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March 31, 2011

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Ex Parte Notice for CG No. 10-213, WT No. 96-198, CG No. 10-145

On March 30, 2011, Paula Boyd and Laura Ruby with Microsoft Corp. and the undersigned met with Karen Strauss, Rosaline Crawford, and Eliot Greenwald with the Consumer and Government Affairs Bureau, and Jane Jackson, Elizabeth Lyle, and David Hu from the Wireless Telecommunications Bureau, to discuss various issues raised by the Commission's Notice of Proposed Rulemaking implementing the Twenty-First Century Communications and Video Accessibility Act of 2010.

The parties discussed the following issues: the scope of devices and services covered by the Act, the criteria that should guide the Commission's waiver process, and the timeline for the compliance process. With respect to scope, we suggested that machine-to-machine communications and human-to-machine communications are not covered by the statute and that the Commission should make this clear in its rules.

We also discussed the term "interoperable video communications services" and noted that Congress added the term "interoperability" to define further the class of video communications services to be covered by the Act. We explained that for substantial technical reasons video communications services are not interoperable today and are not likely to become interoperable in the near future. We also noted that the statutory objective is accessibility and not interoperability.

With respect to the waiver process, we explained that Congress included in that mechanism the concept of "primarily designed" to enable the Commission to exclude, either on a temporary or permanent basis, devices for which non-interconnected VoIP or another advanced communications service is incidental to the main purpose for which the device was designed and marketed. We emphasized that manufacturers (as opposed to consumers or after-market

providers) are the sole determiners of what a product is primarily designed for, and that a manufacturer's statement as to the primary design as well as its aggregate marketing materials can establish the primary purpose(s) of a given product.

Lastly, we discussed the timeline for compliance and the waiver process. Citing other instances in which the Commission has adopted extended effective dates for rules affecting the consumer electronics and IT industries, we argued for a minimum of a two year phase-in period for the effective date of the rules and a grandfather provision for any equipment manufactured and placed into the stream of commerce prior to the effective date. We also noted that it would be important to understand various product cycles in order to appropriately determine a phase-in period. In addition, the Commission should consider the waiver process and its timeframe for granting waivers in setting an effective phase-in date, since the Commission should be in a position of ruling on the initial waiver petitions long before the rules would go into effect.

Please direct any questions to the undersigned.

Sincerely,



Gerard J. Waldron
Counsel to Microsoft Corp.