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November 1, 2013

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

RE: EX PARTE

Improving 9-1-1 Reliability, PS Docket No. 13-75;

Reliability and Continuity of Communications Networks, Including Broadband Technologies, PS Docket No. 11-60

Dear Ms. Dortch:

On Thursday, October 31, 2013, Robert W. Quinn, SVP – Federal Regulatory & Chief Privacy Officer; Joseph P. Marx, AVP – External Affairs/Regulatory; and William A. Brown, General Attorney – FCC Legal of AT&T Services, Inc. (AT&T) met with Louis Peraertz, Senior Legal Advisor for Chairwoman Mignon Clyburn, concerning the above-referenced matter, which is presently on the Commission's November 14, 2013, Open Meeting Agenda.

During our meeting with Mr. Peraertz, we outlined our present understanding of the Commission's proposal for improving 9-1-1 reliability, which we understand to entail both a reporting component and an information sharing component. While the extent of the reporting component was somewhat unclear, we have been given to believe that it would require detailed certification of our compliance with certain best practices pertaining to critical circuit diversity on a PSAP-by-PSAP basis, redundancy in our internal monitoring links, and back-up power for Central Offices. The proposed information sharing component, we understand, involves apprising PSAPs of information on diversity of critical circuits derived from periodic audits.

With respect to this proposed information sharing component, we expressed reservations concerning the dissemination of confidential network data and the proposed mechanism to protect that confidential data; *i.e.*, employing individual non-disclosure agreements (NDAs) between carriers and PSAPs. First, we noted that, requiring the carriers and PSAPs to enter into NDAs would be a monumental undertaking. For example, AT&T's ILECs serve approximately 2,651 PSAPs, which could translate into 2,651 NDAs. In addition to simply negotiating such NDAs, once executed, they would require on-going monitoring in any attempt to make sure disclosed data remained confidential. This plan would, in our opinion, raise serious Paperwork Reduction Act (PRA) issues. Second, we expressed concern over the efficacy of NDAs as a safeguard of confidential critical infrastructure information. Violations of these NDAs would be difficult to substantiate, and contract remedies would provide no realistic relief, assuming PSAPs were even permitted by their states' open records laws to enter into and maintain such data on a

confidential basis. Neither of these issues was addressed during the comment rounds because interested parties were not given adequate notice of any intent by the Commission to require information sharing with third parties.

As an alternative, we suggested that, in lieu of multiple NDAs, the Commission could issue a Protective Order by which interested PSAPs could have access to confidential data filed by the carriers as part of any best-practices certification process. We believe that requiring the PSAPs to sign onto a blanket Protective Order as a condition for obtaining confidential data filed with the Commission is a simpler and more effective way of disseminating the data and protecting it at the same time. And removing carriers from the dissemination and protection process would help address any PRA issues.

Naturally, we advised that our understanding of the proposed order is incomplete and what little information we have gleaned has been somewhat contradictory. As our understanding of the Commission's proposal comes into sharper focus, we may have additional issues to raise.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

CC: Mr. Louis Peraertz