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December 2, 2013

**Via ECFS**

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: American Cable Association Notice of Ex Parte Communications; In the Matter of 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 Nov. 27, 2013, an ex parte notice was filed on behalf of the American Cable Association ("ACA") covering meetings via telephone on Nov. 26, 2013 with Jeffrey Neumann from Commissioner Pai's office and on Nov. 27, 2013, respectively, with Daniel Alvarez, Legal Advisor, Chairman Wheeler, and Amy Bender, Acting Legal Advisor, Commissioner O'Rielly, to discuss matters in the above referenced proceeding. The letter was timely filed, but contained the incorrect docket number of PS Docket No. 11-82.

To ensure a complete and accurate record in the appropriate proceeding, ACA encloses a version of the ex parte notice containing the corrected docket information but no other changes with this letter for filing in PS Docket Nos. 13-75 and 11-60.

If you have any questions, or require further information, please do not hesitate to contact me directly.

Sincerely

Barbara Esbin



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November 27, 2013

**Via ECFS**

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: American Cable Association Notice of Ex Parte Communications; In the Matter of 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:

Ross Lieberman, Vice President of Government Affairs, American Cable Association (“ACA”), and the undersigned met via telephone on Nov. 26, 2013 with Jeffrey Neumann from Commissioner Pai’s office and on Nov. 27, 2013, met via telephone, respectively, with Daniel Alvarez, Legal Advisor, Chairman Wheeler, and Amy Bender, Acting Legal Advisor, Commissioner O’Rielly, to discuss matters in the above referenced proceeding.<sup>1</sup>

During each meeting, participants discussed the definition of a 9-1-1 service provider for the purposes of the enhanced reliability mandates under consideration as well as the proposed expansion of the reporting obligations to 9-1-1 special facilities of interconnected voice over Internet Protocol (“VoIP”) providers. ACA reiterated the points made in its filings in this docket that the definition of a 9-1-1 service provider should not apply to an entity that simply originates 9-1-1 calls for its subscribers.<sup>2</sup> This is consistent with the findings of the Derecho Report and the NPRM that 9-1-1 reliability mandates be imposed only on 9-1-1 service providers and not the entire commercial wireline network. Accordingly, ACA also recommended that the definition of “9-1-1 service provider” be further clarified to not only include the notion of serving a PSAP directly with the listed network elements or functions, but also specify that this provision of service to PSAPs occur under tariff, contract or other direct arrangement.<sup>3</sup> ACA suggested that the line between 9-1-1 service providers and other communications providers must be crystal clear to avoid inadvertently sweeping more entities under its 9-1-1 enhanced reliability requirements than intended.

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<sup>1</sup> *In the Matter of Improving 9-1-1 Reliability, Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket Nos. 13-75, 11-60, Notice of Proposed Rulemaking, 28 FCC Rcd 3414 (“NPRM”); See FCC Pub. Safety & Homeland Sec. Bureau, Impact of the June 2012 Derecho on Communications Networks and Services: Report and Recommendations (rel. Jan. 10, 2013), available at <http://www.fcc.gov/document/derecho-report-and-recommendations> (“Derecho Report”).

<sup>2</sup> ACA Comments at 6-14; ACA Reply Comments at 2-12.

<sup>3</sup> ACA Reply Comments at 4-8; ACA Comments at 5. By “direct arrangement” ACA intends to include entities that are required by state or local law or regulation to provide service directly to PSAPs.

ACA noted that the NPRM uses the term “9-1-1 Service Provider” as defined in the Derecho Report in discussing entities subject to the new 911 reliability mandates. The NPRM states that is a communications provider “responsible for routing and delivering 9-1-1 calls to PSAPs.”<sup>4</sup> The NPRM further tentatively defined that term “to include all entities, including ILECs, that provide 9-1-1 call routing, ALI, emergency service Internet protocol networks (ESInets) and similar services directly to a PSAP” and sought comment on that definition.<sup>5</sup> ACA explained that, to the extent that the Commission is contemplating expanding the universe of entities to whom service is provided for purposes of the definition of a covered “9-1-1 Service Provider” to include entities such as statewide default answering points or local emergency authorities, it would need to do so in a further notice of proposed rulemaking.

Meeting participants also discussed proposed amendments to the PSAP outage notification reporting requirements under Section 4.9 of the Commission’s rules. ACA again stressed the need for the Commission to carefully distinguish in its rules outages reportable to a PSAP “immediately” under the NPRM’s proposed reporting requirements for 9-1-1 service providers from outages that affect only the ability of a service provider’s customers to place 9-1-1 calls but do not impair connectivity to a 9-1-1 special facility and therefore do not trigger the expanded PSAP notification requirements at all.<sup>6</sup> ACA believes that the new PSAP outage notification rules should only be applied to 9-1-1 service providers and not to entities that simply originate 9-1-1 calls for their subscribers.

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): Jeffrey Neumann  
Daniel Alvarez  
Amy Bender

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<sup>4</sup> NPRM, ¶ 23.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*, ¶¶ 70-72. The triggering threshold for reportable outages for both VoIP providers affecting their subscribers and for outages affecting 9-1-1 special facility under Section 4.9(g) of the Commission’s rules is an outage lasting 30 minutes in duration and affecting at least 900,000 user minutes. See 47 C.F.R. §§ 4.9(g)(1) & (2) (Outage reporting requirements – threshold criteria); 4.5(e) (Definitions of outage, special offices and facilities, and 911 special facilities).

## Your submission has been accepted

<b>ECFS Filing Receipt - Confirmation number: 20131127817772</b>	
<b>Proceeding</b>	
<b>Name</b>	<b>Subject</b>
11-82	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.
<b>Contact Info</b>	
<b>Name of Filer:</b> American Cable Association	
<b>Email Address:</b> sfriedman@cm-chi.com	
<b>Attorney/Author Name:</b> Scott C. Friedman	
<b>Lawfirm Name (required if represented by counsel):</b> Cinnamon Mueller	
<b>Address</b>	
<b>Address For:</b> Law Firm	
<b>Address Line 1:</b> 307 N. Michigan Ave., Suite 1020	
<b>City:</b> Chicago	
<b>State:</b> ILLINOIS	
<b>Zip:</b> 60601	
<b>Details</b>	
<b>exparte:</b> YES	
<b>Small Business Impact:</b> NO	
<b>Type of Filing:</b> NOTICE OF EXPARTE	
<b>Document(s)</b>	
<b>File Name</b>	<b>Custom Description</b> <b>Size</b>
131127 911 Reliability 8th Floor Advisor Ex Parte FINAL.pdf	87 KB
<b>Disclaimer</b>	
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