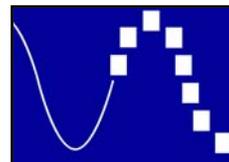


August 25, 2005



Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: Ex Parte Presentation  
WC Docket No. 05-196

Dear Chairman Martin:

We are writing regarding the Commission's recent efforts to accelerate the implementation of VoIP E9-1-1 service and the importance of ensuring that consumers always have access to communications in case of an emergency.

The Commission's efforts to accelerate E9-1-1 solutions for VoIP have already proven to be a success and the VON Coalition is proud to be a partner in this endeavor. The VON Coalition estimates that more than 1.5 million VoIP consumers will be better prepared in an emergency because they have been informed of and have acknowledged the current limitations of their VoIP E9-1-1 or 9-1-1 service. According to filings made with the Commission on August 10, 2005, interconnected VoIP providers' efforts to obtain customer acknowledgements related to VoIP E9-1-1 have far exceeded traditional customer acknowledgment rates, often achieving an 80 to 90 percent response rate. These high response rates have even been improved upon since August 10, 2005 and demonstrate the seriousness in which providers are implementing the FCC's requirements, particularly when considering that families are often on vacation in the summer and that historically consumers will respond to only a fraction of the correspondence they are sent.

However, to build on this progress and to ensure that the Commission's goals are fully realized and consistent with the public interest, we believe that consumers should not be inconvenienced or potentially placed in harm's way by having their VoIP service disconnected on August 30, 2005 because they have failed to respond to their service providers' request(s) for acknowledgment of potential VoIP E9-1-1 or 9-1-1 limitations. Specifically, we are concerned that the Enforcement Bureau's July 26, 2005 Public Notice stating that VoIP providers should disconnect service to customers not providing acknowledgments may both undermine the Commission's efforts to promote competition and innovation by damaging VoIP providers' relationships with their customers and put consumers and businesses at risk of harm.

In many cases, these VoIP consumers already have access to 9-1-1 or E9-1-1 with their VoIP service and can only be harmed by service disconnection. And requiring the disconnection of residential, business, university, or government users can remove an important communications tool and does nothing to promote the expeditious deployment of E9-1-1 for VoIP. It would be tragic if a customer who today may have E9-1-1 as a part of their VoIP service had it shut off and then attempted to use that service in an emergency. Moreover, not every emergency requires a call to 9-1-1. A mother may try to call a poison control center; a distressed teenager may try to

August 25, 2005

call a suicide prevention line; a father may need to notify a child about the health of a grandparent; and a student may need to call home from her dorm to tell her parents she arrived at school safely. Likewise, it is currently hurricane season, and there are likely to be instances where having basic communications in an emergency can help prevent a tragedy.

Thus, we are asking that you reconsider the Enforcement Bureau's August 30, 2005 disconnection requirement in light of the new information provided by VoIP providers or at least extend the disconnection deadline to allow VoIP providers a more reasonable amount of time to obtain acknowledgements from all of their customers. Specifically, we propose that a VoIP provider should not be required to disconnect a subscriber's service on August 30<sup>th</sup> if the provider has sent correspondence concerning the limitation of its 9-1-1 service to all of its subscribers, and has, and continues to, actively seek customer acknowledgment. This limited relief will help ensure consumers' continued access to emergency services. Alternatively, the Enforcement Bureau should clarify that such VoIP providers may obtain acknowledgements for an additional 90 days, until November 26, 2005.

Otherwise, terminating VoIP service to businesses and consumers would inevitably impede commerce and cause consumer inconvenience and could even leave VoIP customers stranded in an emergency. We are not aware of any other circumstances where the Commission has required service providers to terminate service to their customers, possibly leaving them without any communications services, including 9-1-1 or E9-1-1. Instead, consumers should remain the focus of Commission efforts and should not be unwittingly or potentially unexpectedly put in harm's way by their own failure to act.

For these reasons, the VON Coalition applauds the Commission's efforts to date, and urges that the Commission not require the termination of service on August 30, 2005 to any customers of VoIP service providers who have sent warnings their customers, and who have actively sought acknowledgment and continue to actively seek customer acknowledgments. Instead, the Commission should remain focused on finding productive ways to remove barriers to enabling the most rapid VoIP E9-1-1 deployment technically and operationally feasible.

As always, we look forward to working with the Commission on advancing the goals of public safety. In accordance with the Commission's *ex parte* rules, one copy of this letter has been filed electronically this day in the above-referenced docket.

Sincerely,

**The VON Coalition**

cc: Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Thomas Navin, Chief, Wireline Competition Bureau  
Kris Monteith, Acting Chief, Enforcement Bureau