

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Review of Wireline Competition Bureau Data Practices)	WC Docket No. 10-132
)	
Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Review – Review of Computer III and ONA Safeguards and Requirements)	CC Docket Nos. 95-20, 98-10

To: The Commission

**REPLY COMMENTS OF THE
ALARM INDUSTRY COMMUNICATIONS COMMITTEE**

The Alarm Industry Communications Committee (“AICC”), on behalf of its membership which is described more fully below, submits these Reply Comments in the above captioned proceeding¹ in which the Commission proposes to remove narrowband comparably efficient interconnection (“CEI”) and open network architecture (“ONA”)² reporting requirements. As discussed below, the Commission should narrowly restrict its ruling to the issue of whether reporting requirements should be eliminated without addressing commenters’ proposals to eliminate ONA requirements on the whole.

The AICC is comprised of representatives from all segments of the alarm industry, including central station alarm companies, alarm monitoring centers, alarm installation companies, alarm manufacturing companies and the principal U.S. trade

¹ Notice of Proposed Rulemaking, FCC 11-15, released February 8, 2011. (“NPRM”).

² For simplicity’s sake these comments refer to comparably efficient interconnection and open network architecture collectively as “ONA”.

associations representing the majority of such companies operating in the United States.³

Alarm companies protect a wide range of sensitive facilities, businesses and residences and the occupants of each from fire, burglary, sabotage, and other emergencies. For example, they protect government offices, power plants, hospitals, dam and water authorities, pharmaceutical plants, chemical plants, banks, and schools and universities. In addition, alarm companies protect approximately 31 million residences and businesses from burglary, duress, carbon monoxide and fire. They also provide medical alert services (e.g., obtaining ambulances) during medical emergencies.

AICC members still routinely rely on ONA network elements in the provision of many of these services. The Bell Operating Companies (BOCs) were originally required to implement ONA in order to participate directly in the enhanced services market. Through the ONA framework, the BOCs are required to separate components of their basic services into "basic service elements," and make them available to unaffiliated enhanced service providers who in turn can use them to build new service offerings of their own. BOCs must also offer these services pursuant to tariff, so that a BOC affiliate pays the same price as an unrelated entity. Certain basic service elements were implemented specifically at the behest of members of the alarm industry⁴ and remain

³ The AICC's members are comprised of the Central Station Alarm Association ("CSAA"), the Electronic Security Association ("ESA") (formerly the National Burglar & Fire Alarm Association), the Security Industry Association ("SIA"), ADT Security Services, Inc., AES-IntelliNet, AFA Protective Systems, Alarm Detection Systems, Alarm.com, Axis Communications, Bay Alarm Company, Bosch Security Systems, COPS Monitoring, DGA Security Systems, Inc., Digital Monitoring Products, Digital Security Control, FM Approvals, Honeywell Security, Interlogix, Intertek Testing, Numerex, Linear LLC, LogicMark, Napco Security, Protection One, RSI Videofied, Security Networks, Select Security, Stanley Convergent, United Central Control, Universal Atlantic Systems, Security Network of America, Telular, Underwriters' Laboratories, Vivint, and Vector Security, Inc. CSAA, ESA, and SIA are comprised of central station alarm companies, alarm monitoring centers, alarm installation companies and alarm manufacturing companies. Their memberships represent the majority of such companies operating in the United States.

⁴ See *In the Matter of Filing and Review of Open Network Architecture Plans*, Memorandum Opinion and Order, CC Docket No 88-2, 4 FCC Red 1 (1988) at ¶47; *In the Matter of Filing and Review of Open*

relevant to the provision of alarm services today. While some BOCs such as SBC exited the alarm industry, it is AICC's belief and understanding that others have or are poised to enter, making ONA protections necessary. The Commission cannot appropriately consider the question of removing ONA requirements in this proceeding without compliance with administrative notice requirements which have not been observed in this proceeding. Even if it could, however, the Commission should not eliminate any ONA requirements until those protections are no longer necessary. These points are discussed in order.

First, the commenters' proposal to remove all narrowband ONA requirements is so far beyond the scope of the NPRM that it cannot be entertained without violating the notice requirements of the Administrative Procedures Act⁵. The NPRM unequivocally states that its scope is limited to "the *identification of data collections* that can be eliminated without reducing the effectiveness of [the Commission's] decision-making."⁶ ONA requirements are not merely data collections, but substantive Commission rules that were implemented to safeguard competition in the enhanced services market, including service deployment of specific features relied upon by the enhanced service provider community, including the alarm industry. Any rule eliminating ONA requirements beyond reporting requirements would neither fit the scope of the Commission's NPRM nor meet the requirement that it amount to a "logical outgrowth" thereof.⁷

Network Architecture Plans, Memorandum Opinion and Order, CC Docket No 88-2, 6 FCC Red 7646 (1991) at ¶6.

⁵ 5 USC §§500 *et. seq.*

⁶ NPRM at ¶1, emphasis supplied.

⁷ *See, e.g., Covad Comm'ns Co. v. FCC*, 450 F.3d 528, 548 (D.C.Cir.2006) (holding that an agency's rule must at least be a "logical outgrowth" of the proposal).

Second, ONA protections are still relevant because not all ONA services are uniformly available on all platforms. Verizon and AT&T both suggest that ONA requirements should be eliminated because when they were originally conceived, other platforms for enhanced services had not been contemplated.⁸ Therefore, their argument goes, the availability of competing platforms obviates the need for ONA protections. Yet, it does not necessarily follow that all enhanced services are readily available in all areas on all platforms. Many of the basic network elements relied upon by alarm industry members, such as line security, are not available on broadband networks. To the extent network elements are only available on narrowband platforms, then, the existence of other platforms does not affect the importance of ONA protections.

Third, eliminating narrowband ONA requirements will harm narrowband enhanced service providers without producing tangible benefits. AT&T and Verizon argue that removing narrowband ONA requirements will produce the same benefits the Commission sought to gain by removing ONA for broadband services.⁹ In that proceeding, the Commission's goal was to incentivize carriers to take risks in investing in and deploying new technologies.¹⁰ In the present circumstance however, narrowband ONA has already been deployed and is presently used by enhanced service providers, including the alarm industry. It is illogical to think that withdrawing these features and functions, currently deployed, would serve any public policy purpose.

In conclusion, the Commission should limit any rule based on this proceeding to the reporting requirements under ONA only. The alarm industry is a vibrant and growing

⁸ Comments of Verizon at 4; Comments of AT&T at 4.

⁹ Comments of Verizon at 5; AT&T at 4.

¹⁰ *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005) at ¶72.

industry which is critical to America's security needs and is highly dependent on the essential facilities of these companies. It is simply outside of the scope of this proceeding for the Commission to consider whether the rules that protect these services should be repealed. Additionally, the allegation that other platforms have developed since the implementation of ONA pulls up short as an excuse to do away with these protections. The record simply does not support the assumption that these basic network elements are reliably available on those platforms in all areas. Furthermore, the Commission's decision to rescind ONA requirements in the context of broadband services was supported by additional benefits which have not been shown to be present in the narrowband context. For these reasons, the Commission should not even consider eliminating ONA requirements beyond the reporting requirements specified in the NPRM.

Respectfully submitted,

**THE ALARM INDUSTRY
COMMUNICATIONS COMMITTEE**

By: 

Benjamin H. Dickens, Jr.
Mary J. Sisak
Salvatore Taillefer, Jr.
Its Attorneys

Blooston, Mordkofsky, Dickens,
Duffy & Prendergast, LLP
2120 L Street, N.W.
Suite 300
Washington, D.C. 20037
Tel: 202-828-5540

Filed: April 18, 2011

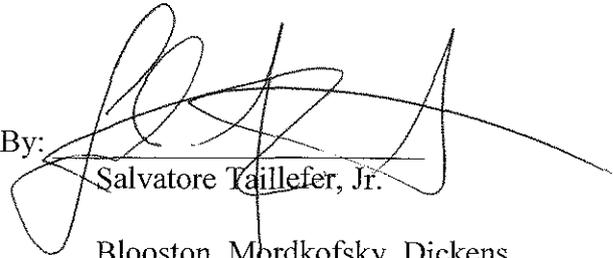
Certificate of Service

I hereby certify that on April 18, 2011, a copy of the forgoing Reply Comments of the Alarm Industry Communications Committee was served on each of the following via U.S. Mail, postage prepaid, or electronic mail, as indicated:

Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
cpdcopies@fcc.gov

Best Copy and Printing, Inc.
Portals II
445 12th Street, SW
Room CY-B402
Washington, D.C. 20554
fcc@bcpiweb.com

By:



Salvatore Taillefer, Jr.

Blooston, Mordkofsky, Dickens,
Duffy, & Prendergast, LLP
2120 L Street NW
Suite 300
Washington, DC 20037