

COVINGTON & BURLING LLP

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202.662.6000
FAX 202.662.6291
WWW.COV.COM

BEIJING
BRUSSELS
LONDON
NEW YORK
SAN DIEGO
SAN FRANCISCO
SILICON VALLEY
WASHINGTON

April 15, 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, WC Docket 05-196, PS Docket 07-114

On April 14, 2011, Paula Boyd, Bernard Aboba, Laura Carter, Kevin Minsky, Laura Ruby and Ann Marie Rohaly with Microsoft Corp. met with Rick Kaplan, Chief Counsel and Senior Legal Advisor to Chairman Genachowski, to discuss the Commission's Notice of Proposed Rulemaking implementing the Twenty-First Century Communications and Video Accessibility Act of 2010 and the Wireless Autolocation 911 and Next Generation 911 proceedings.

Kevin Minsky, Laura Ruby, Ann Marie Rohaly, and Paula Boyd raised 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 the Act's scope, we suggested that not all non-interconnected VoIP services should be regulated and that, for example, in-game VoIP features should remain unregulated.
- Regarding the waiver process, we noted that the standard of "primarily designed" should be determined by the manufacturer, and not the consumer.
- We also explained that the timeline for compliance should provide a sufficient transition period. 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 is 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 go into effect.

In addition, Laura Carter, Bernard Aboba, and Paula Boyd, explained that there are numerous challenges encountered in trying to enable E911 on IP services. We highlighted the technical difficulties of enabling VoIP, data, and video conferencing services to meet possible NG 911 interoperability and wireless location accuracy requirements, as well as the importance of allowing industry experts to address and resolve these technical complexities. With respect to next generation 911 issues, we noted that there is significantly more technical work to be done before the industry can move toward an NG 911 future. In our own experience, standards for IP-based emergency services have frequently required revision based on deployment experience. Thus, we highlighted the importance of pilot deployments in ensuring that NG 911 networks are functional, secure and interoperable. We also explained that enabling dispatchers to browse arbitrary websites or interact with file enclosures (e.g., a JPEG file attached to an email, text or Instant Messaging) could introduce vulnerabilities into NG 911 networks.

Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard J. Waldron". The signature is written in a cursive, slightly slanted style.

Gerard J. Waldron

Counsel to Microsoft Corp.