



# **Operating Procedures for ATIS Forums and Committees**

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## OPERATING PROCEDURES FOR ATIS FORUMS

The purpose of this document is to describe the Operating Procedures that apply to the ATIS Forums. For the purposes of these Operating Procedures and its Appendices: 1) the term “Forum” shall be used to describe all ATIS committees and forums; and 2) the term “Subcommittee” shall be used to describe subcommittees, subtending committees, and other subgroups of the Forum. These Operating Procedures have been developed to assist leadership, participants, and ATIS staff with understanding the processes of the ATIS Forums.

If a Forum determines that it is appropriate to develop an American National Standard (“ANS”), the “ATIS Procedures for the Development of an American National Standard” (**Appendix A** to these Operating Procedures) shall apply for that work activity. A Forum also may choose to use the procedures in Appendix A for the development of non-ANS deliverables.

### 1 ORGANIZATIONAL STRUCTURE

In general, the standards work of ATIS is accomplished in various Functional Groups of Forums. ATIS Forums are established by the ATIS Board of Directors and are defined in the ATIS Bylaws. Forums may form Subcommittees as needed, based on work programs. Task Forces are created by a Forum to accomplish a definite, short-term objective.

The ATIS Forum mission statements are listed on the ATIS website at <http://www.atis.org/committees-forums/>.

### 2 PARTICIPATION

Participation in the ATIS Forums or Subcommittees formed thereunder, is open to Full and Affiliate ATIS Member Companies (referred to collectively as “ATIS Member Companies”), or any company that elects to opt-out of ATIS membership and pays a non-member participation fee (referred to collectively as “Opt-Out Participants”). More information on ATIS fees can be found on the ATIS website at <http://www.atis.org/about/membership/>. Additional fees may be assessed to cover Forum meeting costs.

#### 2.1 Forum Members

A Forum Member is an ATIS Member Company, or an Opt-Out Participant, that has elected to participate in an ATIS Forum and is in compliance with ATIS’ funding requirements. A Forum Member may choose to participate in a Forum as either a “Voting Member” or as an “Observer.” ATIS shall prepare and maintain a membership roster documenting the classification of each Forum member.

##### 2.1.1 *Forum Voting Member*

A Voting Member is a Forum Member that chooses to participate in the Forum and shall have the right to:

- contribute to and take part in the activities of the Forum;
- participate in the consensus process; and
- cast ballots or otherwise vote during any Forum voting process.

A Voting Member of a Forum that is also a Full ATIS Member Company may also serve in leadership positions of the Forum or its Subcommittees.

If a Voting Member does not comply with the Letter Ballot Requirements described in **Appendix B** to these Operating Procedures, the Forum Member shall be reclassified as an Observer.

A Voting Member may choose to participate as an Observer at any time by providing notice in writing to the appropriate ATIS staff.

#### *2.1.2 Forum Observer Member*

An Observer is a Forum Member that chooses to participate in the Forum and shall have the right to contribute to and take part in the activities of the Forum, and:

- shall have the opportunity to express their views and to influence the opinions of Voting Members; however, the opinions of Observers are not considered by the leadership in determining whether consensus has been achieved;
- shall not cast ballots or otherwise vote during any Forum voting process; and
- shall not serve in leadership positions of a Forum or its Subcommittees.

An Observer may choose to participate as a Voting Member of that Forum by providing notice in writing to the appropriate ATIS staff. The Observer shall be entitled to participate as a Voting Member seven calendar days after receipt of this written notice if it is in compliance with ATIS funding requirements.

A Forum Voting Member that has been reclassified as an Observer due to its failure to meet the Letter Ballot Requirements in **Appendix B** may be reinstated as a Voting Member of that Forum by providing notice in writing to the appropriate ATIS staff. A Forum Member that has been reclassified as an Observer due to its failure to meet the Letter Ballot Requirements shall be entitled to participate as a Voting Member 21 calendar days after receipt of this written notice.

### **3 LEADERSHIP<sup>†</sup>**

#### **3.1 ATIS Forum**

The Chair and Vice Chair preside over each ATIS Forum and have, at a minimum, the responsibility to ensure that these Operating Procedures are followed and that meetings are conducted in a fair and efficient manner. The Chair and Vice Chair should remain neutral in all discussions and should not influence the disposition of Issues and events based on his/her leadership position. A Forum may agree by consensus to select two Co-Chairs rather than a Chair and Vice Chair where work area, responsibilities, and available resources require a split of the leadership authority.

##### *3.1.1 Terms and Limitations*

The Chair and Vice Chair (or Co-Chairs) shall be elected by the Forum in accordance with Section 4 of these Operating Procedures to serve two-year terms, with a limit of two consecutive terms. Candidates shall come from the Voting Members of the Forum and should have previous Forum and industry experience. Affiliate ATIS Member Company representatives, Observers, and Opt-Out Participants shall not serve as leaders of Forums.

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<sup>†</sup> For information about the elections of leadership to the Emergency Services Interconnection Forum, please see the ESIF Procedural Agreements Reached document.

### **3.2 Subcommittees**

A Forum may form a Subcommittee (as defined in above in these Operating Procedures) as needed based on work programs. A decision to form a Subcommittee shall be made based on the consensus of the Forum Voting Members. The Chair or Vice Chair (or Co-Chairs) preside over each meeting of a Subcommittee and have, at a minimum, the responsibility to ensure that these Operating Procedures are followed and that meetings are conducted in a fair and efficient manner. The Chair, Vice Chair, and Co-Chairs should remain neutral in all discussions and should not influence the disposition of Issues and events based on his/her leadership position. A Subcommittee may agree by consensus to select a Chair and Vice Chair or Co-Chairs.

#### *3.2.1 Terms and Limitations*

The Chair and Vice Chair (or Co-Chairs) shall be elected by the Forum, unless delegated by the Forum to the Subcommittee, in accordance with Section 4 of these Operating Procedures to serve two years in their position, with a two consecutive term limitation. Candidates shall come from the Voting Members of the Forum and should have previous Subcommittee and industry experience. Affiliate ATIS Member Company representatives, Observers, and Opt-Out Participants shall not serve as leaders of Subcommittees.

### **3.3 Task Force**

The leadership of a Task Force may be elected in accordance with Section 4 of these Operating Procedures, or appointed by the formulating Forum or its leadership.

#### *3.3.1 Terms and Limitations*

The term of the Task Force leadership is for the life of the group or two years, whichever is shorter. Candidates shall come from the Voting Members of the Forum.

### **3.4 Exception to Leadership Term Limits**

If, after the announcement of an election and the solicitation of nominations pursuant to Sections 4.1 and 4.2 of these Operating Procedures, there are no candidates for a Co-Chair (or Chair or Vice Chair) position in an ATIS Forum or Subcommittee, the existing leader(s) may continue to serve as the “acting” leader(s) for up to one year. During this one-year period, an election will be held if a nomination for this leadership position is received. If no nominations are received during this year, the “acting” leader may be nominated to serve as leader and shall be eligible to serve up to two consecutive terms as described above in Sections 3.1.1 and 3.2.1.

## **4 ELECTION OF LEADERSHIP**

Forum, Subcommittee, and Task Force (where not appointed) leadership elections will follow the general guidelines below:

### **4.1 Announcement/Notification of Election of Leadership Position(s)**

All leadership elections shall be announced at least 30 days in advance of the election. This announcement shall be in an email distributed to the relevant electing body and, in addition, may be made at a meeting.

### **4.2 Nominations**

Nominations for individuals to serve as leaders shall be solicited from the appropriate electing body following an election announcement. Nominations shall also be sought from the floor at the time of the election.

### **4.3 Elections**

The leadership of a Forum and its Subcommittees and Task Forces (those for which leadership is not appointed) is elected by a simple majority of Forum Voting Members, with each Voting Member having one vote.

For elections held during meetings (face-to-face or virtual), the election is by a simple majority of those Voting Members present or participating at the time of election.

For elections not during meetings, the election is by a simple majority of those Voting Members casting votes. Elections may be held via electronic mail or other forms of electronic balloting. In order for a valid election to have occurred via electronic means, a minimum of 14 calendar days must be allowed for a Voting Member to vote via electronic means.

If there is one candidate, the election shall be by acclamation.

For purposes of determining the simple majority, abstentions or invalid ballots are not counted. If there are multiple candidates and no one candidate receives a simple majority on the first ballot, a second ballot is held between the top two vote-receiving candidates.

### **4.4 ATIS Member Company Affiliation**

ATIS requires participants to identify which ATIS Member Company he/she is representing.

No ATIS Member Company may serve as both Chair and Vice Chair (or as both Co-Chairs) of an ATIS Forum or of an ATIS Subcommittee at the same time.

## **5 ISSUE PROCESS**

An Issue is the means by which work is progressed in the ATIS Forums, and any Subcommittee or Task Force. An Issue may be thought of as similar to a project proposal, where the problem/Issue and proposed resolution (if provided) are defined, and a suggested timeline for completing the Issue resolution is developed. Work corresponding to Issue resolution is tracked via the Issue process defined below.

### **5.1 Submitting an Issue**

An ATIS Issue Identification Form shall be completed in order for a new Issue to be introduced into an ATIS Forum. The ATIS Issue Identification Form is available from the ATIS website at <https://www.atis.org/policy/operating-procedures/>. An Issue Champion, who shall be responsible for advocating that the Forum accept the Issue, is required and is typically a Forum Member, but may be an ATIS Member Company representative.

An Issue that requires expedited handling should be brought to the attention of the leadership when presented to the Forum. The Forum should, by consensus, determine whether to shorten the intervals for Initial Closure related to Issues requiring expedited handling.

### **5.2 Acceptance of Issue**

Once an Issue is submitted, the appropriate Forum shall determine whether to accept the Issue based on the following criteria:

- the Issue is clearly defined via the ATIS Issue Identification Form;
- the Issue is within the scope of the Forum; and
- there is no existing solution, or the existing solution can be enhanced to gain efficiencies, i.e., operational, functionality, etc.

### **5.3 Working an Issue**

Once a Forum accepts an Issue, work may begin on resolving the Issue. Forums are encouraged to prioritize work to ensure efficient and timely completion of industry priorities. If an Issue is identified as potentially resulting in the creation, revision, or any other action regarding an American National Standard (ANS), the Forum shall follow the procedures provided for in **Appendix A** for that specific Issue.

An ATIS Forum may delegate to its Subcommittees the responsibility to accept, work, and close Issues.

Once an Issue is accepted, the Issue is automatically placed into Active Status and addressed by the industry in an effort to reach a final resolution. The status of an Issue is indicated by one of the following categories:

#### *5.3.1 Active*

“Active” is the status of an Issue that has been accepted and is currently being addressed pursuant to the processes defined in Section 5.3 or in **Appendix A**.

#### *5.3.2 Letter Ballot*

“Letter Ballot” is the status of an Issue that has been developed in accordance with **Appendix A** and has been approved to be processed via Section A.7.1. Issues processed via **Appendix A** can proceed directly to Final Closure after the approval of the ballot and do not require categorization as defined in Section 5.3.3 and 5.3.4.

#### *5.3.3 Initial Closure*

“Initial Closure” is the status of an Issue that has reached a consensus resolution. The purpose of Initial Closure is to provide the industry an opportunity to review the resolution prior to the Issue being placed into Final Closure.

Issues in Initial Closure can be removed from the Initial Closure status and placed back into Active status when the Forum that accepted the Issue decides the proposed resolution needs additional work.

#### *5.3.4 Initial Pending*

“Initial Pending” is the status of an Issue that:

- has been previously in Active Status for which sufficient information is not available to progress to Initial Closure; or
- has been previously in Initial Closure for which new and substantive information that may directly impact the resolution of the Issue is brought to the attention of the Forum.

In the above situations, the Forum that accepted the Issue shall subsequently determine, via consensus, if the Issue should: (1) be revisited, in which case it would be placed in the Active status or (2) go to Final Closure if no further work is required, the Issue’s Initial Closure resolution is posted electronically, and 21 calendar days (or other timeframe that has been agreed to by the consensus of the Forum) have passed since the notification of the posting was distributed via the email list.

Corrections to spelling, punctuation, or grammar would not require an Issue to be placed into the Initial Pending category.

#### *5.3.5 Final Closure*

“Final Closure” is the status of an Issue that has been resolved.

Issues in Initial Closure automatically will be placed into Final Closure provided:



- the Issue’s Initial Closure resolution is posted electronically and 21 calendar days (or other timeframe that has been agreed to by the consensus of the Forum) have passed since notification of Initial Closure was distributed via the email list; and
- no new information has surfaced that would require the Issue to be placed into the Active or Initial Pending status.

For Issues processed via **Appendix A**, the Final Closure date shall be:

- the ANSI approval date for ANSs; or
- the date on which the ballot process is concluded for documents other than ANSs.

#### 5.3.6 *Withdrawn*

“Withdrawn” is the status of an Issue that was accepted by the Forum and later withdrawn pursuant to the consensus agreement of the accepting Forum.

#### 5.3.7 *Tabled*

“Tabled” is the status of an Issue that has been addressed by the Forum that accepted it but cannot be further pursued until additional information becomes available.

#### 5.3.8 *No Industry Agreement*

“No Industry Agreement” is the status of an Issue for which no industry agreement can be reached. No Industry Agreement exists when a Forum is unable to reach consensus on the resolution of an Issue. If this situation should occur, the ATIS Issue Identification Form should document that the Forum could not agree on the resolution and state the alternative viewpoints with the pros and cons of each. In this situation, work on the Issue will be terminated and the Issue status will be categorized as “No Industry Agreement.”

## 6 ATIS DELIVERABLES

### 6.1 ATIS Standards

An “ATIS Standard” is an ATIS deliverable developed by an ATIS Forum that defines a technical or operational solution for voluntary implementation by the industry. An “ATIS Standard” includes, but is not limited to, an ANS, a Technical Requirement, a Technical Specification, a Technical Report, an industry guideline, or a white paper.

An “ATIS Standard” is developed pursuant to the processes defined in Section 5 or in **Appendix A**.

### 6.2 ATIS Implementable End-to-End Standard

An “ATIS Implementable End-to-End Standard” is an ATIS deliverable comprised of “ATIS Standard(s)” and/or deliverable(s) from other Forums or Committees external to ATIS that defines a complete, implementable end-to-end solution for the industry. An “ATIS Implementable End-to-End Standard” defines frameworks for services and performance requirements, interfaces and physical characteristics for technologies, systems and business processes, and ensures interoperability. An “ATIS Implementable End-to-End Standard” may require work in multiple venues or disciplines. Issues related to the development of an “ATIS Implementable End-to-End Standard” may be introduced by the ATIS Board of Directors’ Technology and Operations Council, a representative of an ATIS Member Company, or a participant of an ATIS Forum.

An “ATIS Implementable End-to-End Standard” is developed according to the Issue Process as defined in Section 5 above.

### **6.3 Standards for Trial Use**

An ATIS Forum may decide via the consensus process described in Section 7 below that a standard should be designated as a “standard for trial use” in order to test the viability of the standard’s requirements. A Standard for Trial Use shall be in effect for a period of time not to exceed 18 months from time of approval. Prior to the expiration date of the Standard for Trial Use, the ATIS Forum shall determine whether to process the document as a full-fledged ATIS Standard or withdraw the document from further use. Additionally, the ATIS Forum may choose to process the document as an ANS in accordance to procedures detailed in **Appendix A** of these Operating Procedures. Standards for Trial Use are published by ATIS and are not associated with the American National Standards Institute (“ANSI”).

### **6.4 Antitrust and Competition Laws**

All ATIS Standards shall be developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop ATIS Standards are to be conducted in accordance with these laws.

## **7 RESOLUTION PROCESS**

### **7.1 Consensus**

Consensus is the method used by the ATIS Forums to reach resolution of Issues, unless specifically otherwise provided for in these Operating Procedures or in **Appendix A**. Consensus is established when substantial agreement has been reached among those participating in the Issue at hand. Substantial agreement means more than a simple majority, but not necessarily unanimous agreement.

Consensus requires that all views and objections be considered, and that a concerted effort be made toward their resolution. Observers shall have the opportunity to express their views and to influence the opinions of Voting Members. However, the opinions of Observers are not considered by the leadership in determining whether consensus has been achieved. Under some circumstances, consensus is achieved when the minority no longer wishes to articulate its objection. In other cases, the opinions of the minority should be recorded with the report of the substantial agreement, or consensus, of the majority.

When there are questions or disputes regarding consensus, leaders or participants should ask an objecting participant(s) to state the rationale for the objection and provide an opportunity for full discussion aimed at achieving full understanding and consideration of the objection.

A participant’s silence is perceived as agreement by the Forum and its leadership. If participants do not agree, they should be encouraged to speak up and voice their opinion. A participant may appeal the resolution of an Issue in the manner provided for in Section 13.

### **7.2 Voting**

During any Forum voting process, each Voting Member is given a single vote. Observers are not permitted to vote.

## **8 MEETINGS**

Meetings, whether face-to-face, virtual or conference call, are scheduled on an as-needed basis, based upon the Forum workload and industry priorities.

### **8.1 Notice**

Where possible, all face-to-face meetings shall be announced via the email list and posted electronically no less than 30 calendar days prior to the meeting date. All other meetings, including virtual meetings and conference calls, should be announced via the email list and posted electronically generally no less than 14 calendar days prior to the meeting date. Special exceptions may be made on an as-needed basis. When an exception is necessary, the Forum leadership will announce the meeting as soon as practicable.

## **8.2 Quorum**

A quorum is not required for a Forum to conduct business. However, a Forum may agree via consensus to observe a quorum requirement, provided such requirement is announced in the meeting notice, in which case one-third of the members of the Forum shall constitute a quorum for conducting business at that meeting. Observers shall not be counted for the purposes of establishing a quorum.

## **8.3 Industry Expert Attendance**

Forum and Subcommittee leadership may at its discretion invite an industry subject matter expert(s) to attend specific meetings when his/her expertise is required to assist the group in resolving a specific Issue. The expert shall not participate in consensus decisions or voting processes.

## **9 MEETING NOTES**

ATIS Forums shall publish fair, objective, and unbiased meeting notes developed by consensus and ensure they accurately reflect the activities, resolutions, and action items that result from meetings. All meeting notes shall be published in a timely manner.

### **9.1 Meeting Note Content**

Meeting notes shall include at a minimum:

- date(s), type of meeting (i.e., virtual meeting, conference call, face-to-face), leadership, person taking the notes;
- attendance list;
- approved agenda;
- identification of Issues discussed at the meeting and their status;
- notation of corrections/additions made to previous meeting notes;
- points noted/alternatives discussed including opposing viewpoints;
- agreements reached;
- action items indicating responsible party and due date;
- participants' contributions or similar documents or a reference to where those documents are available;
- text specifically requested to be included by a participant with attribution; and
- copies of presentations made during the meeting or a reference to where the presentations are available.

## **10 INTELLECTUAL PROPERTY RIGHTS POLICY**

### **10.1 General Policy Statement**

In all matters of intellectual property rights, it is the intention of ATIS and its Forums to benefit the public while respecting the legitimate rights of intellectual property owners.

### **10.2 Confidentiality**

As a general rule, neither ATIS nor its Forums will consider any contributions, presentations, or other documentation that is subject to any requirement of confidentiality or any restriction on its dissemination. Neither ATIS nor its Forums assume any obligations of confidentiality with respect to any contribution, presentation, documentation, or other submissions. Exceptions to the general rule are determined on a case-by-case basis by the relevant Forum leadership in conjunction with ATIS General Counsel and are only appropriate where the work cannot be accomplished through other means. Prior to the distribution or discussion of any materials accorded exception status and considered as confidential or otherwise restricted, full disclosure of the status must be made to the audience Forum.

### **10.3 Copyright**

#### *10.3.1 Copyright Policy*

In order that ATIS may facilitate, promote, and disseminate the work of its Forums, it is necessary that each contributor grant ATIS the rights necessary to adapt, copy, and publicly distribute any contribution or submittal made to an ATIS Forum. In accordance with this policy, each contribution or document submitted to an ATIS Forum is subject to an unlimited perpetual, non-exclusive, royalty-free, world-wide right, and license to ATIS of any copyrights in such contribution. This license includes the right to copy, publish, and distribute the contribution in any way, and to prepare derivative works that are based on or incorporate all or part of the contribution, the license to such derivative works to be of the same scope as the license of the original contribution.

#### *10.3.2 ATIS Deliverables*

All ATIS Standards and other ATIS deliverables are copyrighted by ATIS. Except as expressly permitted by ATIS, no ATIS Standard or other ATIS deliverable, or any portion thereof, may be reproduced or distributed in any form, without the prior express written permission of ATIS.

#### *10.3.3 Notice*

The following copyright notice shall be included in all ATIS Standards and other ATIS deliverables:

“Copyright © ATIS [date of publication]. All Rights Reserved.”

### **10.4 Patents**

#### *10.4.1 Patented Inventions Generally*

As a general matter, there is no objection for an ATIS Forum to develop ATIS Standards and other ATIS deliverables that refer to or, primarily in the case of ANSs, require the use of patented inventions.

In the case of ATIS Standards and other ATIS deliverables that make reference to a patented invention, but do not require use of the invention for purposes of adopting, complying with, or following the guideline or deliverable, the following statements shall be expressly included in the published work:

- The patented invention is for reference only.
- Neither ATIS nor the relevant Forum is responsible for identifying the existence or evaluating the applicability of any patents referenced in or that may be relevant to any ATIS Standard or other ATIS deliverable.

- Neither ATIS nor the relevant Forum shall be responsible for interpreting or making any determination concerning the validity, enforceability or scope of any patented invention referenced in or that may be relevant to any ATIS Standard or other ATIS deliverable.

Further, in the case of ATIS Standards and other ATIS deliverables, the following procedures shall apply:

- If reference to a patented invention shall be made in an ATIS Standard or other ATIS deliverable, disclosure of the patented invention should be encouraged at the earliest possible time in the development of the ATIS Standard or other ATIS deliverable. The party making any such disclosure should provide an explanation regarding the relevancy of the patented invention to the work under development.
- Where possible, the ATIS Standard or other ATIS deliverable referencing a patented invention should identify the patent number and name, as well as the identity of the patent owner.
- To the extent a Forum participant, or any other third party, desires a license for a patented invention referenced in an ATIS Standard or other ATIS deliverable, all negotiations and discussion of license terms shall occur between the patent owner and the prospective licensee *outside* the deliberations of the Forum. No discussion or negotiation of license terms shall be permitted in any Forum.
- In the event that use of the patented invention is required for purposes of adopting, complying with, or otherwise utilizing the ATIS Standard or other ATIS deliverable, the provisions of the American National Standards Institute (“ANSI”) Patent Policy, as adopted by ATIS and as set forth below, shall apply. Any writing submitted as of January 31, 2011, to ATIS for the purpose of expressing a licensing assurance under this Section shall not qualify as such an assurance unless it expressly states that the assurance is irrevocable.

Any deviation from the foregoing procedures shall occur only after prior consultation with and approval of the ATIS General Counsel.

#### *10.4.2 American National Standards (ANSs)*

In connection with the development of ANSs, or other deliverables that require use of essential patent claims, the use of essential patent claims shall be governed by the ANSI Patent Policy as adopted by ATIS and as set forth below. In addition, disclosure of essential patent claims at the earliest possible time in the development process is encouraged. Further, as with ATIS Standards and other ATIS deliverables, no discussion or negotiation of license terms shall occur in the relevant Forum. All such discussions and negotiations shall occur directly between the owner of the essential patent claim and each prospective licensee.

The terms of the ANSI Patent Policy as adopted by ATIS are as follows:

##### *ANSI Patent Policy – Inclusion of Patents in American National Standards*

There is no objection in principle to drafting a proposed ANS in terms that include the use of an essential patent claim (one whose use would be required for compliance with that standard), if it is considered that technical reasons justify this approach.

If ATIS receives a notice that a proposed, revised, or approved ANS may require the use of such a patented claim, the procedures in this section shall be followed.

Participants in the ATIS standards development process are encouraged to bring patents with claims believed to be essential to the attention of ATIS.

*Statement from patent holder*

Prior to approval of such a proposed ANS, ATIS shall receive from the identified patent holder or a party authorized to make assurances on its behalf, in written or electronic form, either:

- (a) assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend holding any essential patent claim(s); or
- (b) assurance that a license to such essential patent claim(s) will be made available to applicants desiring to utilize the license for the purpose of implementing the standard either:
  - (i) under reasonable terms and conditions that are demonstrably free of any unfair discrimination; or
  - (ii) without compensation and under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Such assurance shall indicate that the patent holder (or party authorized to make assurances on its behalf) will, in any documents transferring ownership of patents subject to the assurance, include provisions sufficient to ensure that the commitments in the assurance are binding on the transferee, and that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest.

The assurance also shall indicate that it is intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents.

*Record of Statement*

A record of the patent holder's statement shall be retained in the files of ATIS and shall be made publicly available on ATIS' website.

*Notice*

When ATIS receives from a patent holder the assurance set forth above in (b), the standard shall include a note substantially as follows:

NOTE – The user's attention is called to the possibility that compliance with this standard may require use of an invention covered by patent rights.

By publication of this standard, no position is taken with respect to the validity of any such claim(s) or of any patent rights in connection therewith. If a patent holder has filed a statement of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such a license, then details may be obtained from ATIS.

*Responsibility for Identifying Patents*

Neither ATIS nor ANSI shall be responsible for identifying patents for which a license may be required by an ANS or for conducting inquiries into the legal validity or scope of those patents that are brought to their attention.

## **11 COMMUNICATIONS**

Informal internal communications between the leadership of the ATIS Forums and Subcommittees is encouraged. ATIS Forum and Subcommittee leadership is encouraged to communicate directly, via electronic mail or otherwise, with other ATIS Forums.

Formal communications conveying a Forum position and those communications from an ATIS Forum to external organizations shall be agreed upon by the Forum. The ATIS General Counsel shall review, prior to distribution, all proposed communications to regulatory, legislative, or governmental bodies, as well as any other sensitive material.

## **12 LIAISONS**

Liaisons may be established to facilitate the gathering and sharing of information required by the Forums in the production of their work products.

### **12.1 Internal Liaisons**

Any Forum may designate a participant to act as a liaison to any other ATIS Forum(s). The liaison shall seek to represent the Forum and respond to questions in a manner that would be acceptable to the Forum. Each time a liaison attends a meeting representing the originating Forum, a report shall be given to the originating Forum. The report should contain any significant Issues discussed or resolved, or those that are expected to arise, any conflicts, questions coming back to the originating Forum, and views expressed.

### **12.2 External Liaisons**

Any Forum may designate a participant to act as a liaison to an organization external to ATIS. The liaison shall seek to represent the Forum and respond to questions in a manner that would be acceptable to the Forum. Each time a liaison attends an external meeting representing the originating Forum, a report shall be given to the originating Forum. The report should contain any significant issues discussed or resolved, or those that are expected to arise, any conflicts, input for or questions to the originating Forum, and views expressed.

## **13 APPEALS PROCESS**

Individuals and entities possessing directly and materially affected interests and believing that they have been or will be adversely affected by the action or inaction of ATIS shall have the right to appeal such action or inaction. Individuals and entities are encouraged to first approach the Forum leadership with an informal complaint before pursuing the official appeals process detailed in this section. This process is limited to procedural appeals.

### **13.1 Informal Complaint**

Any participant with a concern regarding the Forum process is encouraged to first discuss his/her concern with the Forum leadership, which should consider this input.

### **13.2 Formal Complaint**

After exhausting the appeals options internal to the Forum, any individuals and entities not satisfied that their grievance has been properly addressed may file a written complaint with ATIS.

#### *13.2.1 Written Complaint*

The written complaint must be filed with the ATIS General Counsel within 30 calendar days after the date of notification of the final determination of the Forum appeals process. The complaint shall state the nature of the objections, including any adverse effects, the section of the ATIS

Operating Procedures or ATIS Procedures for the Development of an American National Standard or other Forum document that may be at issue, the action or inaction itself and the specific remedial action(s) that would satisfy the appealing party's concerns. Previous efforts to resolve the objections and the outcome of each should be included.

The appeal of an inaction can be filed at any time in accordance with Section 2.8 of the ANSI Essential Requirements.

#### *13.2.2 Response*

Within 30 calendar days after receipt of the complaint, a written response shall be issued to the appealing party by the ATIS General Counsel addressing each allegation of fact in the complaint. The ATIS General Counsel shall have the option to facilitate discussion between the parties, clarify the ATIS Operating Procedures or the ATIS Procedures for the Development of an American National Standard, or recommend an appeals panel. If the process is not proceeding to the satisfaction of a party, that party retains the right to have a hearing with an appeals panel.

#### *13.2.3 Hearing*

If the parties are unable to resolve the written complaint in a manner consistent with these Operating Procedures, ATIS shall schedule a hearing with an appeals panel on a date agreeable to all parties, giving at least 14 calendar days' notice. Appropriate notice of this hearing will be distributed to the Forum leadership if not party to the action.

#### *13.2.4 Panel*

The appeals panel shall consist of three individuals who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two members shall be acceptable to the appealing party and at least two members shall be acceptable to the responding party.

ATIS shall supply each member of the appeals panel with a copy of the written complaint filed, a copy of these Operating Procedures, and any Forum meeting notes directly pertaining to the matter. The appeals panel may serve written questions to the parties before the hearing to assist in focusing the issue. Any answers received will be made available to the other party and that party will be allowed to submit a brief response. No party shall communicate regarding the complaint with any member of the appeals panel once convened and until a decision has been rendered except as provided for in this Section.

#### *13.2.5 Conduct of Hearing*

The appealing party has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The responding party has the burden of demonstrating that the Forum and ATIS, if applicable, took all actions in compliance with these Operating Procedures or that the requested remedial action would be ineffective or detrimental. Each party may introduce other pertinent arguments, and members of the appeals panel may address questions to individuals.

The hearing shall be conducted in an informal manner and subject to such reasonable rules as the appeals panel sets forth. The appeals panel and the parties shall not be bound by any formal rules of evidence. Representatives of other interested parties shall be allowed to observe the hearing but will not be permitted to directly participate unless requested to participate by the appeals panel.

#### *13.2.6 Decision*



The appeals panel shall render its decision and provide it in writing within 30 calendar days, stating the findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence to the appellant. Consideration may be given to the following positions, among others, in formulating the decision: (1) finding for the appealing party, remanding the action to the Forum with a specific statement of the issues and facts in regard to which fair and equitable action was not taken; (2) finding for the responding party with a specific statement of the facts that demonstrate fair and equitable treatment of the appealing party and the party's objections; and (3) finding that new, substantive evidence has been introduced, and remanding the entire action to the Forum for appropriate consideration and action.

## **14 PARTNERSHIP SPECIFICATIONS**

### **14.1 Acceptance of Partnership Specifications (“Transpositions”)**

Under the organizational partners' terms for a partnership project, ATIS and its Forums agree to cooperate in the production of specifications applicable for regional or global adoption.

These specifications are approved by the appropriate Forum or other designated body and transposed as ATIS Technical Specifications. No changes are permitted in the text of the partnership's specification when transposed. If changes are necessary, they must be adopted in accordance with Section 14.2 below.

ATIS Technical Specifications are published electronically for download at no charge via the ATIS website.

### **14.2 Adoption of Partnership Project Specifications**

Whenever an ATIS Technical Specification is determined to be directly applicable, in whole or in part, to the specific needs of North America, the ATIS Technical Specification will be the basis for development of a proposed ANS or other ATIS deliverable. In most cases, the appropriate Forum will adopt a “delta-document” approach in which the ANS or other ATIS deliverable is reduced to a selection of options from the ATIS Technical Specification. The ATIS Technical Specification is then cited as a normative reference.

## **15 INTERACTION WITH ITU**

Interaction with the International Telecommunication Union (ITU) may be necessary in connection with the work of an ATIS Forum. These activities include preparing transmittals through national coordination bodies to international meetings, receiving external positions and developing comments, and participating in external meetings as a representative of an ATIS Forum. Guidelines to assist in this activity are found on the ATIS website at <https://www.atis.org/policy/operating-procedures/>.

## **16 REVISIONS TO THE OPERATING PROCEDURES**

These Operating Procedures are maintained by ATIS. Proposed revisions to these Operating Procedures may be submitted in writing by any ATIS Member or Opt-Out Participants to the ATIS General Counsel along with the supporting rationale for the proposed change. The ATIS General Counsel will present proposed revisions representing a significant change to the policies or procedures of the organization to the ATIS Board of Directors or appropriate Board Committee for review and consideration. Other changes may be made by the ATIS General Counsel after review and consideration by the leadership of ATIS Forums. Any approved revisions to these Operating Procedures shall be effective upon publication.

ATIS shall be responsible for the interpretation of these Operating Procedures.

**APPENDIX A – ATIS PROCEDURES FOR THE DEVELOPMENT OF AN AMERICAN NATIONAL STANDARD****A.1 INTRODUCTION**

This Appendix describes the Alliance for Telecommunications Industry Solutions' ("ATIS") procedures to develop American National Standards ("American National Standards," "ANSs," or "Standards"). Where these Operating Procedures are silent on an issue, the American National Standards Institute's ("ANSI") Essential Requirements shall serve as the precedent document.

**A.2 ORGANIZATION****A.2.1 Forums**

The organizational structure of ATIS' Forums is described in Section 1 of these Operating Procedures. All ATIS Forums shall operate in a manner consistent with the Operating Procedures found herein.

**A.2.2 Records**

Material associated with the development of a Standard shall be retained until the Standard is reaffirmed, revised, or subsequently reviewed in connection with the stabilized maintenance of the Standard as an ANS. Records regarding the withdrawal of all Standards shall be retained for at least five years from the date of withdrawal. Records for standards maintained under periodic maintenance shall be retained for one complete standards cycle, or until the standard is revised.

**A.2.3 Membership**

Participation in the ATIS Forums, and their Subcommittees, is open to ATIS Member Companies or Opt-Out Participants. A Forum Member is an ATIS Member Company, or an Opt-Out Participant, that has elected to participate in an ATIS Forum and is in compliance with ATIS funding requirements. A Forum Member may choose to participate in a Forum as either a "Voting Member" or as an "Observer." The rights and obligations of Voting Members and Observers are described in Sections 2.1.1 and 2.1.2 of the Operating Procedures.

The membership of the ATIS Forums shall be sufficiently diverse to ensure reasonable balance without dominance by any single interest category, individual, or organization. Participants from diverse interest categories shall be sought with the objective of achieving balance. In the case that an ATIS Forum lacks balance in accordance with the historical criteria for balance, targeted outreach to balance the Forum shall be undertaken.

Unless it is claimed by a directly and materially affected party that a single interest category dominated the standards development process, no test for dominance is required. ATIS, however, strives to assure that any single interest category does not constitute a majority of the membership of the Forum dealing with Standards. Reasonable dues and fees directly relating to the support provided and activities of a given Forum may be assessed.

**A.2.4 Interest Categories**

For purposes of developing an ANS, all members of ATIS Forums shall be classified as Producers, Users or General Interest representatives in accordance with the definitions below. An individual in professional practice or a consultant, retained under an agreement indefinitely continuing with an organization, shall be classified in accordance with the classification of the organization retaining the individual and shall be so identified.

#### *A.2.4.1 Producers*

An entity that produces or supplies communications equipment or infrastructure for the provision of communications services. Examples include various types of testing, monitoring, routing, and central office equipment manufacturers, software developers, etc.

#### *A.2.4.2 Users*

An entity that uses communications equipment or infrastructure and provides services to an end user. Examples include incumbent local exchange carriers (ILECs), competitive local exchange carriers (CLECs), interexchange carriers (IXCs), wireless service providers, etc.

#### *A.2.4.3 General Interest*

General Interest members are neither Producers nor Users. This category includes, but is not limited to, regulatory agencies (state and federal), researchers, other organizations and associations, and educators.

### **A.3 MEETINGS**

Meetings, whether face-to-face, virtual, or conference call, are scheduled on an as-needed basis based upon the Forum workload and industry priorities. The procedures associated with ATIS Forum meetings are further described in Section 8 of these Operating Procedures.

### **A.4 NOTIFICATION OF STANDARDS DEVELOPMENT**

Notification of Standards activity shall be announced in suitable media as appropriate to demonstrate provision of opportunity for participation by all directly and materially affected persons. At the initiation of a project to develop or revise a Standard, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for listing in ANSI's *Standards Action*. A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw a Standard.

If ATIS receives written comments within 30 days from the publication date of a PINS announcement in *Standards Action*, and said comments assert that a proposed Standard duplicates or conflicts with an existing ANS or a candidate ANS that has been announced previously (or concurrently) in *Standards Action*, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within 90 days from the comment deadline. Such a deliberation shall be organized by ATIS and the commenter and shall be concluded before ATIS may submit a draft Standard for Public Review. If the deliberation does not take place within the 90-day period and ATIS can demonstrate that it has made a good faith effort to schedule and otherwise organize it, ATIS will be excused from compliance with this requirement. The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project.

The outcome of a PINS deliberation shall be conveyed in writing (the "Deliberation Report") within 30 days after the conclusion of the deliberation by ATIS to the commenter and to ANSI. Upon submission of the Deliberation Report, ATIS may continue with the submission of the proposed Standard for Public Review. If additional deliberations take place, they should not delay the submission of the proposed Standard for Public Review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation. Subsequently, ATIS shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should ATIS ultimately submit the subject Standard to ANSI for approval. Stakeholders who were involved in the PINS deliberation process may also file separate

Deliberation Report(s) with ANSI and ATIS within 30 days after conclusion of any deliberation for consideration by the BSR, if the Standard is submitted to ANSI for approval. While the outcome is not binding, unless binding provisions are agreed to by the developer, participants are encouraged to develop a consensus on whether and how the standards development project should proceed.

#### **A.5 DISCONTINUANCE OF A STANDARDS PROJECT**

ATIS may discontinue the processing of a proposed new or revised ANS or portion thereof. Correspondence shall be provided to ANSI upon the discontinuance of a standards project. A written justification for such an action shall be made available upon receipt of any written request received by ATIS within 60 calendar days of the date of the final action.

#### **A.6 SUBSTANTIVE CHANGE**

A substantive change in a Standard is one that directly and materially affects the use of the Standard. Examples of substantive changes are below:

- “shall” to “should” or “should” to “shall;”
- the addition, deletion, or revision of requirements, regardless of the number of changes; or
- the addition or modification of mandatory compliance with referenced standards.

#### **A.7 VOTING PROCEDURES FOR LETTER BALLOTS**

##### **A.7.1 Letter Ballots**

Documentation associated with ANSs will undergo the letter ballot process. New Standards, reaffirmations, withdrawals, and revisions with substantive changes to current Standards, as well as interpretations of all Standards, shall be approved by letter ballot of the Forum.

Editorial changes to Standards may be decided by a majority of the Voting Members present at a regularly scheduled meeting of a Forum or by letter ballot.

##### **A.7.1.1 Administrative Revision**

An Administrative Revision is a type of letter ballot that can be used when a Forum determines as a part of its review of a Standard that, while the technical content of the document does not require modification, the references (normative and/or informative) within the Standard require updating. The scope of an Administrative Revision is focused solely on these references, which are the only changes to the Standard for which comments are being sought via the letter ballot. If comments on any other sections of the Standard are received, the Forum shall address them in accordance with Section A.7.9.

##### **A.7.2 Voting**

Each Voting Member shall vote one of the following positions on letter ballots:

- Affirmative.
- Affirmative, with comment.
- Negative, with reasons. If possible, the negative vote should include specific actions that will resolve the negative vote.
- Abstain.

### **A.7.3 Voting Rights**

A Voting Member's representative shall ordinarily cast that Member's vote. The Voting Member's alternate representative(s) shall cast that member's vote only if the Voting Member's representative fails to vote. A Voting Member that fails to meet the Letter Ballot Requirements as defined in **Appendix B** may have its voting rights revoked.

### **A.7.4 Proxies**

Proxies are not permitted.

### **A.7.5 Voting Period**

The closure date for letter ballots shall be at least 30 calendar days from the date of the issuance of the ballots. ATIS Forums utilizing the procedures in this Appendix for non-ANS deliverables may agree in advance via consensus to reduce or change the closure date. ATIS shall be authorized to grant an extension of the voting period if deemed necessary. Additionally, ATIS will provide members who have not voted with follow-up notifications approximately 14 calendar days prior to the closing of the letter ballot.

### **A.7.6 Approved Actions**

Approvals of new Standards, reaffirmations, withdrawals, and revisions with substantive changes to current Standards, as well as interpretations of all Standards, shall be considered approved when all of the following conditions have been met:

- At least 50 percent of the Voting Members have returned their letter ballots.
- At least 75 percent of the votes cast, excluding abstentions and negatives without reasons, are affirmative.
- All negative votes with reasons have been addressed in accordance with Section A.7.9.

### **A.7.7 Reporting Votes**

The results of each vote on all Standards shall be recorded and reported to the consensus body as follows:

- Number of Voting Members.
- Number of Voting Members voting affirmatively.
- Number of Voting Members voting negatively with reasons.
- Number of Voting Members voting negatively without reasons.
- Number of Voting Members abstaining.
- Number of Voting Members not returning ballots.

### **A.7.8 Negative Votes**

A negative vote shall be required to be accompanied by a reason and, if possible, should include specific wording or actions that would resolve the objection. A negative vote not supported by a reason is not required to be recirculated but is recorded as a negative vote without comment on the BSR-9 during submittal to ANSI.

### **A.7.9 Consideration of Views and Objections**

The Forum shall use the following procedures in attempting to resolve negative votes:

All negative votes and comments, including Public Review comments, will be forwarded to the Forum or Subcommittee that drafted the proposed Standard for response and resolution. The Forum leadership (with other Forum members as necessary) will draft the response on behalf of the Forum. Negative votes

may be judged as valid, invalid (e.g., vote from non-voting member or non-member), or nongermane. All comments are reviewed and the disposition of this review and reasons therefore are made available in writing. If comments submitted with a negative vote are not within the scope of the Issue, the comments shall be documented and considered in the same manner as a candidate for a new Issue. A subsequent ballot (also known as a “default ballot”) will contain any unresolved negative votes, along with the attempts at resolution, and will be recirculated to provide the members of the Forum the opportunity to respond, reaffirm, or change their votes. Additionally, any substantive changes to the Standard will be circulated to the Forum. The negative voter(s) then will be given the opportunity to change the vote based on the reply. Additionally, all members of the Forum will have the opportunity to respond, reaffirm, or change their vote.

In the case of Public Review comments, which are not votes, all unresolved comments with the accompanying responses (including reasons therefore) will be recirculated to provide the members of the Forum the opportunity to respond, reaffirm, or change their votes. Public Review comments that are editorial are not required to be circulated for a new ballot. All Public Review commenters shall receive a written disposition of their comments and reasons therefore.

All substantive changes shall be submitted to ANSI via the BSR-8 for further Public Review. Voting Members/Public Review commenters who have unresolved negative votes/comments shall be notified in writing of their right to appeal and of the appeals process.

## **A.8 INTERPRETATIONS**

### **A.8.1 Processing Interpretations**

Requests for interpretations of Standards shall be submitted in writing to ATIS and shall be forwarded by ATIS to Forum leadership. Proposed interpretations may be prepared by any Forum member with particular expertise on the subject in question. All proposed interpretations shall be prepared in writing and shall be submitted to ATIS for a letter ballot of the Forum. Interpretations shall be approved in accordance with Section A.7.

### **A.8.2 Notification of Interpretations**

Notification of approved interpretations shall be sent in writing to the requester. Notification also shall be given to other users of the Standards via the appropriate ATIS Forum email list(s) and posted electronically.

## **A.9 METRIC POLICY**

In accordance with Section 3.5 of the ANSI Essential Requirements, ATIS accepts ANSI’s Metric Policy which states that, “Units of the International System of Units (SI), the modernized metric system, are the preferred units of measurement in American National Standards.”

## **A.10 PUBLIC REVIEW AND COMMENT**

Proposals for new Standards or reaffirmation, revision, or withdrawal of existing Standards shall be transmitted to ANSI for listing in *Standards Action* for comment. ATIS shall determine whether the listing of proposed Standards actions shall be concurrent with the final Forum letter ballot. Timely and adequate notice of standards activity shall be announced in media suitable to demonstrate that a meaningful opportunity for participation, debate, and deliberation by all directly and materially interested parties in a fair and equitable manner was provided. All comments that are received shall be considered by the Forum and the commenter shall be notified, in writing, of the Forum’s decision/response and reasons therefore.

**A.11 PATENT POLICY**

ATIS has adopted the ANSI Patent Policy as described in Section 10.4 of these Operating Procedures. The ANSI Patent Policy is described in Section 3.1 of the ANSI Essential Requirements.

**A.12 COMMERCIAL TERMS AND CONDITIONS POLICY**

ATIS has adopted the ANSI Commercial Terms and Conditions Policy. This policy is described in Section 3.2 of the ANSI Essential Requirements.

**A.13 MAINTENANCE OF AMERICAN NATIONAL STANDARDS**

ATIS will maintain all American National Standards in accordance with Section 4.7 of the ANSI Essential Requirements using one of the methods described in this Section.

**A.13.1 Periodic Maintenance of American National Standards**

Periodic maintenance is defined as the maintenance of a Standard by review of the entire document and action to revise, reaffirm, or withdraw it on a schedule not to exceed five years from the date of its approval as an ANS.

In the event that no decision has been made or action taken regarding the maintenance of an ANS within or approaching five years after its approval, ATIS may request an extension of time to reaffirm, revise, or withdraw the standard via the BSR-11 form.

**A.13.2 Continuous Maintenance of American National Standards**

Continuous maintenance is defined as the maintenance of a Standard by consideration of recommended changes to any part of it according to a documented schedule. In the event that no revisions are approved for a period of ten years, and the ANS has not been reaffirmed, the ANS approval automatically expires on the tenth anniversary date of its approval as an ANS.

**A.13.3 Stabilized Maintenance of American National Standards**

Stabilized maintenance refers to maintenance of a Standard that is not required to be revised or reaffirmed on a routine five-year cycle but is subject to review of such status on a 10-year cycle. To qualify for such maintenance, the following eligibility criteria shall be met:

- a) the Standard shall address mature technology or practices, and as a result, is not likely to require revision; and
- b) the Standard shall currently hold the status of ANS and has been reaffirmed at least once; and
- c) at least ten years shall have passed since the approval or last revision of the Standard as an ANS; and
- d) the Standard shall be required for use in connection with existing implementations or for reference purposes.

If a recommendation is made at any time by a materially affected and interested party that a Standard maintained under the stabilized maintenance option requires revision or should be withdrawn, that recommendation shall be considered in the same manner as a new proposal but within a maximum of 60 days from receipt.

**A.14 APPEALS**

ATIS' appeals process is described in Section 13 of these Operating Procedures.

**APPENDIX B – ATIS FORUM LETTER BALLOT REQUIREMENTS**

To ensure that ATIS Forums can continue to effectively develop ATIS Standards, including American National Standards, the following Letter Ballot Requirements have been established. Continuation of a Voting Member's right to vote within a Forum depends upon the Member's active response to letter ballots.

Any Voting Member that fails to cast a vote on three consecutive letter ballots in the same Forum shall receive a warning in writing from ATIS that its voting status is in jeopardy. If, after issuance of the warning, the Voting Member fails to submit a vote on the next letter ballot, the Voting Member shall be notified in writing that it has been reclassified as an Observer. The rights of Observers are described in Section 2.1.2 of these Operating Procedures.

As described in Section A.7.2, a Voting Member may choose to abstain on a letter ballot. The casting of a vote to abstain would not be considered as a failure to cast a vote.

A failure to cast a Letter Ballot on a "default ballot" as described in Section A.7.9 is not considered when determining whether the letter ballot requirement has been met.

A Voting Member's failure to comply with the Letter Ballot Requirements may be excused, when warranted, based upon a written explanation of the circumstances surrounding the Member's failure to vote.