

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matters of)
)
IP-Enabled Services) WC Docket No. 04-36
)
E911 Requirements for IP-Enabled Service) WC Docket No. 05-196
Providers)

To: The Secretary
The Commission

**REPLY COMMENTS OF
THE VOICE ON THE NET COALITION**

The Voice on the Net Coalition (“VON Coalition”), by its counsel, hereby submits these reply comments in response to the Notice of Proposed Rulemaking in the above-captioned proceeding.¹ The comments show support for the VON Coalition’s position that the Commission’s efforts should focus on speeding the transition to an IP-enabled emergency system, rather than implementing patchwork measures in an attempt to enhance VoIP E9-1-1 services on a legacy system. The comments also demonstrate support to make the Commission the exclusive regulator of VoIP E9-1-1 service and ensure uniform national standards. With respect to the specific proposals raised by the Commission, many commenters are in substantial agreement that the proposals are unnecessary and unwarranted at this time and could in fact divert committed industry and Commission resources from the development of an IP-enabled emergency system. For these reasons, the VON Coalition urges the Commission to allow current

¹ See *In the Matters of IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116 (June 3, 2005) (hereafter, “*E9-1-1 Order*” or “*NPRM*” as appropriate). The *NPRM* was published in the Federal Register on June 29, 2005. See 70 F.R. 37307 (June 29, 2005).

voluntary VoIP industry and stakeholder efforts to provide E9-1-1 solutions to continue to progress without counterproductive, “heavy handed” regulation.

I. FACILITATING THE TRANSITION TO AN IP-BASED NETWORK IS THE BEST WAY TO ACCELERATE AND IMPROVE THE DEPLOYMENT OF EMERGENCY SERVICES

In its Comments, the VON Coalition describes the efforts underway by E9-1-1 stakeholders to provide better and more reliable solutions in the future based on an IP-enabled emergency system. Many commenters acknowledge that such a transition would be the best long-term solution for facilitating the deployment of emergency services. *See, e.g.*, Center for Democracy *et al.*, at 12-13; Global IP Alliance, at 1; National Emergency Number Association (“NENA”), at 13; Rehabilitation Engineering Research Center on Telecommunications Access, at 7; United Online, Inc. (“United Online”), at 18. In fact, the recent Hurricane Katrina tragedy has highlighted the effectiveness and resiliency of VoIP communications in times of catastrophic emergencies.² Accordingly, the Commission should avoid actions, such as imposing on VoIP providers the obligation to build redundant facilities, that divert critical resources to perpetuate the legacy system. *See, e.g.*, NENA, at 13; National Cable and Telecommunications Association (“NTCA”), at 3. An IP-enabled system would also resolve issues faced by persons with disabilities, as several commenters note, and a rapid transition to such a system would be more efficient than imposing costly and burdensome regulations designed simply to make innovative new technology conform to a legacy system. *See* United Online, at 19-20; *see also* AT&T, Corp. (“AT&T”), at 13-14.

² *See, e.g.*, Christopher Rhoads, *Cut off: At center of crisis, city officials faced struggle to keep in touch*, Wall Street Journal, Sept. 9, 2005, at A1 (describing how New Orleans city leaders relied virtually entirely on VoIP services for five days after the failure of basic landline phone service, and mobile and satellite phones, which eventually lost battery power and could not be recharged); *see also* Exhibit A attached (providing examples of the critical assistance that VoIP providers have been able to provide in the Hurricane Katrina relief effort, as a result of the unique mobility and decentralized aspects of VoIP service).

II. THE COMMISSION SHOULD BE THE EXCLUSIVE REGULATOR OF VOIP E9-1-1 RULES

Many commenters encourage the Commission to exclusively administer and enforce the VoIP E9-1-1 rules to ensure that VoIP providers are not subject to fifty different E9-1-1 regulatory regimes. *See, e.g.*, Intrado Inc., at 4; iPosi, Inc. (“iPosi”), at 9; SBC Communications, Inc. (“SBC”), at 14-15; United Online, at 17; United States Telecom Association (“USTA”), at 8. As the Texas VoIP proceeding demonstrates, permitting state regulation of VoIP E9-1-1 service would likely lead to exactly the situation the FCC sought to avoid in *Vonage* and would also be duplicative and wasteful.³ For example, the Texas Commission on State Emergency Communications has established a working group of local 9-1-1 authorities, interconnected VoIP providers, ILECS and CLECs, 9-1-1 database providers, third-party vendors, and other stakeholders. *See, e.g.*, Texas Commission on State Emergency Communications (“TX-CSEC”), at 4-6. It has also established committees to determine operations standards and procedures, database implementation, revenue impact, contracts, and rulemaking proceedings relevant to 9-1-1. To the extent these efforts produce results that differ from those being developed by national industry working groups, the Texas process will introduce inconsistency and complications. *See, e.g.*, iPosi, at 9; SBC, at 15. To the extent these costly and time-consuming efforts result in the same standards, the Texas process will have been unnecessary and wasteful.

III. ADDITIONAL REGULATIONS ARE UNNECESSARY AT THIS TIME

In its Comments, the VON Coalition explains that the Commission has only recently implemented E9-1-1 rules applicable to VoIP providers and the industry is already proactively engaged in extensive efforts to provide E9-1-1 solutions. Many commenters agree and,

³ *See In the Matter of Vonage Holdings Corporation*, Memorandum Opinion and Order, 19 FCC Rcd 22404 (2004).

accordingly, conclude that the Commission should first assess the impact and effectiveness of its current rules before rushing forward with additional regulations. *See, e.g.*, AT&T, at 6; Bellsouth Corporation (“BellSouth”), at 3; National Association of State Utility Consumer Advocates (“NASUCA”), at 16; Qwest Communications Corporation (“Qwest”), at 1-2; SBC, at 2-4, 10; Verizon, at 3. Various commenters, including many individual consumers, also agree with the VON Coalition that premature action by the Commission could stifle innovation, broadband development, and competition in voice services. *See, e.g.*, Center for Democracy *et al.*, at 11; BellSouth, at 6, 9; *see also* Comment of Martin Alix; Comment of Edgardo Balansay.

A. Automatic Location Information

The VON Coalition opposes any mandatory requirement for interconnected VoIP providers to provide caller location information automatically to PSAPs or, similarly, for equipment manufacturers to install such a feature in all terminal adapters or other similar equipment by June 1, 2006. Commenters are virtually unanimous in their recommendation that the Commission should not mandate the use of any specific technology if the Commission were to impose such a requirement. *See, e.g.*, CTIA, at 7-8; iPosi, at 9; NASUCA, at 13; SBC, at 9-10; Time Warner Inc. (“Time Warner”), at 9; USTA, at 2. Additionally, they agree that the FCC should allow industry efforts already underway to determine market-based solutions. *See, e.g.*, BellSouth, at 6; CTIA, at 7-8; New Jersey Board of Public Utilities (“NJBPU”), at 5-6; Qwest, at 5-8; SBC, at 6-7; Skype Communications, SA (“Skype”), at 18-21; Time Warner, at 9; United Online, at 11; USTA, at 3-4. The Commission’s CMRS proceeding demonstrates the problem with imposing a static solution in a dynamic technological environment, as the VON Coalition and others note. *See, e.g.*, AT&T, at 7; CTIA, at 7-8; Earthlink, Inc., at 3. Also, although a handful of commenters support the proposal to require the capability to provide automatic location information in VoIP-related equipment, no one states that viable solutions could be

implemented before the Commission's arbitrary June 2006 deadline. In contrast, some companies that are actually developing solutions conclude that the deadline is unrealistic. *See, e.g.,* Cisco Systems, Inc. ("Cisco"), at 9-10; Information Technology Industry Council ("ITIC"), at 6-7; Motorola, Inc. ("Motorola"), at 2; Verizon, at 3-4; Vonage America, Inc. ("Vonage"), at 7; *see also* NENA, at 9; Texas 9-1-1 Alliance, at 19.

B. Non-Interconnected or Partially-Interconnected VoIP Service

Consistent with the VON Coalition's comments, virtually all parties agree that consumer expectations should dictate whether non-interconnected or partially-interconnected VoIP providers should be required to provide E9-1-1 services. *See, e.g.,* BellSouth, at 7; NTCA, at 3; Qwest, at 3; TX-CSEC, at 6; Texas Office of Public Utility Counsel, at 1-2; Time Warner, at 7; United Online, at 3-8; USTA, at 7. Many commenters agree with the VON Coalition that VoIP subscribers do not purchase limited one-way service as replacements for conventional telephone service and, accordingly, would not reasonably expect to have E9-1-1 services. *See, e.g.,* AT&T, at 6; Skype, at 4-10; United Online, at 3-8. Although there is some disagreement regarding whether subscribers to one-way VoIP service capable of originating calls to the PSTN would expect to have E9-1-1 service, there was little dispute that subscribers to one-way service capable of only receiving calls from the PSTN could not logically expect to have E9-1-1 service. *See, e.g.,* Boulder Regional Emergency Telephone Service Authority ("Boulder Regional"), at 5; NENA, at 10.

C. Wireless VoIP Service

The Commission should not impose additional obligations on VoIP providers because their subscribers opt to use a wireless broadband connection. VoIP providers do not control and, in many cases, do not even know which type of broadband connection their subscribers use. And to the extent that providers offer dual mode VoIP/CMRS services, they should be able to choose

on which service they will provide E9-1-1. While a few commenters urge the Commission to require wireless VoIP providers to comply with CMRS regulations (*see, e.g.*, Boulder Regional, at 4; Telecommunication Systems, Inc., at 10), truly mobile systems are still in the development/testing stage, rendering any additional regulations premature. Also, the technologies associated with the two systems are entirely different, such that the CMRS 9-1-1/E9-1-1 rules are not analogous or appropriate. *See, e.g.*, NENA, at 12; TX-CSEC, at 7, 9. In fact, as a few commenters point out, present VoIP wireless systems are more similar to cordless phones than cell phones. *See* Cisco, at 7; ITIC, at 10.

D. Performance Standards

The commenters propose a wide range of performance standards for the updating of subscriber location information. *See, e.g.*, Boulder Regional, at 6 (5 minutes); RNK, Inc., at 10-11 (5 days). Several commenters suggest adopting standards comparable to those used for analog wireline service, even though the standards for the legacy system were not intended to accommodate nomadic users. *See, e.g.*, TX-CSEC, at 7-8 (24 hours consistent with wireline standard). Without additional operational experience and information, all of the proposed standards are at this time simply too speculative, and none should be mandated. *See* SBC, at 11-13. Moreover, a provider's performance standard for updating a subscriber's location is simply a characteristic of its VoIP service, which subscribers can use to differentiate among competitors, and accordingly, the market will determine a reasonable standard. *See, e.g.*, BellSouth, at 8; USTA, at 7.

E. E9-1-1 Fees and Additional Customer Notification

Although a few parties raise speculative concerns that states are not receiving 9-1-1 fees from VoIP providers, no party presents specific evidence rebutting the VON Coalition's prior demonstration that the majority of VoIP providers are already paying 9-1-1 fees or showing that

the Commission needs to take any action in this regard. *See, e.g., Boulder Regional*, at 7; *compare Texas 9-1-1 Alliance*, at 15-16 (providers are currently remitting wireline E9-1-1 fees). Similarly, while the VON Coalition agrees with the various commenters that note that customer awareness of E9-1-1 limitations are important, no party identifies additional specific information that should be provided to subscribers. *See, e.g., NJBPU*, at 7. Moreover, one commenter notes that the Commission’s present notification and acknowledgement requirements are so broad that they could arguably include a provider of telecommunications services using Internet Protocol over a T-1 line that is 1) already interconnected with the wireline E9-1-1 network, and 2) providing E9-1-1 service in compliance with state and local regulation. *See CompTel*, at 8-10. The VON Coalition agrees and encourages the Commission to clarify that notice requirements are not required under such circumstances. To provide otherwise would likely lead to subscriber confusion.

F. Progress Reports

Several commenters support requiring the filing of additional, individual company reports with the Commission to assess implementation efforts and technological progress. *See, e.g., NASUCA*, at 20; *TX-CSEC*, at 9-10. Such a requirement, however, would be excessively burdensome and inefficient. If the Commission truly desires to measure E9-1-1 progress, it should establish a single industry-wide report, conducted by representative organizations such as NENA and the VON Coalition, or secure the aid of an independent analyst, such as it did in the CMRS context. *See, e.g., Qwest*, at 10-11.

G. Non-Emergency Numbers

The American Association of Poison Control Centers (“AAPCC”) and NENA jointly asked the Commission to investigate call-routing solutions for certain non-emergency numbers, such as 1-800 numbers for poison control centers and 3-1-1 for local law enforcement. *See*

AAPCC and NENA, at 1-5. The VON Coalition agrees that such an inquiry is ultimately warranted, but notes that the Commission and the VoIP industry should at present prioritize their efforts on the implementation of E9-1-1 and the transition to an IP-enabled system.

IV. CONCLUSION

For these reasons and those stated in its Comments, the VON Coalition respectfully urges the Commission not to impose additional E9-1-1 obligations on VoIP providers or otherwise expand the scope of its present E9-1-1 rules at this time.

Respectfully submitted,

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