



November 17, 2016

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: CG Docket No. 16-145 and GN Docket No. 15-178, Notice of Ex Parte Presentation

Dear Ms. Dortch:

On November 15, 2016, the undersigned, together with Ann Marie Rohaly, and Jim Thatcher of Microsoft and Glenn Richards of the Voice on the Net (VON) Coalition, spoke by telephone with Rosaline Crawford, Michael Scott, and Suzy Rosen Singleton of the Commission's Consumer and Governmental Affairs Bureau.

The Microsoft representatives discussed various points outlined in their reply comments filed in the above-referenced proceedings. Specifically, they noted that given that over-the-top (OTT) applications rely on the best efforts internet, the FCC should recognize the inherent characteristics and limitations of such applications and their inability to guarantee performance criteria, including with respect to access to emergency services. Mr. Thatcher and Mr. Richards also explained that even where OTT applications provide interconnected VoIP service, they may still use the best efforts internet and, as a result, may be unable to guarantee the proposed performance requirements. The parties also emphasized the importance of avoiding any confusion with respect to consumer expectations around the use of an OTT application to contact emergency services.

Microsoft also asked the Commission to make clear which applications, services and devices would be subject to any real-time text rules it adopts. Clear guidance will better ensure that industry can incorporate the necessary changes and will help to establish clear consumer expectations.

Pursuant to the Commission's rules, a copy of this letter is being filed electronically in the above-referenced dockets. Please contact the undersigned if you require additional information.

Respectfully submitted,

*/s/ Paula Boyd*

Paula Boyd  
Director, Government and Regulatory Affairs  
Microsoft Corporation

cc: Rosaline Crawford  
Michael Scott  
Suzy Rosen Singleton