Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Improving 911 Reliability; PS Docket No. 13-75
Reliability and Continuity of Communications Networks, Including Broadband Technologies PS Docket No. 11-60

REPLY COMMENTS OF AT&T TO
MOTION FOR CLARIFICATION OR, IN THE ALTERNATIVE, PETITION FOR PARTIAL RECONSIDERATION

By Public Notice released February 27, 2014, the Commission invited interested parties to file in response to Intrado, Inc.’s “Motion for Clarification or, in the alternative, Petition for Partial Reconsideration” (Intrado Petition).1 In its Petition, Intrado seeks clarification or reconsideration of an aspect of the Commission’s Report and Order (911 Reliability Order)2 released last year. Succinctly, Intrado is asking the Commission to rectify an apparent tension between the Commission’s stated approach to insuring network 911 reliability—i.e., an approach designed for “flexibility” and for “encouraging innovation,” while avoiding “heavy-handed” or “overly prescriptive rules,” by allowing carriers to “certify compliance either with specific best practices based on standards already established through industry consensus, or with reasonable alternatives shown to be appropriate in their circumstances”3—and its published rules, which would seem to eliminate in certain cases the use of reasonable alternative measures. AT&T Services, Inc., on its own behalf and on the behalf of its affiliates, (AT&T) files these reply comments to insure that the Intrado Petition is not inadvertently misconstrued to limit the requested relief (i.e., clarification or reconsideration) to only Covered 911 Service Providers

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1 Public Notice, PS Dockets 13-75 and 11-60 (rel. Feb. 27, 2014).
3 Id., para. 30.
similarly situated to Intrado. AT&T fully supports the Intrado Petition as a broad request for clarification and reconsideration of the 911 Reliability Order and accompanying proposed rules.

In the Petition, Intrado does an excellent job of describing the inherent tension between the Commission’s stated goal of flexibility, on the one hand, and the lack of flexibility imposed by the proposed Final Rules in Appendix B, on the other. Without entirely reiterating Intrado’s explanation of the issue, the problem is essentially that, in the case of the circuit auditing and network monitoring subsections of the certification rule (sections 12.4(c)(1) and 12.4(c)(3)), those subsections appear to restrict the use of alternative measures and conflict with the prior subsection (Provision of Reliable Service, section 12.4(b)), in which the Commission permits certifying Covered 911 Service Providers to make a showing of “alternative measures” that are “reasonably sufficient to mitigate the risk of failure.” Like Intrado, AT&T also seeks clarification of this ambiguity created by the seemingly disparate of wording of these subsections. In our mind, the Covered 911 Service Provider should be permitted in all cases to make a showing “that it is taking alternative measures with respect to [any given] element that are reasonably sufficient to mitigate the risk of failure, or that one or more certification elements are not applicable to its network.”

Our problem with the Intrado Petition is merely that, in Section III, “Alternative Petition for Partial Reconsideration,” in explaining why reconsideration of the rule is appropriate for the way that Intrado has designed its network and provisions its service, Intrado might be understood to be seeking relief solely for similarly situated providers. In our view, there is no reason for the Commission to pre-judge the issue or otherwise limit the flexibility and innovation of some providers in this matter. All Covered 911 Service providers ought to be afforded same the

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4 A Covered 911 Service Provider is defined in the 911 Reliability Order as “[A]ny entity that: (A) Constitutes a PSAP or governmental authority to the extent that it provides 911 capabilities; or (B) Offers the capability to originate 911 calls where another service provider delivers those calls and associated number or location information to the appropriate PSAP.” 911 Reliability Order, Appendix B, Final Rules, Rule 12.4(a)(4).

5 AT&T notes that the one commenter filing on March 25, 2014, the Texas 9-1-1 Alliance, while supporting the Intrado Petition, did not address the issue from AT&T’s perspective.

opportunity to certify to the use of alternative measures reasonably sufficient to mitigate the risks of failure that the rules are intended to address.

AT&T respectfully asks the Commission to consider the Intrado Petition in this light and to grant to all Covered 911 Service Providers the opportunity—either by clarification or reconsideration—the opportunity to certify to alternative measures.

AT&T

/s/ William A. Brown

William A. Brown
Gary L. Phillips
Lori Fink
AT&T Services, Inc.
1120 20th St., N.W., Suite 1000
Washington, D.C. 20036
(202) 457-3007

Counsel for AT&T

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