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Phone: 202-628-6380 Fax: 202-393-5453 Web: [www.part68.org](http://www.part68.org)

March 18, 2008

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: WT Docket No. 99-216 *Ex Parte* Presentation

Dear Ms. Dortch:

On March 13, 2008, representatives from the Administrative Council for Terminal Attachments (ACTA) met with representatives of the Federal Communications Commissions' Wireline Competition Bureau and Enforcement Bureau. The purpose of the meeting was to discuss Part 68 compliance concerns, to discuss opportunities for enhanced Part 68 enforcement by the FCC and to make the FCC aware of recent changes to the ACTA Operating Principles and Procedures.

The individuals representing the FCC's Wireline Competition Bureau's Industry Analysis Technology Division at the meeting included: Rodger Woock, Division Chief; Cathy Zima, Deputy Division Chief; Kirk Burgee, Chief of Staff; John Vu, Electronic Engineer; Michael Goldstein, Senior Engineer; and Darryl Cooper, Attorney. The individuals representing the FCC's Enforcement Bureau's Spectrum Enforcement Division at the meeting included: Kathryn Berthot, Division Chief; Ricardo Durham, Deputy Division Chief; and Neal McNeil, Senior Electronics Engineer. The individuals representing ACTA at this meeting were: Jim Haynes, ACTA Chair and Vice President, Engineering and Regulatory Affairs, Uniden; Patrick Donovan, Director, Government Affairs, Telecommunications Industry Association (TIA); Jean Paul Emard, Director, ATIS; Paul Anderson, ACTA Administrator; Thomas Goode, General Counsel, ATIS; and Deirdre Cheek, Attorney, ATIS.

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The discussion at the meeting was consistent with the presentations that are enclosed with this letter. Pursuant to Section 1.1206(b)(2) of the Commission's rules, one copy of this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Sincerely,

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Thomas Goode  
General Counsel

Attachment

The logo for part 68, featuring the word "part" in a green, lowercase, sans-serif font above the number "68" in a white, lowercase, sans-serif font. The text is set against a dark purple background with a white grid pattern.

# Administrative Council for Terminal Attachments (ACTA)

March 13, 2008

# Agenda

- Background: Mission and Structure of ACTA Sponsorship
- Changes to the ACTA Operating Principles and Procedures
- ACTA Meetings
- Part 68 Compliance Concerns: ACTA Actions to Promote Compliance, Request for Enhanced FCC Enforcement

# ACTA: Mission and Structure

- ACTA is an open organization that:
  - (1)adopts technical criteria for terminal equipment to prevent network harm (as defined in Section 68.3 of the FCC's Rules) through the act of publishing such criteria developed by the American National Standards Institute (ANSI) accredited standards development organizations; and
  - (2)establishes and maintains a database of equipment approved as compliant with the technical criteria.
- ACTA is jointly sponsored by the Alliance for Telecommunications Industry Solutions (ATIS) and the Telecommunications Industry Association (TIA).
- ACTA has established Operating Principles and Procedures (OPP) that detail the mission and membership of ACTA, as well as the processes governing the operation of ACTA.

# ACTA: Mission and Structure

- Membership in ACTA is open to any organization, company or group having an interest in the business of ACTA.
  - The membership is represented by “Interest Segment Representatives,” who are elected by a majority of votes from their respective segment participants to serve two-year terms.
  - “Invited Observers” under the OPP include FCC, Industry Canada, and Comision Federal de Telecomunicaciones .
- The sponsors (ATIS and TIA) ensure that the ACTA is populated in a manner consistent with the criteria established by ANSI for a balanced and open membership.

# ACTA: Mission and Structure

- On December 3, 2007, ACTA modified its Operating Principals and Procedures (OPP) to reduce the number of interest segments from six to four.

## Old OPP (v. 1.9)

- Local Exchange Carriers (“LEC”)
- Interexchange Carriers (“IXC”)
- Terminal Equipment Manufacturers (“TEM”)
- Network Equipment Manufacturers (“NEM”)
- Testing Laboratories (“LAB”)
- Other Interested Parties (“OIP”)

## New OPP (v. 2.0)

- Service Provider Segment (“SPS”)
  - Manufacturer Segment (“MS”)
  - Testing Laboratories Segment (“LAB”)
  - Other Interested Parties (“OIP”)
- This change better reflects the current make up of the industry; ACTA membership remains balanced and open.
    - No one segment may dominate ACTA.





# ACTA Meetings

- Representatives from the FCC are welcomed at all meetings, which occur four times annually; two face-to-face meetings in Washington, DC, and two virtual meetings.
- The schedule of ACTA meetings is maintained on the Part 68 website ([www.part68.org](http://www.part68.org)).
- The next meeting of the ACTA (virtual meeting) will take place on June 12, 2008.
- Industry Canada typically attends ACTA meetings.
- Greater FCC participation in ACTA meetings is desired.





# Compliance Concerns

- While consumer telecommunications and enterprise equipment production has risen yearly by 5.3-6.0% since 2002,\* ACTA has observed a significant decrease in filings over the past several years.
  - Several potential causes for this decrease have been suggested, including the failure of some parties to test equipment for compliance and register with ACTA under Part 68.
    - In May 2006, ACTA raised the issue of the sale of non-compliant customer premises equipment with the FCC.
    - A recent ACTA contribution notes the continued availability of devices not listed in the Part 68 database that could cause damage to the PSTN.
    - Industry Canada findings (submitted as a contribution to ACTA) detail three specific instances of non-compliance within Canada; the equipment at issue also may be available in the US.
    - There may also be confusion among some in the industry regarding the respective roles of ACTA and the FCC regarding equipment certification and compliance.

\*Source: *TIA 2008 Telecommunications Market Review and Forecast; Chapter 3 – Enterprise and Consumer Market.*

# Compliance Concerns: ACTA Activity

In support of its mission, the ACTA has and will continue to:

- Inform the FCC of instances of non-compliance with the Part 68 rules of which ACTA becomes aware.
- Work one-on-one with current database filers to ensure correct filings (via the auditing system) and counsel filers on their obligations.
- Issue press releases/web-based notifications to all known interested parties of new technical criteria as they are promulgated.
- Conduct programs (such as face-to-face seminars and Internet-based webinars) to educate current and future filers about Part 68 requirements and technical criteria.



# Compliance Concerns: Enforcement

ACTA also requests the FCC to:

- Enhance its enforcement of Part 68 requirements.
- Issue industry alerts as enforcement actions are taken in order to make potential offenders aware of such actions.
- Continue to cooperate with Industry Canada to ensure that manufacturers of non-compliant equipment are brought into compliance.



# Questions or Comments?

Please direct any inquires regarding ACTA to:

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