

Commenting here on Proceeding 11-82.

Please note that in the matter the proposed extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers I concur generally with the comments of the Public Service Commission of the District of Columbia

and disagree strongly with the comments of AT&T on this proceeding. In particular, the Public Service Commission of the District of Columbia states, and I concur, that "In the NPRM, the FCC seeks comment on whether outage reporting by VoIP service

providers and broadband ISPs should be mandatory. 7 The FCC agrees with the MA DTC and NY PSC that mandatory reporting should be required.s Mandatory reporting would provide the

FCC with accurate and timely information about the number of outages experienced by VoIP service providers and broadband ISPs. Since reporting is already mandatory for wireless and wireline service providers, there is no reason to create voluntary reporting requirements for VoIP service providers and broadband ISPs." On the other hand, AT&T Inc. (Attorney/Author: William A. Brown, for document: Reply Comments of AT&T Inc.) has stated, and I strongly disagree, that "The Commission should consider a voluntary program as a mechanism

for promoting best practices among VoIP Providers and ISPs.(...)The Commission does not need to extend the Part 4 rules to VoIP Providers and ISPs, because the competitive market is sufficient incentive for providers to maintain reliable and efficient networks.(...)Because the IP networks are robust and dynamic networks, there is no

need for the Commission to apply circuit-switched network outage regulations to them."

If anything, the August 11 cutoffs in the BART network and the subsequent recent releases of e-mails on the subject, not so long ago documented in mid-October via a new e-mail release at <http://www.baycitizen.org/bart-protests/story/bart-cut-cell-service-spur-moment-emails/> have proven beyond the shadow of a doubt that AT&T's claims are not true.

Some final comments on this proceeding.

As part of a emergency petition for declaratory ruling which was received by the FCC on September 9, 2011 and is now pending before the FCC (but has not yet been provided a docket number as of the date of my submission of this comment on Proceeding Number 11-82), I stated the following in my petition which has bearing on this proceeding 11-82:

(I requested that the) "Commission declare that any data transmissions involving cellular or internet telephony (including, but not limited to text / SMS) or Voice over the Internet Protocol (VoIP) calls (including, but not limited, to transmissions involving Wi-Fi cell phones [also called cellular-Internet phones or cell-Internet phones], that are cellular telephones that can automatically switch between conventional cellular and Wi-Fi VoIP modes) fall within the same regulatory protections of the Communications Act of 1934 (as amended) and the Telecommunications Act of 1996 as have been described in the (...portion excluded...) declarations requested, such that the aforementioned transmissions may not be throttled or shut off, or modified, or otherwise impinged upon in any way which would restrain the user's ability to utilize devices for communication using this or similar

technology, absent specific orders as described at requested declaration number 2) above."

(Note: Requested declaration number 2) asked "(t)hat the Commission declare, consistent with long-standing precedent with regard to wireline Title II services, that local law enforcement has no authority to suspend or deny CMRS, or to order CMRS providers to suspend or deny service, absent a properly obtained order from the Commission, a state commission of appropriate jurisdiction, or a court of law with appropriate jurisdiction, and so declare, as has been requested in a petition previously received by the Commission from different petitioners. I also request that the Commission declare that no law enforcement entity has the authority to suspend or deny CMRS, or to order CMRS providers to suspend or deny service, absent a properly obtained order from the Commission with review and any necessary decision from the relevant state commission of appropriate jurisdiction, or a court of law with appropriate jurisdiction."

Although these requested declarations remain part of a emergency petition for declaratory ruling that has not yet received a docket number from the FCC, for which I am waiting ever so patiently (it was Sept. 9, 2011 when the FCC got my emergency petition, and it's October 14, 2011 today, hint hint) I also ask that the text above be incorporated into the record for Proceeding Number 11-82 and that the FCC review it in connection with this Proceeding, as well. Thanks for your consideration of this request.