



November 2, 2000

Ms. Dorothy Attwood, Chief  
Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: CC Docket No. 99-216, Biennial Review  
of Part 68 of the Commission's Rules

Dear Ms. Attwood:

In recent conversations with the staff of the Common Carrier Bureau, both the Alliance for Telecommunications Industry Solutions (ATIS) and the Telecommunications Industry Association (TIA) were made aware of some issues in this rulemaking that would have forced the Commission to make elections among gatekeeper alternatives, and in doing so, possibly forego public interest benefits. As a result, ATIS and TIA have concluded that, together, we can serve the public interest ourselves by offering a somewhat different alternative for the Commission that blends the best characteristics of the alternatives on the record, and which would involve participation by both ATIS and TIA in areas in which they have special skills or experience.

Discussions between us over the last week have led us to the following as a proposal for consideration by the Commission and as an avenue for achieving the objectives of the rulemaking:

ATIS and TIA would initially share the sponsorship of the process by which the gatekeeper function is privatized. That is, the two organizations would coordinate the manner in which the initial organizational meeting is convened, host the first meeting, assign an initial chair for that meeting, and put in place initial secretariat support. More specifically, at this time, we have agreed that TIA would undertake the meeting planning for this first meeting, that the organizations would co-chair the first organizational meeting, and that ATIS would perform the secretariat functions, using one of its professional staff as a liaison for the initial meeting group. (ATIS would continue in the secretariat function on an ongoing, cost compensatory basis, as described below.)

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This preliminary sponsorship anticipates that the Commission acts, and establishes an expected structure and general rules of operation for a group. This determination will guide the process of implementation. We do not anticipate that the Commission would decide which organizations would have seats on the gatekeeper.

An invitation to attend and to participate in an organizational meeting would be extended directly by our organizations on a joint basis to individuals identified as prior interested persons by Commission staff, and a public notice would be expected to be issued to inform any new interested persons about the initial organizational meeting.

Our organizations have agreed that, subject to Commission concurrence, this body could operate as a co-sponsored committee. This anticipates that the Commission would have some continuing role where Communications Act issues are implicated, and would confirm or otherwise act on decisions with policy implications.

At the organizational meeting, we would expect that the initial organizational group would establish an operating structure consistent with Commission expectations. That structure would form the basis for the gatekeeper organization going forward. There would be a governing body. We anticipate that this group would be populated exclusively by individuals from the private sector – from businesses with a direct interest in the gatekeeper issues within the United States, and that seats would not be held by not-for-profit organizations or non-United States interests. We would anticipate that the Commission could confirm the members of the gatekeeper organization at a later date, and from time to time thereafter.

Participants on the governing body would have defined terms. Work done by the group could be done through working sessions of the governing body, or subgroups, as may be determined to be most effective from time to time. Each participant on the governing body would be expected to act with gatekeeper interests in mind, even if they also had individual company interests in an issue.

We anticipate that the organization would be committed to principles of fairness and due process, and would follow certain operating procedures to assure that. While it might be difficult to put in place initially, the expectations as to gatekeeper operation could be addressed in a “manual” or other similar document, which can be updated as needed. This will provide comfort to all about the expectations with respect to things such as

- Reliance primarily on submissions from participating organizations
- Openness
- Fairness/due process and what it means
- Nondiscrimination
- No incumbent or large company preference (assuring balance and lack of dominance)
- Committee head rotation or election



- Voting fairness and a consensus-driven operation
- Elimination of influence from other organizations, including any influence from either ATIS or TIA

On a going forward basis, we would expect the entity to undertake the following:

Immediately after the first meeting, the group would initiate with the Commission a program of public information concerning the group, its role, its mission, and its operations.

Depending on the organizational structure, the governing group, working with the secretariat organization, would list all members and interested persons and build a mailing list for future operations. It is anticipated that documents and notices would be exchanged primarily on an electronic basis.

The gatekeeper would separate policy decisionmaking from the secretariat function.

We anticipate that the gatekeeper organization, subject to Commission concurrence, would undertake these substantive activities, among others:

- Address in a timely manner all CPE related technical issues identified by submission or referred by the Commission
- Develop a common CPE/equipment labeling scheme for equipment currently handled separately by the Common Carrier Bureau and the Office of Engineering and Technology
- Establish such requirements going forward for adoption/concurrence of the Commission
- Interact with FCC on emerging technical and registration issues with policy implications
- Harmonize the gatekeeper outputs with the comparable equipment issues that are emerging on a global basis, working in consultation with the Commission and the Department of State
- Design or otherwise craft specifications for a new equipment database

The locus of the gatekeeper organization itself is yet to be decided. It is possible that there need not be a single host location for the gatekeeper, so long as the Commission remained actively involved in oversight, and the secretariat function is stable.

As noted, the secretariat function would be undertaken by ATIS. We anticipate that this function would involve the following:

- Routine administration of gatekeeper meeting minutes and document outputs
- Management of the gatekeeper Website



- After decision as to structure and specification, new database implementation and management
- Any current database upgrades needed after transfer from the Commission
- Administration of the participant registration function
- Administration of the self-certification process
- Publication or other circulation of available technical rules, manuals, publications, and other electronic documents
- Recording and retention of reports concerning network/CPE events, if the Commission so requires

The secretariat function would be undertaken on a cost-compensatory basis. ATIS would have access to the resources and expertise of TIA, and may call on TIA where that is appropriate for performing a secretariat function. One of the issues to be decided is how such activities would be paid for. There is an opportunity for charging participants in the gatekeeper organization, but this could create a free-rider situation. An alternative is to permit compensation on the basis of submission of documents and registrations to the database, purchase of documents, and database access fees. This would be a significant issue to be confronted in making sure that the gatekeeper can be viable. In addition, it is necessary that the Commission work with the gatekeeper and secretariat to minimize litigation and similar risks; it is important that the process be able to move forward under Commission stewardship so as to minimize the possibilities of mischief from any single disaffected entity.

We believe that this is sufficient in detail so as to allow for some concrete assessment of value by the Commission in this proceeding. We look forward to working with you to assure a successful result.

Very truly yours,

Telecommunications Industry  
Association

Alliance for Telecommunications  
Industry Solutions

By: *Robert Coackley*  
Robert Coackley, Chairman  
TIA Technical Standards Subcommittee

By: *Martin T. McCue*  
Martin T. McCue, Chairman  
ATIS Board of Directors