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Alliance for Telecommunications  
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June 7, 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Clarification Regarding the Report and Order, In the Matter of 2000  
Biennial Regulatory Review of Part 68 of the Commission's Rules  
and Regulations CC Docket No. 99-216 / Released December 21, 2000

Dear Ms. Salas:

Enclosed is a copy of a letter to Susan Magnotti, Attorney, NSD, CCB, dated June 5, 2001, from Jimmy Salinas, Chair of the Administrative Council for Terminal Attachments (ACTA). Please place the letter in the record for CC Docket No. 99-216. Also, please date-stamp and return the extra copy to our messenger.

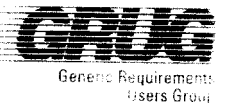
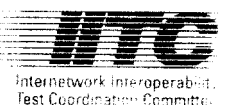
Please contact the ACTA Director, Tim Jeffries, at 202/662-8669 or me at 202/434-8847 if you have any questions or comments.

Sincerely,

Megan L. Campbell  
General Counsel

Enclosures

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**Megan L. Campbell**  
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ORIGINAL

June 5, 2001

VIA HAND DELIVERY

Susan Magnotti  
Attorney  
Network Services Division  
Common Carrier Bureau  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, DC 20554

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JUN 7 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY



**Re: Clarification Regarding the Report and Order, In the Matter of 2000 Biennial Regulatory Review of Part 68 of the Commission's Rules and Regulations CC Docket No. 99-216 (released December 21, 2000)**

Dear Ms. Magnotti:

I am writing on behalf of the Telecommunications Industry Association ("TIA") and the Alliance for Telecommunication Industry Solutions ("ATIS") jointly sponsored Administrative Council for Terminal Attachment ("ACTA" or "Council"). The purpose of this correspondence is to request clarification regarding the Report and Order in the above-captioned matter and the resulting new rules. Specifically, clarification is sought with respect to the use of the terms "contract" and "contractual" in relation to the provision of secretariat support by the sponsors.

Paragraph 41 of the Report and Order states:

"After the Administrative Council is populated, the sponsor is responsible for fulfilling secretariat functions for the Administrative Council. After the Administrative Council is in being, then its relationship with the sponsor becomes contractual. The Administrative Council may contract with the sponsor to provide the appropriate public notice for its actions and for appeals to it. The Administrative Council may also contract with the sponsor to coordinate the industry's assignment of standards-development projects, and take other actions that will support the Administrative Council's functions and coordination of industry standards-setting processes."

Section 68.602(c) states, "The Administrative Council for Terminal Attachments shall post on a publicly available website and make available to the public in hard copy form the contract into which it enters with the sponsor or sponsors."

During the May 22, 2001 meeting of the ACTA, the Council discussed several aspects of the secretariat function including the Council's requirement to publish and make available the eventual delineation and scope of such support as agreed to between the Council and the

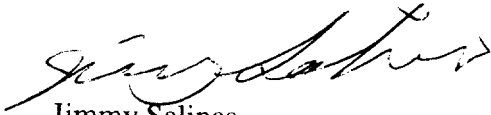
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sponsors. In this context, the Council is seeking clarification on the Commission's use of the terms "contract" and "contractual." The Council is currently not a legal entity, but rather, the sponsors function as the legal entity for conducting any ACTA-related business necessitating legal standing. Accordingly, the ACTA could not enter into a legal "contract" arrangement with the sponsors to provide secretariat support.

The Council is proposing that a statement of work or similar document be developed to detail the arrangement between the ACTA and the sponsors for secretariat support. The Council is further proposing that this document satisfy the FCC's requirement for a written agreement, publicly posted, or what the Commission has termed a "contract" in paragraph 41 and 47 CFR § 68.602. The document would be published on the ACTA web site and available upon request from the secretariat. The Council believes that this proposal will meet the Commission's objective of making the arrangements for secretariat support public information available to any interested parties. We are proceeding on this basis.

The ACTA would greatly appreciate any timely clarification the Commission or its staff could provide on this matter. Should you have any questions, you may contact the ACTA Director, Tim Jeffries, 202-662-8669 or me at 713-567-8095.

Sincerely,



Jimmy Salinas  
ACTA Chair  
Area Manager, SBC

cc: Diane Harmon, Deputy Division Chief, NSD, CCB (dharmon@fcc.gov)  
Bill Howden, Senior Engineer, NSD, CCB (bhowden@fcc.gov)  
Megan Campbell, General Counsel, ATIS (mcampbel@atis.org)  
Dan Bart, Senior Vice President, Standards & Special Projects, TIA (dbart@tia.eia.org)  
Ed Hall, Vice President of Technology Development, ATIS (ehall@atis.org)