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March 19, 2012

Via email

Kirk Burgee
Chief of Staff, Wireless Competition Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Karen Onyeije
Associate Chief, Enforcement Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: WCB and EB Participation at April 12, 2012 ACTA Meeting and Action Items
from January Ex Parte

Dear Kirk and Karen:

I am writing to once again thank you for taking time out of your schedules to meet with the Administrative Council for Terminal Attachments (ACTA) on January 26, 2012. The ACTA representatives, including myself, felt that it was a very positive meeting with engaging dialogue. The ACTA hopes that the meeting marked the strengthening of the ACTA and FCC partnership.

To that end, I am writing to remind you of the upcoming ACTA General Council Meeting, a face-to-face meeting that is being held on April 12 at ATIS headquarters (1200 G St. NW, Suite 500). The draft meeting agenda (Attachment I) is attached to this letter. Please note that FCC participation is sought in order to ensure effective coordination and collaboration on important matters related to Part 68. Specifically, the ACTA requests that the FCC address the following topics at the April 12 meeting:

- Update on Part 68 Enforcement Issues
- Question regarding VoIP rules, specifically “PSTN or the equivalent” and what ACTA should do with VoIP equipment regarding registration in the database
- Reaction to the ACTA Ex Parte
- Input on proposed series of educational public notices covering both compliance and ACTA database related issues.

While the ACTA would appreciate your participation for the entire meeting, a specific time could be set aside for the Commission liaison report. Also, while the meeting is in Washington, DC, a conference bridge will be available in the event this is more convenient for the Commission staff.

Attachment II of this letter contains follow-up information based on the action items captured by the ACTA representatives during the Ex Parte meeting. The ACTA hopes that this information will assist the Commission in addressing the growing problem of Part 68 non-compliance.

Should you have any questions or concerns, you may contact the ACTA Secretariat at 202-642-8841 (Kerriane Conn) or 202-434-8824 (Jean-Paul Emard).

Respectfully,

A handwritten signature in blue ink, appearing to read "Jim Haynes".

Jim Haynes, ACTA Chair

CC: Rodger Woock, Division Chief, WCB Industry Analysis Technology Division

Cathy Zima, Deputy Chief, WCB Industry Analysis Technology Division

Jon Reel, Attorney, WCB

Suzanne Tetreault, Deputy Chief, EB

Ricardo Durham, Deputy Chief, EB Spectrum Enforcement Division

Neal McNeil, Assistant Chief, EB Spectrum Enforcement Division

John Poutasse, Acting Chief, EB Spectrum Enforcement Division

Milton Bush, ACTA Enforcement WG Chair and OIP Representative

Brian Scarpelli, TIA Liaison to ACTA

Jean-Paul Emard, ATIS Liaison to ACTA

Tom Goode, ATIS General Counsel



Administrative Council for Terminal Attachments (ACTA)

April 12, 2012

General Council Public Meeting

Face-to-Face

Draft Meeting Agenda

Chair: Jim Haynes, Compliance Engineering Services

10:00am-4:00pm ET

1. **Call to Order**
2. **Attendance, Introductions**
3. **Agenda Review and Approval**
4. **Listing of Contributions (to be discussed within the agenda below)**
5. **Review and Approval of Meeting Summary**
 - a. ACTA-12-003 : Draft Meeting Summary Report for January 19, 2012
6. **Review of Action Items from January 19, 2012 Meeting (ACTA-12-003)**
7. **Working Group Reports**
 - a. ACTA WG on Enforcement
 - i. Summary of January 26th Ex Parte Meeting
 - b. ACTA WG on Smart Grid and other new technologies
 - c. ACTA WG on FCC/ACTA Submission Guidelines
 - i. Final Report on Proposed "Manufacture Discontinued Date"
8. **Secretariat Update**
9. **Liaison Reports**
 - a. TR 41 Liaison Report – *Invited*
 - b. FCC Report - *Invited*
 - c. Industry Canada - *Invited*
10. **Questions for the FCC**

11. Old/New Business

- a. Discussion of proposed series of educational public notices covering both compliance and ACTA database related issues

12. Next Meeting

- a. July 26, 2012 – Virtual Meeting 2:00pm ET – 4:00 pm ET

13. Adjournment



The Administrative Council for Terminal Attachments (ACTA)

*Compliance Concerns & FCC/Industry
Collaboration Next Steps – Follow-up from
January Meeting*

March 2012

Jim Haynes, ACTA Chairman

Milt Bush, ACTA Enforcement WG Chairman



Opening Statement and Summary

- The following slides address questions/action items that came out of the January 2012 ACTA Ex Parte with the FCC.
- These issues will also be discussed at the next ACTA meeting on April 12, 2012 at ATIS Headquarters (1200 G Street, NW Ste. 500) from 10am-4pm.



FCC Question: Can ACTA provide data on the trends for the number of unique filers in the ACTA database from 2005-2011?

ACTA answer: On the following slide, please find the information regarding the number of unique filers from 2005 – 2011. The following considerations were taken when complying this data:

- The company name was used to determine a "Unique Filer"
- The "Unique Filer" is only listed once per year, regardless of the number of filings the filer had.
 - Things to consider regarding a "Unique Filer"
 - A "Unique Filer" may own multiple Responsible Party Codes (RPC)
 - A "Unique Filer" may file multiple times using the same RPC code
 - A "Unique Filer" may file multiple times using multiple RPC Codes
 - example: Company A owns 3 different RPC codes: AAA, BBB, CCC. The company may choose to file 3 different products for each rpc code during the calendar year
 - 3 filings using AAA RPC Code
 - 3 filings using BBB RPC Code
 - 3 Filings using CCC RPC Code
 - This would give a total of 9 filings by the "Unique Filer"
 - In the data report, the filer will only be shown once since the filer is considered a "Unique Filer"
- During the 6 year time period several Responsible Party Codes have been transferred or bought out by new companies. The report will only show the new company information example:
 - Company A originally made a filing in 2005 using the RPC AAA
 - Company B purchased company A and the RPC AAA in 2008, database was updated to show Company B as the owner of RPC AAA
 - All filings in the report will reflect Company B as the "Unique Filer" throughout the report (2005-2011)



FCC Question: Can ACTA provide data on the trends for the number of unique filers in the ACTA database from 2005-2011?

Year	Number Unique Filers
2005	369
2006	344
2007	309
2008	251
2009	232
2010	205
2011	199



FCC Question: ACTA brought two items of physical equipment to the Ex Parte, can we confirm where these items were purchased?

ACTA answer:

- Both of the pieces of physical equipment brought into the meeting as examples were purchased at Hobby Lobby.
- The phones and purchasing documentation were presented at an ACTA General Council Meeting, and a record is available via the Part68.org website (www.part68.org).



FCC Question: What does the Responsible Party Code (RPC) Data Validation program entail?

ACTA answer:

- The RPC Data Validation Program requires Responsible Parties to validate their contact information on an annual basis and to confirm whether or not new equipment was registered during the calendar year. RPC contact information which must be validated, includes but is not limited to: RPC's point(s) of contact, address(es), phone number(s), email address(es), and website URL.
- RPCs that are updated will be noted by a "label" to show that the RPC data have been validated and are accurate. On at least an annual basis, ACTA will provide the Federal Communications Commission (FCC) with reports detailing those responsible parties who have, and have not, validated their data with regard to Part 68.
 - Further details, including a FAQ on the RPC Data Validation Program are available at: http://www.part68.org/FAQ_datavalidation.aspx



FCC Question: What happens to an RP which is no longer manufacturing a product. Does an RP annually need to validate its RPC Data?

ACTA answer:

- ACTA formed a Working Group (WG) to review this issue. The final proposal is set to be discussed at the March 28th Executive Committee Meeting. It is anticipated that the following proposal will be approved:
 - The WG is recommending that no changes be made to the current RPC Data Validation policy. Additionally, the WG is recommending that if the Secretariat receives questions regarding how long an RP needs to validate its data, the Secretariat should respond with “until the company is no longer in business or there is a transfer of control to a successor entity that becomes the RP.”



FCC Question: Does ACTA have a list of the “bad guys” who are not complying with Part 68 rules?

ACTA answer:

- ACTA does not maintain a list of “bad” guys who are not complying with Part 68, as ACTA has no jurisdiction over enforcement or compliance.
- As the FCC is aware, the ACTA does not have authority to enforce Part 68. Additionally, the ACTA has no resources or legal means to enforce Part 68.
- ACTA does provide, on a bi-annual basis, a report of RPs that have and have **not** validated their RPC Data.



FCC Question: Can ACTA encourage industry stakeholders that may aware instances of Part 68 noncompliance to file complaints with the FCC?

ACTA Answer:

- Yes, ACTA is currently considering a series of educational public notices covering both compliance and ACTA database related issues.
 - This item will be discussed further during the April 12th General Council Meeting.