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June 19, 2002

VIA HAND DELIVERY

Ms. Dorothy Attwood, Chief  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Requirement for Location of Agent for Service for Process Pursuant to the Order on  
Reconsideration in CC Docket No. 99-216, FCC 02-103, Released April 10, 2002

Dear Ms. Attwood:

The Administrative Council for Terminal Attachments (“ACTA”) is writing to notify the FCC of its intent to require all Responsible Parties to designate an Agent for Service physically located in the United States.

Section 68.418 of the Commission’s rules require every responsible party of equipment approved pursuant to Part 68 to designate an Agent for Service and provide such information to the ACTA for purposes of notices, inquiries, etc. This section also states that the ACTA shall make this information available to parties filing complaints upon request.<sup>1</sup> The Commission’s rules further provide that the, “responsible party for a Supplier’s Declaration of Conformity must designate an Agent for Service of process that is physically located within the United States.” 47 CFR §68.321. While the physical location of the Agent for Service is addressed in the context of a Responsible Party filing a Supplier’s Declaration of Conformity (“SDoC”), there is no corresponding statement in the rules regarding the location of the Agent for Service of a Responsible Party using the Telecommunications Certification Body (“TCB”) method of equipment approval.

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<sup>1</sup> 47 CFR §68.418 states, in relevant part, (b) To ensure prompt and effective service of informal complaints filed under this subpart, every responsible party of equipment approved pursuant to this part shall designate and identify one or more agents upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission. Such designation shall be provided to the Administrative Council for Terminal Attachments and shall include a name or department designation, business address, telephone number and, if available TTY number, facsimile number, and Internet e-mail address. The Administrative Council shall make this information promptly available without charge to complainants upon request.

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The ACTA believes that it was the Commission's goal to require all Responsible Parties to designate an Agent for Service that could be easily contacted and identified by impacted industry entities or federal agencies, as well as individual consumers of the public switched network in the United States. The method of equipment registration used by a Responsible Party does not change that goal or the need for an accessible contact point. As evidence of this, the discussion concerning location of Responsible Party in Paragraph 17 of the Order on Reconsideration clearly states the Commission's need to ensure that it can identify, and have access to, Responsible Parties located outside the United States. Limiting the requirement to parties filing an SDoC, as currently written, could severely inhibit the Commission in meeting this objective.

As the ACTA is continuing with its efforts to maintain an accurate database of approved Part 68 terminal equipment for use by industry, consumers, and federal agencies, the ACTA is proceeding with modifying its filing guidelines and on-line database filing system to require that the Agent for Service designated by any Responsible Party be located within the United States. Given the scheduled implementation of the on-line capabilities early this summer, the Council's decision to move forward with the requirement of a US Agent for Service for all Responsible Parties was necessary. Unless advised otherwise by the Commission, these efforts will continue.

Should you wish to discuss ACTA's decision further, I can be contacted by phone at +1.713.567.8095. You may also contact Tim Jeffries at +1.202.662.8669.

Sincerely,



Jimmy Salinas  
ACTA Chair

cc: Diane Griffin, Assistant Bureau Chief, WCB (dgriffin@fcc.gov)  
Peyton Wynns, Division Chief, IATD, WCB (pwynns@fcc.gov)  
Cathy Zima, Acting Deputy Division Chief, IATD, WCB (czima@fcc.gov)  
ACTA Segment Representatives