



PUBLIC NOTICE

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**Enforcement Bureau Outlines Requirements of November 28, 2005
Interconnected Voice Over Internet Protocol 911 Compliance Letters**
WC Docket No. 04-36
WC Docket No. 05-196

In this Public Notice, the Enforcement Bureau (Bureau) sets forth the specific information that interconnected voice over Internet Protocol (VoIP) service providers¹ must include in the Compliance Letters required by the Federal Communications Commission (Commission) in its June 3, 2005 order establishing enhanced 911 requirements for IP-enabled service providers.² Compliance Letters must be filed with the Commission on or before November 28, 2005.³ Although the Bureau has released prior public notices addressing the Commission's subscriber notification and acknowledgement requirements,⁴ this Notice addresses only the Compliance Letter requirements.

In addition, the Bureau takes this opportunity to commend the steps undertaken by AT&T Corp. (AT&T), MCI, Inc. (MCI) and Verizon Communications, Inc. (Verizon) to comply with the

¹ "Interconnected VoIP service" means an interconnected voice over Internet Protocol 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 (CPE); 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. See 47 C.F.R. § 9.3.

² *IP-Enabled Services and 911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10273, ¶ 50 (2005) (*VoIP 911 Order*); 47 C.F.R. § 9.5(f).

³ 47 C.F.R. § 9.5(f).

⁴ See Public Notice, *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, WC Docket Nos. 04-36, 05-196, DA 05-2085 (rel. July 26, 2005); Public Notice, *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket Nos. 04-36, 05-196, DA 05-2358 (rel. Aug. 26, 2005); Public Notice, *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket Nos. 04-36, 05-196, DA 05-2530 (rel. Sept. 27, 2005); Public Notice, *Enforcement Bureau Provides Additional Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket Nos. 04-36, 05-196, DA 05-2874 (rel. Oct. 31, 2005). The subscriber notification and acknowledgement requirements are codified in section 9.5(e) of the Commission's rules. 47 C.F.R. § 9.5(e); see also *VoIP 911 Order*, 20 FCC Rcd at 10271-73, ¶¶ 47-49.

Commission's VoIP 911 provisioning requirements, as outlined in recent letters they filed in the above-referenced dockets.⁵ As detailed below, the Bureau strongly encourages other providers to adopt similar measures to comply with the VoIP 911 requirements and will carefully analyze an interconnected VoIP provider's implementation of such measures in determining whether and how to take enforcement action.

Background

On June 3, 2005 the Commission released the *VoIP 911 Order* adopting rules that require interconnected VoIP providers to provide their new and existing subscribers with 911 service no later than November 28, 2005.⁶ Specifically, as a condition of providing interconnected VoIP service, each interconnected VoIP provider must, in addition to satisfying the subscriber notification, acknowledgment, and labeling requirements set forth in section 9.5(e) of the Commission's rules:⁷

- Transmit all 911 calls to the public safety answering point (PSAP), designated statewide default answering point, or appropriate local emergency authority that serves the caller's "Registered Location."⁸ Such transmissions must include the caller's Automatic Numbering Information (ANI)⁹ and Registered Location to the extent that the PSAP, designated statewide default answering point, or appropriate local emergency authority is capable of receiving and processing such information;¹⁰
- Route all 911 calls through the use of ANI and, if necessary, pseudo-ANI,¹¹ via the Wireline E911 Network,¹² and make a caller's Registered Location available to the appropriate PSAP,

⁵ See Letter from Robert W. Quinn, Jr., Vice President, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 04-36, 05-196 (filed October 7, 2005) (*AT&T Ex Parte*); Letter from Richard S. Whitt, Vice President, Federal Regulatory, MCI, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 04-36, 05-196 (filed October 21, 2005) (*MCI Ex Parte*); Letter from Susanne A. Guyer, Senior Vice President, Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 04-36, 05-196 (filed October 21, 2005) (*Verizon Ex Parte*).

⁶ The effective date of these requirements is set at 120 days after the effective date of the *VoIP 911 Order*. The *VoIP 911 Order* became effective 30 days after publication in the Federal Register. Because the order was published in the Federal Register on June 29, 2005, and became effective on July 29, 2005, the effective date of these requirements is November 28, 2005. See 70 Fed. Reg. 37,273 (June 29, 2005); 70 Fed. Reg. 43,323 (July 27, 2005).

⁷ See 47 C.F.R. § 9.5(e).

⁸ See 47 C.F.R. § 9.5(b)(2). An end-user's "Registered Location" is the most recent information obtained by an interconnected VoIP service provider that identifies the physical location of the end-user. See 47 C.F.R. § 9.3.

⁹ ANI is a system that identifies the billing account for a call and, for 911 systems, identifies the calling party and may be used as a call back number. See 47 C.F.R. §§ 9.3, 20.3.

¹⁰ See 47 C.F.R. §§ 9.5(b)(2), (c).

¹¹ Pseudo-ANI is "a number, consisting of the same number of digits as ANI, that is not a North American Numbering Plan telephone directory number and may be used in place of an ANI to convey special meaning. The special meaning assigned to the pseudo-ANI is determined by agreements, as necessary, between the system originating the call, intermediate systems handling and routing the call, and the destination system." See 47 C.F.R. §§ 9.3, 20.3.

¹² The "Wireline E911 Network" is a "dedicated wireline network that: (1) is interconnected with but largely separate from the public switched telephone network; (2) includes a selective router; and (3) is utilized to route

designated statewide default answering point or appropriate local emergency authority from or through the appropriate Automatic Location Identification (ALI) database;¹³

- Obtain from each of its existing and new customers, prior to the initiation of service, a Registered Location;¹⁴ and
- Provide all of their end users one or more methods of updating their Registered Location at will and in a timely manner.¹⁵ At least one method must allow end users to use only the same equipment (such as the Internet telephone) that they use to access their interconnected VoIP service.¹⁶

Compliance Letters

Additionally, given the vital public safety interests at stake, the *VoIP 911 Order* requires each interconnected VoIP provider to file with the Commission a Compliance Letter on or before November 28, 2005 detailing its compliance with the above 911 requirements.¹⁷ To ensure that interconnected VoIP providers have satisfied the requirements set forth above, we require interconnected VoIP providers to include the following information in their Compliance Letters:

- **911 Solution:** This description should include a quantification, on a percentage basis, of the number of subscribers to whom the provider is able to provide 911 service in compliance with the rules established in the *VoIP 911 Order*. Further, the detailed description of the technical solution should include the following components:
 - **911 Routing Information/Connectivity to Wireline E911 Network:** A detailed statement as to whether the provider is transmitting, as specified in Paragraph 42 of the *VoIP 911 Order*, “all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized.”¹⁸ If the provider is not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, this statement should include a detailed explanation why not. In addition, the provider should quantify the number of Selective Routers to which it has interconnected, directly or indirectly, as of November 28, 2005.

emergency calls and related information to PSAPs, designated statewide default answering points, appropriate local emergency authorities or other emergency answering points.” See 47 C.F.R. § 9.3.

¹³ See 47 C.F.R. §§ 9.5(b)(3), (4).

¹⁴ See 47 C.F.R. § 9.5(d)(1).

¹⁵ See 47 C.F.R. § 9.5(d)(2).

¹⁶ *Id.*

¹⁷ See *VoIP 911 Order*, 20 FCC Rcd at 10273, ¶ 50; 47 C.F.R. § 9.5(f).

¹⁸ *VoIP 911 Order*, 20 FCC Rcd at 10269-70, ¶ 42 (footnote omitted).

- Transmission of ANI and Registered Location Information: A detailed statement as to whether the provider is transmitting via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information. This information should include: (i) a quantification, on a percentage basis, of how many answering points within the provider's service area are capable of receiving and processing ANI and Registered Location information that the provider transmits; (ii) a quantification of the number of subscribers, on a percentage basis, whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information; and (iii) if the provider is not transmitting the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information, a detailed explanation why not.
 - 911 Coverage: To the extent a provider has not achieved full 911 compliance with the requirements of the *VoIP 911 Order* in all areas of the country by November 28, 2005, the provider should: 1) describe in detail, either in narrative form or by map, the areas of the country, on a MSA basis, where it is in full compliance and those in which it is not; and 2) describe in detail its plans for coming into full compliance with the requirements of the order, including its anticipated timeframe for such compliance.
- Obtaining Initial Registered Location Information: A detailed description of all actions the provider has taken to obtain each existing subscriber's current Registered Location and each new subscriber's initial Registered Location. This information should include, but is not limited to, relevant dates and methods of contact with subscribers and a quantification, on a percentage basis, of the number of subscribers from whom the provider has obtained the Registered Location.
- Obtaining Updated Registered Location Information: A detailed description of the method(s) the provider has offered its subscribers to update their Registered Locations. This information should include a statement as to whether the provider is offering its subscribers at least one option for updating their Registered Location that permits them to use the same equipment that they use to access their interconnected VoIP service.
- Technical Solution for Nomadic Subscribers: A detailed description of any technical solutions the provider is implementing or has implemented to ensure that subscribers have access to 911 service whenever they use their service nomadically.

The Bureau notes that in an October 7, 2005 letter submitted in WC Docket Nos. 04-36 and 05-196,¹⁹ AT&T outlined an innovative compliance plan that it is implementing to address the Commission's 911 provisioning requirements that take effect on November 28, 2005. In letters filed on October 21, 2005 in these dockets, MCI and Verizon each outlined similar compliance plans.²⁰ Each of these plans includes an automatic detection mechanism that enables the provider to identify when a customer may have moved his or her interconnected VoIP service to a new location and ensure that the customer continues to receive 911 service even when using the interconnected VoIP service nomadically. These plans also include a commitment to not accept new interconnected VoIP customers in areas where the provider cannot provide 911 service and to adopt a "grandfather" process for existing customers for whom the provider has not yet implemented either full 911 service or the automatic detection capability.

¹⁹ See AT&T *Ex Parte*.

²⁰ See MCI *Ex Parte* and Verizon *Ex Parte*.

The Bureau applauds the steps undertaken by AT&T, MCI and Verizon and strongly encourages other providers to adopt similar measures. The Bureau will carefully review a provider's implementation of steps such as these in deciding whether and how to take enforcement action. Providers should include in their November 28, 2005, Compliance Letters a detailed statement as to whether and how they have implemented such measures. To the extent that providers have not implemented these or similar measures, they should describe what measures they have implemented in order to comply with the requirements of the *VoIP 911 Order*.

Although we do not require providers that have not achieved full 911 compliance by November 28, 2005, to discontinue the provision of interconnected VoIP service to any existing customers, we do expect that such providers will discontinue marketing VoIP service, and accepting new customers for their service, in all areas where they are not transmitting 911 calls to the appropriate PSAP in full compliance with the Commission's rules.

Filing Procedures

Interconnected VoIP providers must file the above-referenced Compliance Letters in this proceeding on or before November 28, 2005. All such filings must reference WC Docket No. 05-196 and should be labeled clearly on the first page as "Compliance Letter." Compliance Letters 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: <http://www.fcc.gov/cgb/ecfs/>. 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:

- 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 kathy.berthot@fcc.gov; 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 fcc@bcpiweb.com.

For further information regarding this notice, press should contact Janice Wise, Director, Media Relations, Enforcement Bureau, (202) 418-8165, and providers should contact Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, (202) 418-7454.

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