Administrative Council for Terminal Attachments (ACTA)

July 11, 2001
ATIS Conference Center
1200 G Street, NW, Suite 500
Washington, DC

Draft Agenda

Chair: Jimmy Salinas, SBC Corporation **9:00am--4:30pm**

1) Call to Order

Jimmy Salinas, ACTA Chair, called the meeting to order at 9:15am and welcomed all participants.

2) Attendance Check-in and Introductions

The ACTA Representatives and all participants introduced themselves. Jimmy Salinas noted that with the Council Members present and those on the conference call, quorum was reached.

3) Agenda Review and Approval (ACTA-01-07-11-01)

Jimmy Salinas introduced the agenda and asked if there were any modifications. A council member noted that Agenda Item 10a uses the word "adopt" which is incorrect as ACTA adopted the criteria during the June 27, 2001 Virtual Meeting. Tim Jeffries noted that ATIS Counsel would not be available in the afternoon and asked that Agenda Item 12a be addressed during Agenda Item 6.

AGREEMENT REACHED #1: The agenda was approved and accepted as modified (The word "adopt" was removed from Agenda Item 10a, and Agenda Item 12a was moved to Agenda Item 6a).

4) Introduction of Contributions, Numbering, Assignment to Agenda Number (Contributions will be numbered as follows: ACTA-01-07-11-XX)

Jimmy Salinas noted that a Council Member suggested to him that a Word Template be created for Contributions. The council agreed.

ACTION ITEM #1: Tim Jeffries will create a Word template for all ACTA Contributions. The document will be posted on the ACTA Web Site for use at the next ACTA meeting.

Jimmy Salinas asked for any additional contributions and none were submitted. Tim Jeffries then went through the numbering sequence and introduced all contributions and noted the corresponding agenda topics. Note that all contributions are available on the ACTA Web site at http://www.part68.org/records.htm. Contributions were submitted and numbered as follows:

Number	Contribution
ACTA-01-07-11-01	Agenda
ACTA-01-07-11-02	Participant Roster(Not yet available)
ACTA-01-07-11-03	June 27th Meeting Summary
ACTA-01-07-11-04	ACTA Liability Memo
ACTA-01-07-11-05	ATIS' Outside Counsel Memo

ACTA-01-07-11-06	Legal Training Materials
ACTA-01-07-11-07a	Preface for ACTA Technical Criteria
ACTA-01-07-11-08	ACTA Liability Memo from Thomson Multimedia, Inc.
ACTA-01-07-11-09	Method for Addressing ACTA Inquiries
ACTA-01-07-11-10	ACTA Liability Memo from TIA
ACTA-01-07-11-11	Guidelines & Procedures for Terminal Registration v.2
ACTA-01-07-11-12	Submission of ACTA's Charter
ACTA-01-07-11-13	Email regarding liability
ACTA-01-07-11-14	Example language for SDOC and Indemnification
ACTA-01-07-11-15	Resignation – Ahn Wride
ACTA-01-06-19	June 19th Conference Call Meeting Summary
ACTA-01-06-27-03	June 4 Meeting Summary
ACTA-01-06-27-04	Database Items for Terminal Registration
ACTA-01-06-27-08	Labeling Ex parte
ACTA-01-06-27-10	The Need for Tiered Access to TTE Database
ACTA-01-06-27-11	FCC Public Notice

5) Review and Approve June 4th, June 19th & June 27th Meeting Summaries

Jimmy Salinas introduced Contribution ACTA-01-06-27-03, the Draft Meeting Summary from June 4, 2001. There was a motion to approve the meeting summary. The motion was seconded and passed unanimously.

AGREEMENT REACHED #2: The Meeting Summary from June 4, 2001 was approved and accepted as submitted.

Mr. Salinas introduced Contribution ACTA-01-06-19, the Draft Meeting Summary from the June 19, 2001 Conference Call. Beth Wilson noted that she was unable to participate in the conference call due to the lack of accommodations. The meeting summary was modified to reflect that. There was a motion to approve the document as modified. The motion was seconded and passed unanimously.

AGREEMENT REACHED #3: The Meeting Summary from June 19, 2001 was approved and accepted as modified (noting that Beth Wilson was unable to participate due to lack of accommodations).

Mr. Salinas introduced Contribution ACTA-01-07-11-03, the Draft Meeting Summary from the June 27, 2001 Virtual Meeting. There was a motion to approve the document. The motion was seconded and passed unanimously.

AGREEMENT REACHED #4: The Meeting Summary from June 27, 2001 was approved and accepted as submitted.

6) Reports

Liability & Legal Issues

Megan Campbell, ATIS General Counsel, presented ACTA-01-07-11-16, a presentation regarding the potential liability for ACTA and its members. During the presentation, the following Contributions were introduced: ACTA-01-07-11-08, ACTA Liability Memo from Thomson Multimedia, Inc., ACTA-01-07-11-05, ATIS' Outside Counsel's Memo regarding ACTA liability, ACTA-01-07-11-04, the summary of the ATIS Outside Counsel Memo,

ACTA-01-07-11-10, ACTA Liability Memo from TIA, and ACTA-01-07-11-06, Legal Training Materials.

Ms. Campbell's presentation on potential ACTA liability summarized the lengthy legal memorandum prepared by ATIS outside counsel. She explained that the liability risk is minimal provided the ACTA act pursuant to the FCC R&O and consistent with the adopted OP&P. There was an emphasis placed on the "administrative" nature of the ACTA as defined in the R&O. There was also acknowledgement that the greatest risk would be legal fees associated with causes of action that may potentially fail. For this reason, Ms. Campbell briefly discussed insurance options currently being sought.

There was a concern about the duality of the SDO membership and ACTA membership because of the fact that SDOs are responsible for creating and editing the technical criteria adopted by ACTA. Megan Campbell noted they are two separate roles. Richard Taffet, ATIS Outside Counsel, noted that as long as proper procedures are followed in both the SDO and/or in ACTA, liability is minimal for members.

A Council Member asked if either ATIS or TIA had found further information on insurance available to ACTA members. Megan Campbell noted that no ACTA member, as an individual, is currently covered under ATIS insurance policies, but research on different policies that might provide coverage is ongoing. Dan Bart, TIA, noted that his organization was also conducting further research into policies that might cover individual ACTA members.

There was a motion to accept the recommendation outlined in Contribution ACTA-01-07-11-16, to have ACTA sponsors continue to research insurance options for individual ACTA members. The motion was seconded and passed unanimously.

AGREEMENT REACHED #5: The ACTA Sponsors will continue to research the possibility of obtaining insurance on behalf of the ACTA in an amount sufficient to cover reasonable legal costs with the understanding that the ACTA will pay that portion of the premium associated with the extended coverage. If coverage is obtained, ACTA could agree in writing to indemnify its members.

ACTION ITEM #2: The ACTA Sponsors will continue to research insurance options for ACTA and its members pursuant to Agreement Reached #5. They will report back to the ACTA at the July 25, 2001 Virtual Meeting as to their findings.

7) Database Working Group (06-27-04, & 10)

Tim Jeffries introduced Contributions ACTA-01-06-27-04. He noted that the working group agreed to specify 19 items from the FCC 730 form to be populated in the database going forward. A list of the items is included in ACTA-01-06-27-04. Mr. Jeffries noted that during the working group meetings, it came to the group's attention that several TBC entries were not included in the database inherited from the FCC. He explained that if necessary, the ACTA Secretariat is prepared to add those items to the database. Mr. Jeffries noted that initially the ACTA Secretariat will be receiving the information and populating the database manually.

The recommendation from the working group was that ACTA adopt the database content as specified by the ACTA Database Working Group for all TTE registrations going forward, and approve the proposed plan for accessing the database and entering the data. There was a motion to

accept the working group's recommendation regarding the database items. The motion was seconded and passed unanimously.

AGREEMENT REACHED #6: ACTA approves, pending FCC response on the labeling ex parte, the recommendation from the working group that ACTA adopt the database content as specified by the ACTA Database Working Group for all TTE registrations going forward. The specified database content is available in Contribution ACTA-01-06-27-04.

Tim Jeffries introduced, and Steve Whetesell outlined, contribution ACTA-01-06-27-10.

A Council Member recommended additional investigation into practical methods of creating a tiered database allowing CPE providers to inform the appropriate agency before products can be listed on the ACTA database.

ACTION ITEM #3: The Database Working Group will investigate the request for tiered data system per Contribution ACTA-01-06-27-10. They will report back to ACTA at the July 25, 2001 Virtual Meeting.

Tim Jeffries introduced Mark Cassarino, the ACTA database manager, and noted that Mark will be assuming duties and responsibilities for maintaining the database and its eventual transition to web accessibility. Mr. Jeffries mentioned that the FCC's assigned TCG codes would continue to be used impending a different encoding scheme. Additionally, the capabilities to generate new applicant codes are in place. New codes cannot be issued by ACTA.

Mr. Jeffries noted that any glitches in the database should be reported via email to acta@atis.org. He also noted that ATIS is currently attempting to support the current FCC database while trying to update the database and make it more user-friendly.

8) ACTA Budget (Executive Session[1])

Tim Jeffries introduced the contribution for the Executive Session, which is a detailed budget for ACTA. This contribution is available electronically upon request for all ACTA Council Members, and Sponsors. All requests should be sent to acta@atis.org.

Clint Pinkham introduced a report from the Funding Working Group, contribution ACTA-01-07-11-17. He noted that there would be an additional working group call on July 12, 2001 from 2-4pm ET. Mr. Pinkham highlighted the list of funding opportunities organized into high and low priorities. Mr. Pinkham explained that there has been lively discussion in the working group regarding funding ACTA through database entry fees for required inputs. He noted that the Working Group would like to resolve their disputes before the rollover of power from the FCC to ACTA, so that ACTA could put a definitive monetary amount on the application forms sent after July 23, 2001. Chuck Bailey went on record as saying the raffle idea contained in Contribution ACTA-01-07-11-17 was inappropriate for ACTA.

Chuck Bailey noted that he was struggling with whether ACTA should transition with the $210 fee or raise the fee based on the analysis provided by the executive session contribution. Mr. Bailey moved that ACTA send an ex parte to the FCC to inform the Commission that: (1) at this point, the only option for funding ACTA is to continue with the funding mechanism used by the FCC; (2) ACTA is considering and investigating alternative funding mechanisms; and (3) ACTA is considering applying for grants from government agencies.

[1] Executive Sessions include ACTA Council Members, Secretariat, and Sponsors.

There was a motion to fund ACTA at this time with the current funding structure used by the FCC ($210 for all applications). The motion was seconded, and passed unanimously.

AGREEMENT REACHED #7: The ACTA will be funded using the current fee structure used by the FCC ($210 for all applications). This will be an interim funding structure pending further investigation from the Funding Working Group.

A council member moved that within a period of six months, ACTA should revisit its funding mechanism. Another council member suggested adding specific time frames to the motion. Namely, that no later than the end of September 2001, ACTA will have a proposed new funding schedule for 2002 to become effective January 1, 2002. The original motion was modified. The motion was seconded and passed unanimously.

AGREEMENT REACHED #8: By no later than September 30, 2001, the ACTA will vote on an ongoing proposal for the funding of ACTA, which will include both database entry fees and other funding mechanisms proposed by the Funding Working Group. The proposed funding schedule will become effective January 1, 2002.

ACTION ITEM #4: The ACTA Funding Working Group will draft a proposed funding schedule for 2002 to be introduced no later than September 30, 2001.

John Bipes and Chuck Bailey went on record saying that they were happy with the figures and thankful for the work and initiative that ATIS put forth to get ACTA up and running.

Mr. Jeffries noted that he needed a decision on the charge for a Grantee Code. He noted a fee would deter companies from applying for a large amount of codes for no purpose.

It was moved that a Grantee Code incur a $210 application fee and that there be an automatic reclamation process for those codes not implemented within a reasonable amount of time. The motion was passed unanimously.

AGREEMENT REACHED #9: A Grantee Code will incur a $210 application fee and there will be an automatic reclamation process for those codes not implemented within a reasonable amount of time.

ACTION ITEM #5: Should the ACTA discover situations that require Grantee Code reclamation, the ACTA will decide upon and implement a process for reclamation.

9) Work Items

Preface for Technical Criteria:

Tim Jeffries introduced Contribution ACTA-01-07-11-07(a), which is proposed language for a preface to all technical criteria adopted by ACTA.

It was moved that ACTA adopt in principle the proposed “Preface” language so the submitting SDO could submit the preface for legal review. In return for including the preface the SDO will be authorized to use the ACTA logo and “Adopted by ACTA” on the cover page of the document. The motion was seconded and passed unanimously.

AGREEMENT REACHED #10: ACTA adopts in principle the proposed "Preface" language for all "technical criteria" adopted by ACTA. This language should be inserted on the page immediately following a specification's cover page. This motion is subject to legal review by SDO parties. In return, once the document is adopted by ACTA, the SDO will be authorized to use the ACTA logo and "Adopted by ACTA" on the cover page of the document.

ACTION ITEM #6: TIA legal counsel will review the proposed "Preface" language and report back to ACTA any proposed modifications by July 18, 2001.

a) Part 68 Standard (TIA/EIA IS-968) (07)
Jimmy Salinas noted agreement reached from last meeting. No comments or proposed changes were received, and pursuant to that agreement, ACTA adopted the technical criteria.

b) Labeling Requirement
Jimmy Salinas noted agreement reached from last meeting. No comments or proposed changes were received, and pursuant to that agreement, ACTA adopted the technical criteria.

c) Supplier's Declaration of Conformity Administrative Procedures Guide
Steve Whitesell noted that this refers to work ongoing in TR41.11. There is some confusion as to why the work is being done in TR41.11 if Tim Jeffries is currently working on a similar document. He noted that the document being created by Mr. Jeffries is a "what document" and that the TR41.11 is a "how to" document.

A Council Member suggested that perhaps the ACTA Director should join the TR41.11 Working Group on the SDOC guide in order to create a single document regarding SDOC procedures. Other council members noted that there needs to be a separation between ACTA and the SDOs.

d) Future changes and approach (e.g., V90 modems power limits, ADSL crosstalk limits, etc.)
Steve Whitesell noted that Pierre is looking for the V90 modem information that was agreed to by industry and that ACTA needs to find out whether industry wishes to pursue this topic or leave as is.

As for the ADSL crosstalk, see conversation under Mintz Levin's agenda item.

e) RJ 31 update/disposition
Steve Whitesell noted that there was no update since the last ACTA meeting.

10) ACTA Guidelines & Procedures for Terminal Registration

Mr. Jeffries introduced contribution ACTA-01-07-11-11, which are the Guidelines and Procedures for Terminal Registration as revised pursuant to comments received. He noted that there was concern regarding the use of the term "registration" and asked the Council for guidance.

A Council Member noted that this document is important and must be released before July 23, 2001. The Council member also noted that the word "registration" has a connotation that is not intended for the purposes of the document. He proposed the word "listing" be used instead. A council member noted the word "listing" also has some connotations not intended, and suggested the word "posting." In addition, a council member suggested that the word "application" be removed because of its connotation.

A council member suggested that there were some substantive issues that require resolution before the document could be released. For instance, Section 5.5's requirement of $2mil in liability insurance would go beyond the scope of ACTA as defined by the FCC.

Tim Jeffries introduced contribution ACTA-01-07-11-14, the Example Language for SDOC and Indemnification. The Chair suggested the creation of an editing group to review the documents.

AGREEMENT REACHED #11: A working group will be created to edit the ACTA Guidelines & Procedures for Terminal Registration (ACTA-01-07-11-11) and the Example language for SDOC and Indemnification (ACTA-01-07-11-14). The members of the working group will be: Steve Whitesell, Tim Jeffries, Pierre Adornato, Cliff Chamney, Dan Bart, Clint Pinkham.

ACTION ITEM #7: The Working Group on the ACTA Guidelines & Procedures for Terminal Registration (ACTA-01-07-11-11) and the Example language for SDOC and Indemnification (ACTA-01-07-11-14) will edit and revise the document.

AGREEMENT REACHED #12: There will be a virtual meeting to discuss the revised ACTA Guidelines & Procedures for Terminal Registration (ACTA-01-07-11-11) and the Example language for SDOC and Indemnification (ACTA-01-07-11-14) on July 18, 2001 at 3pm ET.

ACTION ITEM #8: The Secretariat will send instructions for the July 18, 2001 Virtual Meeting by COB July 13, 2001.

11) ACTA Correspondence

a) Correspondence from Mintz Levin

Megan Campbell noted that she spoke with Russ Taylor from Mintz Levin regarding the letter they submitted as Contribution ACTA-01-05-22-09. She explained that Mr. Taylor agreed that the R&O is quite clear regarding the rules for submitting technical criteria to ACTA and Mintz Levin should address this issue with the FCC. Dan Bart noted that manufacturers could previously submit criteria directly to the FCC, and in the same way, manufacturers can submit criteria to the SDOs. However, Mr. Bart explained that the FCC and the SDOs have no requirement to address such contributions.

b) ACTA vacancies

Tim Jeffries noted that Contribution ACTA-01-07-11-15 is an email from Anh Wride in which she resigns her seat on ACTA. Tim Jeffries noted that a call for nominations was sent out pursuant to Action Item #10 from June 4, 2001.

c) Other

Tim Jeffries introduced Contribution ACTA-01-07-11-09, a method for directing ACTA inquiries. It was suggested that questions regarding test methodologies, procedures or application be directed not to TCBs, but to the TCB Council. It was moved that ACTA adopt the inclusion of text (as presented in Contribution ACTA-01-07-11-09 and modified at this meeting) on its Part 68 web site to provide instructions on where to have technical and administrative questions answered. (Please note, the revised text can be found on the ACTA Web Site at http://www.part68.org/links.htm). The motion was seconded and passed unanimously.

AGREEMENT REACHED #13: ACTA adopted the inclusion of text (as presented in Contribution ACTA-01-07-11-09 and modified at this meeting and pending additional editorial changes) on its Part 68 web site to provide instructions on where to have technical and administrative questions answered.

ACTION ITEM #9: The ACTA Secretariat will add the adopted text regarding instructions for where to have technical and administrative questions answered to the ACTA web site.

OP&P
Tim noted that the OP&P Revision 1.1 had been submitted to the FCC. It has been submitted as Contribution ACTA-01-07-11-12.

d) Draft Statement of Work re: ACTA Secretarial Support

There was no update for this agenda item.

12) Next Meeting

a) July 25th, Virtual Meeting
b) Proposed meetings:
   i) August 16th – Virtual Meeting
   ii) September 20th – Virtual Meeting
   iii) October 3rd, Face-to-face

AGREEMENT REACHED #14: The ACTA will meet in Virtual Meetings on July 25, 2001, August 16, 2001, and September 20, 2001. ACTA will meet face-to-face on October 3, 2001.

13) Adjournment

Jimmy Salinas adjourned the meeting at 4:08pm ET.