



mlazarus@telecomlawpros.com
202.789.3114

February 8, 2012

BY ELECTRONIC COMMENT FILING SYSTEM

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: 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 – Ex Parte Communication

Dear Ms. Dortch:

On February 6, 2012, Mark A. Stachiw, Vice Chairman, General Counsel & Secretary of MetroPCS Communications, Inc. ("MetroPCS"), and Mark Racek, Jared Carlson, and Kjell Johansson of Ericsson Inc. ("Ericsson"), along with Michael Lazarus of Telecommunications Law Professionals PLLC ("TLP"), held a discussion via teleconference with Lauren Kravetz, John Healy, and Vernon Mosley of the Public Safety & Homeland Security Bureau, in connection with the above-referenced proceeding. The oral presentation made during this teleconference was consistent with prior pleadings and ex partes filed on behalf of MetroPCS in the above-referenced proceeding.

During the meeting, MetroPCS and Ericsson discussed the issues associated with applying outage reporting requirements to interconnected Voice of Internet Protocol ("VoIP") services caused by the significant differences in wired and wireless VoIP. Ericsson provided the technical differences between VoIP services provided over wireline, as opposed to Voice over Long-Term Evolution ("VoLTE") over wireless. If a VoIP wireline connection experiences an outage, the customer will no longer be able to complete a phone call. In contrast, if a VoLTE connection experiences an outage, the consumer's call will default to the legacy network assuming that the carrier architects its network with such an underlayment. Therefore, unlike in the wireline context, an outage in a wireless data network will not result in an interruption of service. Further, if the legacy network is also down, then the Commission should already receive a report if the outage meets the Commission's current outage reporting rules. As a result, if the customer can complete a call using a legacy wireless network, no reporting should be required.

Ms. Marlene H. Dortch
February 8, 2012
Page 2

MetroPCS urged the Commission to clarify that the above situation would not constitute a reportable outage under the Commission's upcoming Order. MetroPCS requested that any new outage reporting rules should not apply to a situation where the VoLTE network experiences an outage, and the service is transferred, or rolls back, to the legacy network, whereas a consumer would not experience an outage. MetroPCS reiterated that the outage reporting requirements should continue to be based on whether or not the customer's voice service has actually been impacted, that is, if the customer is still able to complete a call on the carrier's service, there should not be a reporting obligation for the carrier. Thus, if a consumer is able to place a call using a carrier's CDMA network, an outage report should not be required, even though the VoLTE network may be negatively affected.

Finally, MetroPCS expressed its support for any outage reporting rules to continue to be based on the discovery of an outage by a service provider, stressing the importance of recognizing that a carrier cannot be expected to report an issue they are unaware of. MetroPCS provided an example of an outage situation where a customer roams outside of the original carrier's home network to demonstrate that if a customer was roaming on a data network that experiences an outage, the home provider would only know of such outage if the customer called in a complaint of interrupted service. In addition, even if such a complaint was received, the home provider would still be unable to determine the cause of interruption, as it did not occur on its network. Further, the home carrier would also not be able to determine if the call could otherwise be completed using the roaming carrier's legacy network. Therefore, the carrier whose network experiences the interruption – in this case the roaming carrier – should be responsible for reporting the outage as they would be the party aware of the interruption. MetroPCS urged the Commission to confirm that the original carrier in this situation would not have any reporting obligations, since it would have no way of discovering the outage at issue.

Any questions regarding this notice should be directed to the undersigned.

Sincerely,

/s/ Michael Lazarus

Michael Lazarus
of TELECOMMUNICATIONS LAW PROFESSIONALS PLLC

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