals, subject to and consistent with paragraphs (b)(i)-(iii) below.

(i) LECs and CMRS providers are not required to provide back-up power capacity as set forth herein at any Central Office, Cell Site, or Remote Terminal at which such capacity levels are infeasible due to limitations arising from any federal, state or local law or restriction; any private legal obligation or requirement; any public safety concern; or incompatibility with structural engineering load or space.

(ii) CMRS providers shall not be required to provide back-up power at any Cell Site if 100% of the coverage area served by that Cell Site is served by other Cell Sites that meet the back-up power requirements set forth herein.

(iii) The back-up power requirements set forth herein may be satisfied by deployment of on-site and/or mobile back-up power sources or other sources. On-site power sources satisfy the requirements of this rule if such sources were originally designed to provide the minimum back-up capacity level required herein.

(c) Every LEC and CMRS provider shall prepare and file with the Commission the following information within 12 months from the effective date of this rule:

(1) An inventory listing each Central Office in its network that contains equipment that was designed to provide emergency back-up power for a minimum of 24 hours, and each Cell Site and Remote Terminal in its network that contains equipment that was designed to provide emergency back-up power for a minimum of 8 hours;

(2) An inventory listing each Cell Site, Central Office and Remote Terminal in its network that contains equipment that was designed to provide less than the emergency back-up power capacity specified in subsection (c)(1) and for which such capacity is infeasible due to limitations arising from any federal, state or local law or restriction; any private legal obligation or requirement; any public safety concern; or incompatibility with structural engineering load or space restrictions.

(3) An inventory listing each Cell Site, Central Office and Remote Terminal in its network that is not listed in the inventories described in subsection (c)(1) or (c)(2).

(d) For all Cell Sites, Central Offices and Remote Terminals listed in the inventory required pursuant to subsection (c)(3), the LEC or CMRS provider shall, within 36 months from the effective date of this rule, file with the Commission an emergency back-up power plan that describes how, in the event of an AC power failure, the LEC or CMRS provider intends to provide power, consistent with the requirements herein.

(e) Information filed with the Commission pursuant to subsections (c) or (d) of this rule is likely to include highly sensitive and proprietary network information that should not be subject to public disclosure and, therefore, the Commission shall afford such information a presumption of confidentiality and shall protect such information from public disclosure accordingly.

(f) LECs that meet the definition of a Class B company as set forth in Section 32.11(b)(2) of the Commission's rules and non-nationwide CMRS providers with no more than 500,000 subscribers are exempt from this rule.