



## Administrative Council for Terminal Attachments (ACTA)

May 22, 2001  
ATIS Conference Center  
1200 G Street, NW, Suite 500  
Washington, DC

### Draft Meeting Summary

Chair: Jimmy Salinas, SBC Corporation

9:00am-4:30pm

*Please note that all contributions are available online.  
(<http://www.part68.org/records.htm>)*

#### 1. Call to Order

Jimmy Salinas, SBC, ACTA Chair, Dan Bart, TIA, and Ed Hall, ATIS, welcomed participants and called the meeting to order.

#### 2. Attendance Roster and Introductions

The ACTA representatives and all participants introduced themselves. Ed Hall noted that the attendance roster was at the registration desk and asked that everyone be sure to sign it before lunch. He also noted that there would be copies of the roster available before the end of the day.

#### 3. Agenda Review and Approval

Jimmy Salinas introduced the agenda and it was accepted and approved as submitted.

#### 4. Introduction of Contributions, Numbering, Assignment to Agenda Number (Contributions will be numbered as follows: ACTA-01-05-22-XX)

Jimmy Salinas asked for any additional contributions and none were submitted. He then went through the numbering sequence and introduced all contributions and matched them with agenda topics. Please note that all contributions are available on the ACTA Web site at <http://www.part68.org/records.htm>. Contributions were submitted and numbered as follows:

Number	Contribution	Agenda Item
ACTA-01-05-22-01	Agenda	
ACTA-01-05-22-02	Participant Roster	2
ACTA-01-05-22-03	FCC Flow Chart	6
ACTA-01-05-22-04	May 2 Meeting Summary	5
ACTA-01-05-22-05	TR41 Liaison Letter	6
ACTA-01-05-22-06	TR41.11 Database Items	6
ACTA-01-05-22-07	TR41.11-01-08-033-3-0014-1	10c
ACTA-01-05-22-08	TIA TR41 Update	6
ACTA-01-05-22-09	G.SHDSL Technical Standard	10b
ACTA-01-05-22-10	Part 68	10a
ACTA-01-05-22-11	PN-3-0010-1 Draft 3.0	10b
ACTA-01-05-22-12	Changes to the OP&P	7
ACTA-01-05-22-13	TR-41.11 Response on the RJ-31 Jack Issue	10f
ACTA-01-05-22-14	ACTA OP&P Version 4.3	7
ACTA-01-05-22-15	Budget Presentation	9b

ACTA-01-05-22-16	ACTA OP&P as modified by Sprint	7
ACTA-01-05-22-17	Voting requirements for ACTA actions	7
ACTA-01-05-22-18	Agreements Reached & Action Items	

***Action Item: The secretariat will provide a Microsoft Word document with a matrix and register of all contributions on the web site for all meetings and in paper copies for all face to face meetings.***

## **5. Review and Approve May 2 Meeting Summary**

Jimmy Salinas introduced Contribution ACTA-01-05-22-04, the Draft Meeting Summary from the May 2 Inaugural Meeting, and it was reviewed. It was noted that, in the future, the Secretariat should label the document “Draft” until such a point that the ACTA has accepted and approved it. Jimmy Salinas asked if there were any suggested edits or modifications to the Draft Meeting Summary. Dan Bart, TIA, introduced several edits and changes, and all were made by the Secretariat.

***AGREEMENT REACHED: The May 2 Meeting Summary was accepted and approved as modified.***

## **6. ACTA Correspondence**

Bill Howden, FCC, introduced Contribution ACTA-01-05-22-03 and explained the flow chart.

The letter from TR41.11 (Contribution ACTA-01-05-22-05) requesting liaison between the ACTA director and TR41.11 was introduced and the ACTA approved such a liaison.

***AGREEMENT REACHED: The liaison between the ACTA Director and TIA TR41.11 was accepted and approved.***

***ACTION ITEM: The Secretariat will draft a letter accepting TR41.11’s request for liaison.***

A council member noted that the letter suggests a liaison between the director and TR41.11 and suggested that the liaison should be between ACTA and TR41.11 with the Director as the point of contact.

The letter from TR41.11 (Contribution ACTA-01-05-22-06), which contains information on the FCC Database of Certified Equipment was introduced.

Bill Howden, FCC went through the list and indicated which of the bulleted items from the contribution were in the database and which were not.

### **DISCUSSION:**

It was noted that the contribution was mislabeled as the contents of the database, but that it was, in fact, a list of the entries on the 730 form. A council member suggested asking Bill Howden to provide ACTA a list with the fields currently in the database.

A council member noted that the form 730 is not only a list of database items, but a checklist for those who are preparing the paperwork. The council member further noted that the function of 730 may change as the ACTA takes over the certification.

***ACTION ITEM: The ACTA will request that TIA TR41 create a list of items currently in the database and suggestions for changes in fields available.***

Steve Whitesell, TR41 Chair, introduced Contribution ACTA-01-05-22-08, which is an update on TR41 Activities dealing with Part 68. A council member requested a timeline on this information and suggested that the ACTA discuss this. Steve Whitesell noted that all available dates were included in the contribution.

## **7. ACTA Operating Principles and Procedures (OP&P) Version 4.3 – Review, Modify and Accept**

### **a. Contribution ACTA-01-05-22-16 (Cliff Chamney)**

Cliff Chamney introduced Contribution ACTA-01-05-22-16, which is the OP&P as modified by Sprint. He explained that the revision marks indicate his suggested revisions to the OP&P and highlighted some key points in Sections 4.2, 5 and Appendix A.

#### **Discussion: Section 4.2**

- A council member noted that he believes Mr. Chamney's suggestion for quorum is "a recipe for logjam."
- A council member noted that he believes that the suggestion gives any interest group veto power over the others and because of that, the council member believes that this is an unacceptable proposal for quorum.
- A council member noted that there are some situations in which several interest groups might not feel that the business at hand concerns them and that there needs to be a way to have a quorum without having every interest group present.
- A council member noted that the silent veto is not acceptable.

Cliff Chamney withdrew his recommendation regarding 4.2.

A council member suggested that the quorum requirement in the OP&P needed to be reworded in order to ensure that the intent was explicit. The OP&P was modified to read:

#### ***4.2 Quorum Requirement***

A quorum for conducting official business of the ACTA shall consist of:

- A. At least one representative from a majority of the interest segments, and
- B. A majority of the total number of Interest Segment Representatives.

Proxies are not permitted.

***AGREEMENT REACHED: Section 4.2 of the OP&P was accepted and approved as modified.***

A council member expressed concern that meeting quorum requirements might be made more difficult due to the fact that there was at least one resignation received and one on its way and that the Interexchange Carrier (IXC) Interest Segment has only one representative. It was suggested that holding an interim election to fill the vacant ACTA seats would alleviate the situation.

***ACTION ITEM: The ACTA Director will start the process for filling the vacancie(s) on the ACTA pursuant to OP&P Section 3.3.4.***

A council member suggested that controlling late contributions might help in preventing the disruption created by council members and participants who introduce contributions on the day of the meeting.

***AGREEMENT REACHED: All contributions and proposals for ACTA action shall be submitted to the Secretariat no later than ten days prior to the meeting at which action is anticipated. The Secretariat will distribute all contributions received to the entire Council membership no later than one week prior to the meeting at which action is anticipated. Contributions submitted after that deadline may be deferred for later action.***

#### **Section 5:**

- Cliff Chamney noted that he believes that changing the Voting Requirements depending upon the type of decisions that are to be made would be beneficial to the ACTA. He suggested that for routine decisions, majority approval would be sufficient, but that for any important decisions, unanimous approval be required.
- It was noted that unanimous approval for “important decisions” might be too strict.
- Chuck Bailey, SBC, introduced Contribution ACTA-01-05-22-17, which proposes a plan whereby all ACTA decisions require the approval of 67% of those council members present excluding any abstentions.
- A council member suggested using a two-thirds majority instead of 67% for these decisions.
- It was noted that two-thirds of the minimum required for quorum is just 4 council members and that this might not be ideal for approving “important decisions.”
- A council member suggested adding a section regarding absences of council members at meetings and setting a number of allowable absences before that person is considered no longer a member of the council.
- There was a motion, which was seconded, to require a two-thirds majority for all ACTA decisions and actions. The motion passed unanimously.

Section 5 of the OP&P was modified to read:

#### **5. VOTING**

Each Interest Segment Representative or an Alternate, when acting as an Interest Segment Representative in the absence or disability of that Representative, shall have one vote in all ACTA matters. Voting shall be conducted by the chair. Action shall require both: (1) a quorum, and (2) two-thirds of votes cast, not counting abstentions.

***AGREEMENT REACHED: Section 5 of the OP&P was accepted and approved as modified.***

#### **Appendix A**

Cliff Chamney withdrew his suggestion of adding “administrative” in the first paragraph due to concerns from the council.

#### **Discussion:**

A council member expressed his concern that A1.5 was not appropriate for ACTA because the language in the Report & Order does not allow for the ACTA to make such requirements. Mr. Chamney withdrew his suggested A1.5.

- Mr. Chamney moved to approve A2.1 as modified by Sprint. The motion failed.

- Mr. Chamney moved to approve A2.2 as modified by Sprint. The motion did not carry with a vote of 2 yeas, 6 nays, 2 abstentions.
- Mr. Chamney moved to approve A2.3 as modified by Sprint. The failed.
- Mr. Chamney moved to approve A2.4 as modified by Sprint. The motion failed.

***AGREEMENT REACHED: Appendix A and Appendix B of the OP&P were accepted and approved as modified.***

**b. Contribution ACTA 01-05-22-12 (Anh Wride)**

Anh Wride introduced Contribution ACTA-01-05-22-12, which includes some proposed changes to the OP&P Section 2.3. Specifically, she wanted to ensure that the language clearly gave the ACTA the power to make decisions regarding secretariat and database support. Ms. Wride motioned to accept and approve the suggested changes to Section 2.3. The motion was seconded, and passed unanimously.

Another council member suggested that the words “an equitable and nondiscriminatory manner not permitting any entity or segment of the industry to gain a competitive advantage” be added to the first sentence. It was moved to accept and approve the changes to Section 2.3. The motion passed unanimously.

Section 2.3 of the OP&P was changed to read:

**2.3 Responsibilities**

The Administrative Council’s major responsibilities shall be to perform the following in an equitable and nondiscriminatory manner not permitting any entity or segment of the industry to gain a competitive advantage:

- (1) Provide public notice for thirty (30) days of intent to adopt technical criteria as submitted by ANSI-accredited standards development organization. (47 CFR § 68.608)
- (2) Adopt and publish technical criteria for customer premises equipment developed by ANSI-accredited standards development organizations. (47 CFR § 68.608)
- (3) Operate and maintain a database of equipment, approved as compliant with the technical criteria, meeting the requirements of the FCC and U.S. Customs Service for enforcement purposes. (47 CFR § 68.610)
- (4) Ensure that the database is created and maintained in an equitable and nondiscriminatory manner not permitting any entity or segment of the industry to gain a competitive advantage. (47 CFR § 68.610)
- (5) Establish and maintain an appropriate labeling methodology for terminal equipment. The labeling methodology must meet the requirements of the FCC and the US Customs Service for enforcement purposes, as well as provide consumers a method to identify the source and model number of the terminal equipment. (47 CFR § 68.612)
- (6) File with the FCC a detailed report of the database structure and associated procedures. (47 CFR § 68.610)
- (7) Respond to inquiries from the public regarding the technical criteria published. (R&O ¶ 53)
- (8) Coordinate the Industry’s notification of technical criteria projects to avoid duplication of effort. (R&O ¶ 55)
- (9) Manage such other tasks as necessary and within the Administrative Council’s scope that were formerly part of the FCC’s Part 68 functions.
- (10) Ensure that the management, activities and decisions of the Administrative Council be independent from all external influences. However, the Administrative Council may arrange for some of its administrative functions (secretariat, database, etc.) to be performed

by external organizations, including the sponsoring organizations, as allowed in the Report and Order, providing that the arrangement that it enters with these organizations is clearly and publicly delineated. (R&O ¶ 39)

***AGREEMENT REACHED: The proposed new wording for Section 2.3 of the OP&P was approved as modified.***

Chuck Bailey submitted proposed wording for a new Section 4.4 dealing with a timeline for contributions being submitted and distributed. He motioned to accept and approve Section 4.4, which was seconded, and the motion passed unanimously. Section 4.4 reads:

***4.4 Contributions to Meetings***

All contributions and proposals for ACTA action shall be submitted to the Secretariat no later than ten days prior to the meeting at which action is anticipated. The Secretariat will distribute all contributions received to the entire Council membership no later than one week prior to the meeting at which action is anticipated. Contributions submitted after that deadline may be deferred for later action.

***AGREEMENT REACHED: The wording for Section 4.4 of the OP&P was accepted and approved as modified.***

***AGREEMENT REACHED: The OP&P was accepted and approved as is with minor editorial changes as needed. (It was noted that this is not the final version to be submitted to the FCC and published.)***

***ACTION ITEM: All changes and modifications to the OP&P will be made by the Secretariat and will be posted to the web site no later than May 25, 2001.***

***ACTION ITEM: John Bipes will submit a contribution to the next meeting suggesting additional wording to the OP&P Section 3.3.4.***

## **8. Legal and Liability Issues**

Megan Campbell, ATIS General Counsel, addressed the issue of legal liabilities for the Council. Ms. Campbell acknowledged that she was not making a full presentation but rather, sharing some points with the Council regarding potential liabilities for industry committees and highlighting measures taken by ATIS fora and committees to limit that liability. It was noted that industry forums are subject to antitrust laws and certain topics of discussion should be avoided. In addition, a committee's procedures to ensure a fair and open environment must be followed. Ms. Campbell noted that ATIS traditionally provides legal sensitivities training to committee leadership and that ATIS legal reviews all meeting notes before publication to ensure inappropriate topics are not discussed in meetings.

On the topic of insurance, Ms. Campbell explained that the ATIS insurance covers ATIS, its directors and officers and employees, but not the individual participants active in the various committees. She stated that most companies cover their employees who participate in industry forum activities through corporate insurance policies provided that the activity is within their scope of duty. It was suggested that each individual participant check with their internal legal departments on the coverage of their corporate policies. Dan Bart indicated that TIA held coverage similar to that of ATIS whereby the individual participants are not covered by the association's

policy. Ms. Campbell noted that the American National Standards Institute (ANSI) recently introduced a new insurance policy that appears to offer coverage for individual participants. She stated that ATIS would be reviewing the promotional materials on that insurance as well as exploring other options.

Several of the representatives from smaller companies and non-profit groups expressed concern regarding the lack of coverage for individual participants at the sponsorship level. Ms. Campbell and Mr. Bart both agreed to examine the new insurance introduced by ANSI. A question was asked regarding individual participants' liability protection in light of the fact that the ACTA is directed by the government. Ms. Campbell noted that she was not aware of any specific protections in this situation but would look into the matter further.

***ACTION ITEM: ATIS Counsel will facilitate the anti-trust training and legal sensitivities training at a subsequent ACTA meeting.***

***ACTION ITEM: ATIS Counsel will research insurance coverage that would cover individual ACTA representatives, including the new insurance endorsed by ANSI, and report back to the ACTA at a subsequent meeting.***

## **9. Secretariat Functions**

### **a. Administration**

A discussion took place regarding the Secretariat functions and the contract required under the FCC R&O.

***ACTION ITEM: The ACTA Director will prepare a statement of work based on the OP&P Section 6 and provide the document as the "contract" for ACTA Secretarial Support. It is to be submitted as a contribution at the next ACTA meeting.***

***AGREEMENT REACHED: ACTA will submit a letter to the FCC requesting clarification on the term "contract". The letter will put forth the position that the contract can be a written documentation of the expectations of the Secretariat that will be published for written review.***

***ACTION ITEM: ATIS Counsel will draft a letter to the FCC requesting clarification on the term "contract" and setting forth the ACTA's suggestion as found in the preceding agreement. ACTA Secretariat is to distribute the draft letter to the ACTA-isreps Exploder List by May 25, 2001 for approval.***

Director Hiring: A participant expressed his concern about the process of hiring the director for the ACTA and that the ACTA should have veto/hiring power for their staff.

A council member noted that no ATIS or TIA committee has a direct say in the hiring of the staff for their committees, but that there is a level of communication between the committee members/leadership and the ATIS staff, which provides the opportunity for the committees to provide feedback on the performance of the staff.

Motion: Council feedback on the Director's performance will be addressed by the chair directly with the Director's supervisor. Motion was seconded and unanimously passed.

***ACTION ITEM: The ACTA Secretariat will distribute the letter from Scott Roleson regarding the ACTA Director to the ACTA membership and it will be numbered as a contribution to the next ACTA meeting.***

***ACTION ITEM: Interest Segment Representatives will discuss the letter from Scott Roleson regarding the hiring of the Director and if a contribution from the Interest Segment Representatives is deemed necessary, it will be submitted at the next ACTA meeting. ACTA members will review the Director description in the OP&P and ensure that the wording is appropriate.***

**b. Budget/Finance**

Time did not permit the discussion of this agenda item.

**c. Database Update**

Lee Chen, Critical Dynamics, presented on the current status of the database on the ACTA web site. There was discussion of the meaning of the word “manufacturer” as it appears when searching on the web site. A council member expressed concern that the database functionality is not appropriate as it is currently set up.

Susan Magnotti, FCC, invited an ex parte from any of the participants or ACTA members for more detail on the labeling requirements, which are now under reconsideration.

There was a motion to form a small committee to discuss with the ATIS IT department and database expert to discuss what should be shown in the “Manufacturer” field.

***AGREEMENT REACHED: An informal working group will be established to discuss the functionality of the database. The membership will include:***

- ♦ ***LEE CHEN, ATIS IT***
- ♦ ***ACTA Director***
- ♦ ***CLINT PINKHAM***
- ♦ ***CLIFF CHAMNEY***
- ♦ ***GREG SLINGERLAND***

There are three basic issues for database development that should be addressed in this working group. They are:

1. Which fields should be included in the database?
2. What will the overall design of the database look like?
3. How will the “end user” access the database?

## **10. Work Items**

**a. Draft Proposed ANS Part 68 Standard (SP-3-0005 - TIA/EIA-968)**

Steve Whitesell, TR-41 Chair, presented Contribution ACTA-01-05-22-10, which is the Industry Version of Part 68. He noted that the document is still out for ANSI ballot. The close date for this ballot (SP-3-0005) is June 4, 2001. There were some comments that he believes have been resolved and there is a new document, which has been presented as an interim standard. The close date for the interim standard (PN-3-0016) ballot is June 14, 2001.

A council member moved that the Part 68 Rules have been accepted as the ACTA’s initial set of technical criteria until such a point as an SDO has submitted technical criteria. Another



council member noted that this motion is premature as the close date for the ballot would give ACTA sufficient time to adopt the criteria before the FCC deadline. The motion was withdrawn.

**b. Addendum to cover FCC's former Waiver Procedures**

Steve Whitesell, TR-41 Chair, presented Contribution ACTA-01-05-22-11, which will establish technical criteria identical to the current waiver procedures for ADSL and stutter dial tone. He explained that there were technical changes made to the document and it is currently being circulated for a default ballot as PN-3-0010-1.

Russ Taylor, Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC, presented Contribution ACTA-01-05-22-09, which asks the ACTA to adopt and publish two standards developed by the International Telecommunications Union (ITU) as technical criteria. These standards would enable the introduction and use of G.shdsl modems. A council member expressed concern that the ITU is not an ANSI-accredited organization and that the ACTA should not accept standards from them.

It was moved that the ACTA should contact Mintz, Levin and explain that the technical criteria need to be submitted to the ACTA from ANSI accredited organizations and to direct Mr. Taylor the appropriate SDO.

***ACTION ITEM: The ACTA Director will draft a letter to Mintz, Levin, et al indicating that their contribution was not appropriate and referring Mintz, Levin to the appropriate Standards Development Organization.***

**c. Labeling proposal**

Steve Whitesell, TR-41 Chair, presented Contribution ACTA-01-05-22-07, which is PN-3-0014. This document will address numbering and labeling requirements. It is currently being circulated for default ballot as PN-3-0014-1.

**d. Supplier's Declaration of Conformity Administrative procedures Guide**

Steve Whitesell, TR-41 Chair, explained that TR41.11 has undertaken a new project to create a Technical Service Bulletin (TSB) to serve as a User's Guide to the SDoC Process for Terminal Equipment.

**e. Future changes and approach (e.g., V90 modems power limits, ADSL crosstalk limits, etc.)**

**f. RJ 31 update/disposition**

Steve Whitesell presented Contribution ACTA-01-05-22-13, which indicates that TIA TR41 has developed a working group to deal with the RJ31 Jack Installation Issue.

***ACTION ITEM: The TR41 Chair will continue to update ACTA on the activities of TR41 regarding the RJ31X Jack Issue.***

**g. Other issues**

There were no additional issues addressed at this meeting.

**11. Next Meeting**

The next ACTA meeting is scheduled as a virtual meeting for June 4, 2001.

***ACTION ITEM: The Secretariat will provide the virtual meeting invitation to all ACTA members by May 25, 2001.***

## **12. Adjournment**

Jimmy Salinas thanked the council members for their presence and adjourned the meeting at 5pm.