



N A R U C  
National Association of Regulatory Utility Commissioners

***NOTICE VIA ELECTRONIC FILING***

*July 17, 2013*

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

RE: Notice of Oral Ex Parte filed in the proceedings captioned: *In the Matter(s) of Wireless E9-1-1 Location Accuracy Requirements*, PS Docket 07-114; *PSHSB Inquiry Into Circumstances of Major 911 Outage Centered in Washington State April 9-10, 2014*, PS Docket 14-72, *Protecting and Promoting the Open Internet*, GN Docket 14-28; *VCXC Petition for Notice of Inquiry on the Migration to HD Voice*, GN Docket 13-5.

Secretary Dortch:

On Wednesday, July 16, 2014, the NARUC Officers, members, associate members, and one NARUC observer listed below met and spoke with ***Rear Admiral David Simpson, Chief of the FCC's Public Safety and Homeland Security Bureau (PSHSB)*** and ***Clete Johnson, PSHSB Chief Counsel for Cybersecurity*** about 9-1-1 issues:

***Commissioner Phil Jones (WA), NARUC Executive Committee***  
***Commissioner Chris Nelson (SD), NARUC Telecommunications Committee Chair***  
***Commissioner Swain Whitfield (SC), NARUC Critical Infrastructure Committee Co-Vice Chair***  
***Commissioner Catherine Sandoval (CA), NARUC Telecommunications Committee***  
***Commissioner Ronald Brise' (FL), NARUC Telecommunications Committee***  
***Commissioner Pam Patton (CO), NARUC Committee on Electricity***

***Gene Hand (NE), Chair, NARUC Staff Subcommittee on Telecommunications***  
***Lynn Notarianni (CO), Second Vice Chair, NARUC Staff Subcommittee on Telecommunications***  
***Thomas Pearce (OH), Chair, NARUC Staff Subcommittee on Critical Infrastructure***  
***Kerri DeYoung Phillips (MA), NARUC Staff Subcommittee on Telecommunications***  
***Rebecca Beaton (WA), NARUC Staff Subcommittee on Telecommunications***  
***Sheree King (VA), NARUC Staff Subcommittee on Telecommunications***  
***Sherry Lichtenberg, NRRI Observer, NARUC Staff Subcommittee on Telecommunications***  
***Brad Ramsay (DC), NARUC General Counsel (and Policy Dept. Supervisor)***

The undersigned agreed to handle any required *ex parte* filings. However, except for the undersigned's remarks, *which were provided after the larger meeting*, the bulk of the discussion was not advocacy oriented. Instead, the breakfast meeting focused on brief descriptions of the role of specific State commissions play in emergency communications oversight and investigations of E-9-1-1 outages.

For example, **Mr. Hand** pointed out that, in Nebraska, authority over 9-1-1 services are divided between the PSC and another entity in Nebraska. The Nebraska PSC posted a “Next Generation Telephone Communications Study” to its website on March 2014. It is available online at: [http://psc.nebraska.gov/ntips/pdf/e911/Next\\_Generation/State%20of%20Nebraska\\_NG9-1-1%20Final%20Report\\_7MAR14.pdf](http://psc.nebraska.gov/ntips/pdf/e911/Next_Generation/State%20of%20Nebraska_NG9-1-1%20Final%20Report_7MAR14.pdf). The Study, at page 1, notes: “A hallmark of today’s 9-1-1 service is its reliability. However, the wholesale replacement of the systems in use today introduces new risks that must be mitigated to preserve reliability during transition and beyond. Risk management must be a practice embedded in all aspects of the migration to NG9-1-1.” Similarly, **Commissioner Whitfield** noted the responsibility in South Carolina lies predominately with the Office of Regulatory Staff. **Commissioner Jones** and **Ms. Beaton**, a Washington Utilities and Transportation committee staffer, pointed out that Ms. Beaton sits on the 9-1-1 Council in Washington State and is part of the ongoing investigations of the outages that are the subject of the FCC’s inquiry. In Colorado, **Commissioner Patton** noted that Intrado has significant 9-1-1 facilities just north of Denver. Though Colorado is a largely deregulated State, public safety issues remain subject to the State commission’s jurisdiction. **Mr. Pearce** noted the Critical Infrastructure Committee’s continued interest and monitoring of this topic. Similarly, **Ms. Notarianni** discussed the Telecommunications Staff Subcommittee interest and related ongoing survey. **Ms. King** reminded Admiral Simpson of the report the Virginia Commission conducted in the wake of the derecho storms that occurred in 2012. **Commissioner Brise** reported that though deregulated the Florida commission has established relationships with carriers on crucial public safety issues. **Ms. DeYoung** noted that Massachusetts is moving to next generation 9-1-1 services. **Commissioner Nelson** and **Commissioner Jones** both welcomed the opportunity to cooperate more closely with the FCC on emergency communications issues. Both **Commissioners Nelson** and **Jones**, as well as **Commissioner Brise** referenced the section captioned “Network Reliability and Public Safety”, on pp. 10-11 of the recently adopted “NARUC Federalism Task Force Report: Cooperative Federalism and Telecom in the 21<sup>st</sup> Century.” That section specifies, among other things, that “States, the FCC, and service providers should work together to ensure that all consumers can access emergency services (i.e., 911, E911, and NG911) regardless of the technology used to carry the calls.” The report is online at: <http://www.naruc.org/Publications/20130825-final-DRAFT-Federalism-Task-Force-Report.pdf>.

But in the one clearly identifiable case of advocacy during the breakfast meeting, the views expressed did not align precisely with NARUC’s adopted positions. Accordingly, the first position outlined below, should not be referenced or understood as a “NARUC” position:

[1] *There is a linkage between the FCC’s Open Internet Docket and E9-1-1 Services.*

**Commissioner Sandoval** specifically pointed out the linkage between the Open Internet proceeding, the FCC’s repeated failure to specify the classification of such services, and the problems currently being experienced with VoIP e-9-1-1 outages as well as text-to-9-1-1 services. In her state, officials remain concerned about the related reliability of data services that currently allow firefighters to download maps and GPS coordinates vis-à-vis wildfires. *See, e.g., Comments of the Bolder Regional Emergency Telephone Service Authority*, filed July 15, 2014, in GN Docket No. 14-28, which similarly point out the impact of the FCC’s Open Internet rulemaking on emergency services. (“The Commission must consider impact of its Open Internet Regulations on 9-1-1 service. The Commission must adopt a regulatory classification for the Internet and broadband access, and rules, which assure 9-1-1 service continues to be reliable, efficient and cost-effective.”)

[2] *The FCC should classify VoIP services as Telecommunications Services.*

While NARUC has not linked the Open Internet proceedings directly to the cited impact on 9-1-1 services or classification, we have, in numerous pleadings, agreed with the need for the FCC to classify at least voice services, which are provided using IP technology, as the Title II “telecommunications services” they clearly are.

Questions about the scope of a States authority, as well as much wasteful litigation, at ratepayer/taxpayer expense, about State authority to manage/impose 911 obligations, can be avoided by the simple expedient of clarifying the regulatory status of VoIP.

As NARUC points out in its July 14, 2014 filed *Reply Comments on the VXCX High Definition Voice request for a Notice of Inquiry*, in GN Docket No. 13-5, available online at: <http://www.naruc.org/Filings/14%200707%20NARUC%20VCFX%20HC%20Reply%20comments.pdf>:

The so-called “IP Transition”, including any experiments involving HD voice that the FCC may authorize, cannot rewrite existing statutory law.”<sup>1</sup> Whether or not any service is subject to Title II provisions is a factual inquiry based on parameters specified in the statute. There is no “choice” by the FCC or any service provider if the specified service meets the statutory definitions. Significantly, as the recent D.C. Circuit decision in *Verizon v. Federal Communications Commission* (“Verizon”)<sup>2</sup> makes very clear, the classification, whether as a “telecommunications service” or an “information service”, sets very real limits on the FCC authority.

According to the statute, and the D.C. Circuit, telecommunications carriers can only be treated as a common carriers under Title II to the extent they provide a telecommunications service.<sup>3</sup> So there are only two preliminary questions for the FCC to answer. Neither question requires any examination of the technology used to provide the service.

First, are IP-based voice services, including HD voice, “telecommunications”?

The answer could not be clearer.

The statute defines “telecommunications” as the transmission, between or among points specified by the user, of information of the users choosing, without change in form or content of the information as sent and received.

<sup>1</sup> See, e.g., March 31, 2014 *Comments of the Pennsylvania Public Utility Commission*, at 2, filed in GN Dockets Nos. 13-5 & 12-353, at: <http://apps.fcc.gov/ecfs/document/view?id=7521096406>.

<sup>2</sup> *Verizon v. Federal Communications Commission*, D.C. Circuit Case 11-1355 (Jan. 14, 2014), at: [http://www.cadc.uscourts.gov/internet/opinions.nsf/3AF8B4D938CDEEA685257C6000532062/\\$file/11-1355-1474943.pdf](http://www.cadc.uscourts.gov/internet/opinions.nsf/3AF8B4D938CDEEA685257C6000532062/$file/11-1355-1474943.pdf).

<sup>3</sup> 47 U.S.C. § 153(51) “A telecommunications carrier shall be treated as a common carrier under this chapter only to the extent it is providing telecommunications services.”

Voice over Internet Protocol (“VoIP”) ‘voice’ services, whether HD or not, like voice services using older packet technologies, transmit voice in real time to points specified by the user without change in form or content. HD just provides more of the original frequencies than existing IP services. Voice traffic has been multiplexed/packetized for years before the invention of the “IP” protocol. Indeed, VoIP services provided by Vonage, AT&T, Verizon, and others compete directly with and substitute for functionally equivalent “telecommunications services.” A new arrangement of “zeroes and ones” in a packetized programming language does not change the nature of the service being offered to the public.

Second, are IP-based voice services of all kinds “telecommunications services”?

Again the answer is evident on the face of the statute.

VOIP service, including HD voice, exactly like the current voice services it is replacing, is both “offered for a fee” and offered “directly to the public or to such classes of users as to be effectively available to the public” significantly – in the only – although oblique, reference to technology - “regardless of the facilities used.”<sup>4</sup>

VoIP point-to-point voice services, which competes directly against existing TDM technology-based voice services, are being offered as a direct (and indistinguishable to end-users) substitutes for older technology services.

In fact, the FCC has already, albeit implicitly, decided that VoIP service must be “telecommunications services.” NARUC recently filed comments pointing out that recent court decisions prohibit the FCC from providing numbering resources to entities that do not qualify as “telecommunications service” providers under the statute.<sup>5</sup>

By the same token, many carriers have already qualified for federal universal service subsidies based solely on their provision of voice services using IP technology as common carriers.<sup>6</sup> Necessarily, as the FCC has conceded on brief in recent litigation, those carriers are providing “telecommunications services.”

---

<sup>4</sup> 47 U.S.C. § 153(53): “The term ‘telecommunications service’ means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.” Note –that “information services” by contrast are a catch-all carrier that only include “information services” that are not used to provide a “telecommunications service.” See, 47 U.S.C. § 153(24), excluding from the definition of information services “any use of any such capability for the management, control, or operation of a telecommunication system or the management of a telecommunications service.”

<sup>5</sup> See, March 4, 2014 *Comments of the National Association of Regulatory Utility Commissioners on the Report on the Six-Month Trial of Direct Assignment of Number Resources to Interconnected Voice Over Internet Protocol Providers*, online at: <http://apps.fcc.gov/ecfs/document/view?id=7521088290> and filed in the proceedings captioned: *In the Matter(s) of Numbering Policies for Modern Communications*, WC Docket No. 13-97, *IP-Enabled Services*, WC Docket No. 04-36); *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket No. 07-243; *Telephone Number Portability*, CC Docket No. 95-116; *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Connect America Fund*, WC Docket No. 10-90; *Numbering Resource Optimization*, CC Docket No. 99-200.

<sup>6</sup> Alternatively, the FCC could be knowingly allowing carriers to commit fraud by illegally accessing funds that Congress reserved to Title II *common carriers*, i.e., carriers to the extent that they are providing “telecommunications services.”

As the Joint Petitioners, including NARUC, pointed out on reply in that litigation:

Petitioners argued that by adding “voice telephony service” to the list of supported services under section 254(c)(1), without limiting the definition of that service to “telecommunications services,” the *Order* violates §254(c)(1). USF Br. 17-18. Respondents denounce this argument as “wrong,” FCC Br. 24, but then concede virtually all its premises. They agree that “only ‘eligible telecommunications carriers’ are eligible for subsidies under section 254,” and that an ETC must be —a “common carrier” that offers supported services. FCC Br. 26, *citing* 47 U.S.C. §214(e)(1)(A). They also agree that an entity can be designated as an ETC under the statute only if it “complies with appropriate federal and state requirements” applicable to telecommunications carriers under Title II of the Act. *Id.*, *quoting IP-Enabled Services*, 20 F.C.C.R. 10245, 10268 (2005) (subsequent history omitted). This concession was not apparent on the face of the *Order*, as the FCC specifically included VoIP in the definition of “voice telephony service” without classifying VoIP as a telecommunications service. *Order*, ¶63 (JA at 412); FCC Br. 26.<sup>7</sup>

The very same voice service, offered in exactly the same way by other carriers, cannot – in any circumstances – be considered as providing an “information” service. *Confirming the classification will also simplify many outstanding proceedings as well as any NOI on the VCXC petition.*

As NARUC pointed out at page 4, in our January 2013 comments filed to respond to an AT&T pleading filed earlier in this Docket 1305 proceedings, a pleading that asked the FCC to consider “IP Transition” trials:

The approach suggested . . . particularly the novel idea of imposing exclusive federal jurisdiction over phone service provided using VoIP technology by classifying it as an “information service,” is not only flawed from a policy perspective, but it is also a prescription for wasteful litigation as the petition nowhere outlines in any detail an adequate legal basis for, or provides empirical evidence to support, preemptive FCC action. Moreover, the approach AT&T asks the Commission to “trial” will unquestionably require a dramatic change to the FCC’s Part 36 rules. Such changes cannot be considered without a recommended decision from the Federal-State Joint Board on Separations. 47 U.S.C. § 410(c).<sup>8</sup>

And later in the same pleading, at pages 11-12:

<sup>7</sup> Joint Universal Service Fund Reply Brief, at page 11, filed July 30, 2013, In Re: FCC11-161, 10<sup>th</sup> Circuit Case No. 11-9900.

<sup>8</sup> See, *Comments of the National Association of Regulatory Utility Commissioners*, filed January 13, 2013, in the proceeding captioned: *In the Matter(s) of AT&T’s Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, WC Docket No. 12-353, online at: <http://apps.fcc.gov/ecfs/document/view?id=7022113735>.

Other than the FCC's inexplicable reticence to classify any VoIP services, without exception, since Computer II, the FCC has always treated all voice service that utilizes the public switched network as common carrier services – whatever protocols were utilized – because, as the definitions in the Act specify, the voice communication from the end-user's standpoint undergoes no change in the form or content of the information as sent and received. See, e.g., Computer and Communications Industry Ass'n. v. FCC, 693 F.2d 198 (D.C. Cir. 1982), cert. denied, 461 U.S. 938 (1983). See also, *NARUC v. FCC*, 525 F.2d 630, 643 (D.C. Circuit 1976) “[W]e reject those parts of the Orders which imply an unfettered discretion in the Commission to confer or not confer common carrier status on a given entity, depending upon the regulatory goals it seeks to achieve . . . . A particular system is a common carrier by virtue of its functions.” {emphasis added}

The FCC should state explicitly what it has necessarily already found as a matter of law - by allowing VoIP provider access to federal universal service funds: Fee-based voice services (whether “HD” or not) offered to the public, whether they use TDM or VoIP, are “telecommunications services.

Whatever the merits of the quoted NARUC reply comment arguments, to the extent the traffic can be positively identified as intrastate, as is already definitively the case with facilities-based IP voice services provided by AT&T, Verizon, and Cable companies, the FCC has already specified that States have jurisdiction regardless of how the traffic is classified for the purposes of the federal act.<sup>9</sup> As the 8<sup>th</sup> Circuit recognized in its March 21, 2007 *Minnesota PUC v. FCC* decision, available online at <http://media.ca8.uscourts.gov/opndir/07/03/051069P.pdf>, *mimeo* at 16-17, quoting the FCC:

Moreover, subsequent to issuing the order we are reviewing, the FCC recognized the potentially limited temporal scope of its preemption of state regulation in this area in the event technology is developed to identify the geographic location of nomadic VoIP communications. In proceedings to address VoIP service providers' responsibility to contribute to the universal service fund, the FCC indicated:

an interconnected VoIP provider with a capability to track the jurisdictional confines of customer calls would no longer qualify for the preemptive effects of our Vonage Order and would be subject to state regulation. This is because the central rationale justifying preemption set

<sup>9</sup> Compare, California PUC v. FCC, 905 F.2d 1217 (9th Cir. 1990) In this pre-1996 Act case, the Ninth Circuit acknowledged that if an enhanced service was identifiably intrastate, States could regulate them/the FCC could not oust State oversight of them. The definition of "information services" in the 1996 legislation is taken directly from the pre-act definition of "enhanced services" that was the heart of this case. Note the FCC language quoted by the Court in the Minnesota case, is also consistent with the structure of the Act. Congress specifically granted the FCC almost unlimited authority to preempt any State law that prohibits or has the effect of prohibiting any telecommunications carrier from providing any telecommunications service in 47 U.S.C. § 253. Even there, Congress reserved State authority to impose universal service and service quality obligations on those carrier services. There IS NO ANALOGUE or indeed any other provision of the 1996 legislation that purports to provide the FCC with authority to preempt State oversight of information services. Indeed, the DC Circuit's recent interpretation of § 706 in the Net Neutrality proceeding, certainly at least implies States have concurrent and explicit jurisdiction, regardless of severability, to take at least the listed specific actions, which are quite broad, with respect to advanced services, whether severable into intrastate and interstate components or not.

forth in the Vonage Order would no longer be applicable to such an interconnected VoIP provider.

Universal Serv. Contribution Methodology, 21 F.C.C.R. 7518 at 7546 ¶ 56 (2006), 2006 WL 1765838.

Similarly, we emphasize the limited scope of our review of the FCC's decision. Our review is limited to the issue whether the FCC's determination was reasonable based on the record existing before it at the time. If, in the future, advances in technology undermine the central rationale of the FCC's decision, its preemptive effect may be reexamined.

***[3] The FCC should specify it will support any State action to enforce or require completion of or enhance the reliability of E-9-1-1 calls/communications.***

Short of, or in addition to, finally classifying I-P based voice services, the FCC can take other action. NARUC has not passed a resolution on this specific point. However, logic suggests that if the FCC interest is to assure maximum pressure and oversight on carriers to provide working and reliable E 9-1-1 service, at least one option is to make crystal clear to all carriers that if a State asserts jurisdiction over or imposes rules to ensure the reliability of E9-1-1 service, the FCC will strongly support the State action. Such a statement can only discourage all but the most recalcitrant from initiating wasteful litigation to delay compliance.

***[4] Intrado's Database services are not unregulated information services.***

During the course of the conversation, a couple of jurisdictional issues came up that elicited the following explanations:

E9-1-1 calls, except in very limited circumstances in certain geographic areas, originate and terminate within the same State or jurisdiction. Whatever the scope of FCC authority, this means, as a matter of federal law, the calls also remain subject to State authority and oversight (unless a State legislature has decreed otherwise). The scheme set up in the Telecommunications Act assures that if the beginning and end of a call can be determined – and the both are located in the same state – the call is jurisdictionally intrastate.<sup>10</sup> This is true even if the carrier routes the call around the world – or to another state and back – which is apparently the case with the 911 services that sparked the recent FCC 9-1-1 outage inquiry. As noted, *supra*, the preemption of Minnesota's efforts to impose 9-1-1 obligations on Vonage was based on a facially faulty analysis<sup>11</sup> concluding that, in that case, the

<sup>10</sup> 47 USC§ 153 (28): "Interstate Communications ..shall not...include wire or radio communications between points in the same State, Territory, or Position of the United States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a State commission."

<sup>11</sup> States were preempted for trying to impose 911 obligations on carriers. Shortly after the preemptive order was issued, the FCC found that people were dying/being harmed because of non-working 911 service because nomadic VoIP calls would sometimes be mis-routed to PSAPs in adjoining States. That's when the FCC imposed the exact policy implemented years earlier by the Minnesota Department of Commerce (preempted by the FCC) and for the same reasons. If any of the 911 calls began and end in the same State, then the only basis for preemption is inconsistency with the federal goal – not a problem as the FCC and Minnesota both want Vonage to provide 911 service so people won't die – its just that the FCC's earlier position was that 911 services should not be required and instigated the litigation before later changing its mind on policy. The other option to justify preemption, cited by the court, is the purported

nomadic VoIP provider could not, in fact, identify with certainty, their customer's location. Note it is impossible to allege that this is a problem for facilities-based VoIP services – at least not if the FCC is going to require continued E-9-1-1 services that actually provide the real location (within the same state) of the calling party.

Moreover, E911 routing is NOT an unregulated information service. The definition of information services in the statute<sup>12</sup> specifically excludes “any use of any such (data processing) capabilit[ies] for the management, control, or operation of a telecommunications system or the management of a telecommunications service.” The service Intrado provides is exactly like Signaling System Seven and other database networks/services necessary to route point to point voice calls,<sup>13</sup> which as noted earlier, under the functional definition in the statute can only be “telecommunications services.” The import for Intradados service is just as clear. Because it specifically excluded from the definition of “information services” it is in fact a Title II service subject to State jurisdiction insofar as the E-9-1-1 service works and to federal jurisdiction as far as the federal statute allows.

I have attempted to cover all the key advocacy points raised during the meeting. I am copying Admiral Simpson and Mr. Johnson with this notice. If either indicates I have inadvertently left out some advocacy, I will immediately refile a corrected notice that includes the omitted discussions. If you have questions about this or any other NARUC advocacy, please do not hesitate to contact me at 202.898.2207 (w), 202.257.0568(c) or at jramsay@naruc.org.

Respectfully Submitted,

---

impossibility of complying with both federal and State standards - a question that was, as is obvious from reading the 8<sup>th</sup> Circuit's opinion, CLEARLY not ripe for review (and yet considered still inexplicably considered sufficient to justify preemption.)

<sup>12</sup> 47 USC §n 153( 24): ” **Information service** The term “information service” means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.” {emphasis added}

<sup>13</sup> Jurisdiction with respect to SS7 services cannot be disputed. As the FCC notes on page 12 , Note 35, of its January 2013 *Derecho Report and Recommendations*, which is available online at: <http://www.fcc.gov/document/derecho-report-and-recommendations> , “SS7 is a global standard for telecommunications defined by the International Telecommunication Union (“ITU”). The standard defines the procedures and protocol by which network elements in the public switched telephone network (“PSTN”) exchange information over a digital signaling network to effect wireless and wireline call setup, routing and control. See Performance Technologies, Inc., *SS7 Tutorial*, <http://pt.com/resources/tutorials/ss7-tutorial>..” That description should sound familiar to any engineer that understands how 911 calls are routed. It should be obvious too to anyone with a firm grasp of the English language, that SS7 and E911 call routing service fall squarely into the exception to the definition of “information services.”

JAMES BRADFORD RAMSAY,  
 GENERAL COUNSEL  
 NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS  
 1101 VERMONT AVENUE, SUITE 200  
 WASHINGTON, DC 20005

cc: *Rear Admiral David Simpson, Chief of the FCC's Public Safety and Homeland Security Bureau*  
*Clete Johnson, PSHSB Chief Counsel for Cybersecurity*  
*Ruth Milkmanz, FCC Chief of Staff, Office of the Chairman*  
*Gigi B. Sohn, Special Counsel for External Affairs*  
*Daniel Alvarez, Legal Advisor to the Chairman, Wireline, Public Safety and Homeland Security*  
*Rebekah GoodhHeart, Wireline Legal Advisor to Commissioner Clyburn,*  
*Priscilla Delgado Argeris, Legal Advisor, Wireline to Commissioner Rosenworcel*  
*Nicholas Dengani, Legal Advisor, Wireless to Commissioner Pai*  
*Erin McGrath, Legal Advisor Wireless, Public Safety & Intern'l, to Commissioner O'Rielly*  
*Amy Bender, Legal Advisor, Wireline to Commissioner O'Rielly*  
*Carol Matthey, Acting Wireline Competition Bureau Chief*

***Addendum NARUC Request/Motion:***

***This meeting took place on the morning of the last day of NARUC's Summer Meetings in Dallas, Texas. Because of travel and logistics associated with the meeting, NARUC was unable to draft and also get approval by all parties to the meeting in time to file by the prescribed two-day deadline for filing an ex parte notice in the FCC's rules.***

***We therefore respectfully request any waivers need to file this letter notice one day out of time.***