

Managed Service Agreements

A well-crafted managed service agreement makes possible the delivery of Internet services that will help attract and retain residents.

By David Daugherty ■ *Korcett Holdings Inc.* and Chris Helling ■ *Lancaster, Helling, Grable & Wittliff LLP*

Depending on one's perspective, a managed service agreement (MSA) is either the most important or the least important part of a service environment. If residents are unhappy with their Internet services, the ensuing din makes focusing on anything else impossible. If residents are quiet, owners probably don't remember who provides their Internet services.

An MSA typically begins with basic information, including the term of the agreement (from 36 to 60 months, depending on capital requirements), the fee and provisions about intellectual property, confidentiality and other miscellaneous subjects. The technical portions of the agreement, otherwise known as the service-level agreement, spell out the definition of acceptable levels of service. Other sections include the following:

- **Engineering Services:** This defines the design and installation of the physical network, cabling and network equipment. The service provider usually requires the builder to provide information about existing infrastructure and to facilitate technical due diligence by permitting site surveys and releasing information about existing service agreements. Engineering service provisions may also address equipment deployment and installation logistics – how equipment is acquired, shipped to and stored on the property during deployment. Installation, configuration and cutover of services are also discussed in this section.
- **Traffic Management Services:** An often overlooked area of the MSA has to do with how services are managed – specifically, who has access to management utilities and what kind of performance reporting is

required. Builders, consultants and legal counsel often spend a great deal of time and money defining service levels and recourses in case of failure. These provisions will never see the light of day in a properly designed, well managed network.

A service provider's including traffic management provisions in an MSA is a strong indication that it understands the complexity of deploying and supporting Internet services. Traffic management provisions include specification of bandwidth delivered to residents at the beginning of the contract period; guidelines for increasing bandwidth in subsequent service years; Web-based service management portals that allow residents, front-office and on-site support personnel to monitor and manage Internet services; and provisions to address issues such as broadcast storms, denial of service, peer-to-peer traffic (BitTorrent) and gaming services.

- **Contingent Liability:** As the Internet has become an increasingly important conduit for commerce of all kinds, it has become subject to regulations designed to protect content owners and consumers. Network owners and operators must comply with laws such as the Communications Assistance for Law Enforcement Act (CALEA) and the Digital Mil-

lennium Copyright Act (DMCA). An MSA should require a provider to track abuse to a connected device, remove the resident/device from the Internet, issue the appropriate warning, record the delivery and receipt of the message and then return the resident to the Internet.

- **Customer Support:** Customer-support provisions of an MSA address what happens when residents have problems. These provisions stipulate the hours that customer support representatives must be available (typically 24 x 7 x 365 days a year) and establish expectations for speed of problem resolution. Sitewide service outages and their resolution are also discussed. Customer-support provisions include procedures for generating, processing and resolving the trouble tickets that are used to document and track problems.
- **Premium Service Sales:** Modern Internet services typically provide Web-based service management portals where residents can purchase services and manage their account information. An MSA typically specifies how residents can use the portal to register, agree to the acceptable use policy, add and manage MAC addresses for devices such as personal computers and network-based gaming consoles, and purchase upgraded services or data transmissions. **BBP**

About the Author

David Daugherty is the founder and CEO of Korcett Holdings. He can be reached at david.@korcett.com. Korcett Holdings is dedicated to the development and deployment of next-generation service solutions. Chris Helling is a partner in the Austin office of Lancaster, Helling, Grable & Wittliff LLP. He can be reached at chelling@lancasterhelling.com.