



A Professional Limited Liability Company

1333 New Hampshire Ave., NW, Fl 2
Washington, DC 20036
Telephone: (202) 872-6811
Facsimile: (202) 683-6791

Chicago 307 North Michigan Ave.,
Suite 1020
Chicago, Illinois 60601
Telephone: (312) 372-3930
Facsimile: (312) 372-3939

St. Louis 1714 Deer Tracks Trail, Ste
215
St. Louis, MO 63131

Barbara S. Esbin
Admitted in the District of Columbia

January 12, 2012

Via ECFS

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: American Cable Association Notice of Ex Parte Communications; In the Matter of 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, PS Docket No. 11-82

Dear Ms. Dortch:

On January 10, 2012, Ross Lieberman, Vice President of Government Affairs, American Cable Association ("ACA") and the undersigned participated in a meeting via teleconference with Lauren Kravetz, John Healy, Vernon Mosley, and Greg Intocchia to discuss the pending Notice of Proposed Rulemaking ("NPRM") in the above referenced docket.¹ During the meeting, ACA reiterated that its member companies recognize the Commission's goal of ensuring that Voice over Internet Protocol ("VoIP") consumers have reliable access to 9-1-1 systems and emergency services.² Previously, in response to ACA inquiries, Commission staff had clarified that the VoIP outage reporting thresholds of 30 minutes duration and potentially affecting 900,000 user minutes would apply to both general subscriber and 9-1-1 special facility outages.³

Specifically with respect to 9-1-1 special facility outage reporting, participants discussed how the Commission would expect providers to distinguish between general subscriber outages that

¹ See *In the Matter of 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*, Notice of Proposed Rulemaking, 26 FCC Rcd 7166 (2011) ("NPRM").

² See *In the Matter of 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*, Comments of the American Cable Association, PS Docket No. 11-82, at 2 (filed Aug. 8, 2011).

³ *In the Matter of 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*, Ex Parte Letter to Marlene Dortch, Secretary, FCC from Barbara S. Esbin, on behalf of the American Cable Association, PS 11-82, at 2 (filed Dec. 9, 2011) ("In response to ACA inquiries, Commission staff clarified that the outage reporting thresholds of 30 minutes duration and potentially affecting 900,000 user minutes would apply to both subscriber and 9-1-1 special facility outages.").

affect a VoIP provider's subscribers' ability to make outbound calls, including to 9-1-1 local emergency centers, and must be reported no later than 24 hours after discovery, from other outages that affect 9-1-1 special facilities which must be reported within four hours of discovery, given the fact that both types of outages could be deemed to affect 9-1-1 special facilities. ACA stressed the importance of not categorizing a general VoIP subscriber outage that prevents subscribers from making *any* outbound calls, including to 9-1-1 calls, that lasts at least 30 minutes and affects 900,000 user minutes, as a 9-1-1 special facility outage requiring reporting within four hours of discovery. ACA understood Commission staff to acknowledge: (i) that distinguishing between these types of outages was not necessary under current Part 4 rules because a single outage reporting timeframe applies; and (ii) that the Commission would need to ensure that it did not adopt a reporting requirement which did not clearly delineate when VoIP providers must report outages within 4 hours of discovery and when they would be afforded 24 hours after discovery to file their report.

If you have any questions, or require further information, please do not hesitate to contact me directly. Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely



Barbara Esbin

cc (via email): Lauren Kravetz
John Healy
Vernon Mosley
Greg Intoccia