

Glenn S. Richards  
tel 202.663.8215  
glenn.richards@pillsburylaw.com

July 11, 2011

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-B204  
Washington, DC 20554

Re: **Ex Parte Notice – WC Docket 10-90; GN Docket 09-51; WC  
Docket 05-337; CC Docket 96-45; WC Docket 03-109**

Dear Ms Dortch:

On July 7, 2011, Bill Mortimer, Jean Schmitt, Doug Holly and Kevin Siebert of JDS Uniphase Corporation (“JDSU”), and the undersigned, met with the following Commission staff to discuss JDSU’s filing in the above-referenced dockets: Angela Kronenberg, Wireline Legal Advisor for Commissioner Clyburn; Margaret McCarthy, Policy Advisor, Wireline for Commissioner Copps; Zac Katz, Chief Counsel and Senior Legal Advisor for Chairman Genachowski; Christine Kurth, Policy Director and Wireline Counsel for Commissioner McDowell; Alex Minard, Wireline Competition Bureau and Walter Johnston, Office of Engineering and Technology. A copy of the attached presentation was provided to each participant.

In particular, JDSU noted its support for including broadband as a supported service for purposes of receiving High Cost Fund or Lifeline/Link-Up support from the federal Universal Service Fund. JDSU recommended that the Commission adopt rules requiring carriers receiving federal universal service support to confirm quality of service, including that broadband, as that term may eventually be defined by the Commission, is actually provided to consumers. In the case of Lifeline/Link-up support, broadband providers should be required to pre-qualify connections to confirm their capability to support the full suite of broadband offerings, including VoIP, data and video. In addition, subsidized broadband providers should be required to proactively monitor and routinely test their broadband networks to determine compliance with industry-accepted metrics, and to confirm they are meeting consumer expectations, as well as any minimum service standards established by the

July 11, 2011

Page 2

Commission. By way of example, JDSU suggested that the Broadband Forum TR-126 (copy attached) could be used as the model of key performance indicators that the Commission could adopt. Subsidized broadband providers should be required to make regular filings with USAC or the Commission that demonstrate compliance with these standards and provide copies of reports, as necessary, to support federal audits.

JDSU further noted that connection speed should not be the only measurement, but that IP throughput, interference, radiated emissions, jitter, latency and packet loss, among others, were also important to confirm the customer experience. Using measurement and testing tools readily available in the marketplace today (that are service provider and technology agnostic) and that will not increase the cost of customer premise equipment, broadband providers can easily make these types of measurements on an individual connection basis, by head end, by region, or whatever geographic component is used for the subsidized services. The measurement and testing tools will not only benefit consumers, but will reduce the service providers' operating expenses because they can generally detect and fix problems even before the customer becomes aware of the problem, mitigating the need for customer service calls and costly and time-consuming repair visits to customer locations.

Should you have any questions concerning this matter, please contact the undersigned.

Sincerely yours,

Glenn S. Richards  
Counsel for JDS Uniphase Corporation

Cc: Angela Kronenberg (by email)  
Margaret McCarthy (by email)  
Zac Katz (by email)  
Walter Johnston (by email)  
Alex Minard (by email)  
Christine Kurth (by email)

Attachments