

# Congress of the United States

Washington, DC 20510

August 25, 2005

## VIA FACSIMILE

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

**Re: Subscriber Notification Deadlines Regarding E-911 Requirements for  
IP-Enabled Service Providers (WC Docket Nos. 04-36, 05-196)**

Dear Chairman Martin:

We write because we are concerned that the Commission may soon require Voice-Over-Internet-Protocol ("VOIP") service providers to disconnect VOIP service to tens of thousands of subscribers nationwide.

On July 26, 2005, the Commission's Enforcement Bureau released a Public Notice providing guidance to VOIP service providers concerning the deadline for notifying subscribers about any E911 service limitations. The Enforcement Bureau required VOIP service providers to obtain affirmative acknowledgement from subscribers that they had read and understood an advisory concerning such limitations. For subscribers that do not acknowledge such limitations, the Bureau is requiring that VOIP service providers shut off those customers' VOIP phone service by August 30, 2005.

As we have stated in prior letters to you, we commend the Commission for its recent aggressive actions in requiring VOIP service providers to provide E911 capability to their subscribers. Three months ago we sponsored identical bills in the Senate and House of Representatives that would require that VOIP services be E911 capable. The bills, however, do not require VOIP service providers to unilaterally cut off phone service where that service is not E911 capable.

Nonetheless, we are greatly concerned that the Commission is requiring subscribers to be disconnected from their VOIP service by August 30 if subscribers have not provided the required acknowledgment. Many VOIP service providers have actively contacted their subscribers but have not yet received responsive acknowledgments from them all. This may be due to the fact that many subscribers have been on vacation or do not routinely answer requests of this nature. If VOIP service providers are forced to disconnect VOIP subscribers' phone service – without subscriber consent – this could lead to unfortunate consequences. For example, many customers suddenly would find

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themselves unable to contact public safety services (where E911 capability exists) or reach loved ones during emergencies, such as hurricanes.

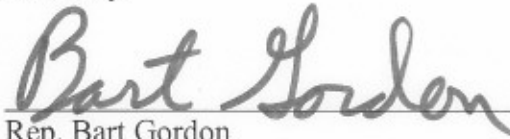
We urge the Commission to carefully consider the effects of its directive. Although we agree that it is critical for VOIP subscribers to be warned about any E911 limitations, we are not convinced that the Commission should order VOIP service to be disconnected. In fact, we are unaware of any instance where the Commission has broadly ordered any basic residential telephone service to be disconnected. At the very least, we ask that the Commission delay the August 30 deadline for at least sixty days, so that VOIP service providers can make additional attempts to reach or hear from subscribers. The Commission also should consider not requiring disconnection of VOIP service that is E911 or 911 capable where the service provider has actively sought the required subscriber acknowledgment.

As always, we look forward to continuing to work with the Commission on these and other critical public safety communications issues.

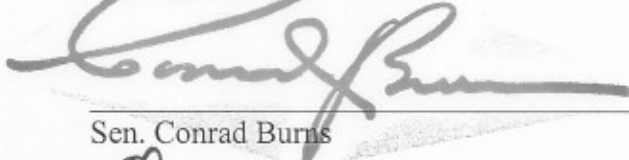
Sincerely,



Sen. Bill Nelson



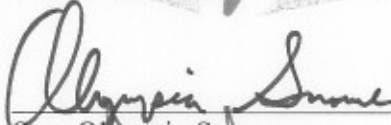
Rep. Bart Gordon



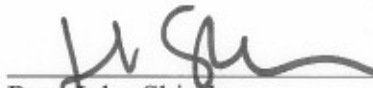
Sen. Conrad Burns



Sen. Hillary Rodham Clinton



Sen. Olympia Snowe



Rep. John Shimkus



Rep. Rick Boucher



Rep. Jerry Weller



Rep. Joseph Crowley