PUBLIC NOTICE

Federal Communications Commission 445 12th St., S.W. Washington, D.C. 20554

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Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines

WC Docket No. 04-36 WC Docket No. 05-196

In this Public Notice, the Enforcement Bureau (Bureau) provides guidance to providers of interconnected voice over Internet protocol (VoIP) service concerning enforcement of the subscriber notification provisions of the Federal Communications Commission's (FCC or Commission) rules governing enhanced 911 (E911) capability. Specifically, the Bureau announces that it will not seek enforcement, for a 30-day period, of the requirement that providers obtain affirmative acknowledgements, by July 29, 2005, from 100% of their subscribers that they have read and understood an advisory concerning the limitations of their E911 service. To be eligible for this extension, providers must meet the reporting requirements outlined below. The Bureau will evaluate the sufficiency of the reports filed by interconnected VoIP providers and take subsequent action as necessary.

Background

On June 3, 2005, the FCC released an Order¹ requiring interconnected VoIP service providers² to provide E911 capabilities to their subscribers no later than 120 days from the effective date of the Order. The effective date of the Order is July 29, 2005, 30 days from the date of publication in the Federal Register.³

¹ *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 2005 WL 1323217, FCC, (rel. Jun 3, 2005) (*VoIP E911 Order*).

² "Interconnected VoIP service" means an interconnected Voice over Internet Protocol (VoIP) service that: (1) enables real-time, two-way voice communications; (2) requires a broadband connection from the user's location; (3) requires Internet protocol-compatible customer premises equipment; and (4) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

³ 70 Fed. Reg. 37,273 (June 29, 2005).

Additionally, as set forth in the *VoIP E911 Order*, by July 29, 2005, all providers of interconnected VoIP service must:

- Specifically advise every new and existing subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service or may be in some way limited by comparison to traditional E911 service;
- Obtain and keep a record of affirmative acknowledgement by every subscriber, both new and existing, of having received and understood the advisory described in the paragraph above; and
- Distribute to its existing subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on or near the equipment used in conjunction with the interconnected VoIP service. Each interconnected VoIP provider should distribute such warning stickers or other appropriate labels to each new subscriber prior to the initiation of that subscriber's service.⁴

As referenced above, the Bureau has determined that it will not initiate enforcement action, until August 30, 2005, against any provider of interconnected VoIP service regarding the requirement that it obtain affirmative acknowledgement by every existing subscriber on the condition that the provider file a detailed report with the Commission by August 10, 2005, containing the information described below. During this brief extension, interconnected VoIP providers will have the ability to continue obtaining affirmative acknowledgements from the entirety of their customer base. Further, we expect that if an interconnected VoIP provider has not received subscriber acknowledgements from 100% of its existing subscribers by August 29, 2005, then the interconnected VoIP provider will disconnect, no later than August 30, 2005, all subscribers from whom it has not received such acknowledgements. As such, providers may wish to inform subscribers that their VoIP service will be disconnected if they do not provide their acknowledgements by August 29, 2005.

Subscriber Notification and Acknowledgement Status and Compliance Reports

The report to the Commission should include:

- A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (*i.e.*, e-mail, U. S. mail);
- A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005;
- A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service.

⁴ *VoIP E911 Order* at ¶¶ 48, 73; *see also* 47 C.F.R. §9.5(e).

This information should include, but is not limited to, relevant dates and methods of contact with subscribers (*i.e.*, e-mail, U. S. mail);

- A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet immediately above;
- A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005;
- A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers; and
- The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the *VoIP E911 Order*.

Filing Procedures

Interconnected VoIP providers may file the above-referenced reports in this proceeding on or before August 10, 2005. All reports must reference WC Docket No. 05-196 and should be labeled clearly on the first page as "Subscriber Notification Report." The report may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), or (2) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (May 1, 1998).

- Electronic Filers: Compliance letters may be filed electronically using the Internet by accessing the ECFS: <u>http://www.fcc.gov/cgb/ecfs/</u>. Filers should follow the instructions provided on the website for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number (WC Docket No. 05-196).
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.
- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

Parties should also send a copy of their filings to:

- Byron McCoy, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, Room 4-A234, 445 12th Street, SW, Washington, D.C. 20554, or by email to <u>byron.mccoy@fcc.gov</u>;
- Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, Room 7-C802, 445 12th Street, SW, Washington, D.C. 20554, or by email to <u>kathy.berthot@fcc.gov</u>; and
- Janice Myles, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-C140, 445 12th Street, SW, Washington, D.C. 20554, or by e-mail to janice.myles@fcc.gov.

Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to <u>fcc@bcpiweb.com</u>.

For further information regarding this proceeding, contact David Hunt, Telecommunications Consumers Division, Enforcement Bureau, (202) 418-1522, or Cynthia Bryant, Telecommunications Consumers Division, Enforcement Bureau, (202) 418-8164.

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