Amy L. Alvarez
Federal Government Affairs

Suite 1000
1120 20th Street, NW
Washington DC 20036
202-457-2315
FAX 281-664-9610

May 12, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

Re: ***IP-Enabled Services*, WC Docket No. 04-36**
***Regulation of Prepaid Calling Card Services*, WC Docket 05-68**

Dear Ms. Dortch:

Yesterday, Robert Quinn and I met with Jessica Rosenworcel, Legal Advisor to Commissioner Copps, to discuss issues related to E911 and IP-enabled services. In particular, we discussed the current E911 deployment plans for AT&T CallVantage Services; the attached document served as the basis of our discussion. We also met with Scott Bergmann, Legal Advisor to Commissioner Adelstein, and Lauren Belvin, Legal Advisor to Commissioner Abernathy. In addition to matters related to E911 deployment, AT&T discussed the market distortions that exist in the current prepaid card marketplace and urged the Commission to restore a level playing field in that market consistent with the methods described in AT&T's Emergency Petition for Immediate Interim Relief filed on May 3, 2005.

In addition, Mr. Quinn yesterday spoke by telephone with Michelle Carey, Legal Advisor to Chairman Martin, and Daniel Gonzalez, Chief of Staff, to discuss the E911 deployment schedule for AT&T CallVantage Services.

One electronic copy of this Notice is being submitted to the Secretary of the FCC in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

Amy L. Alvarez

Robert W. Quinn, Jr.
Federal Government Affairs
Vice President

Suite 1000
1120 20th Street NW
Washington DC 20036
202 457 3851
FAX 202 457 2545

May 9, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

Re: *IP-Enabled Services*, WC Docket 04-36

Dear Ms. Dortch:

On Friday May 6, 2005, Amy Alvarez and I met with Michelle Carey, Chairman Martin's Legal Advisor, to discuss issues related to the aforementioned proceeding. During the meeting we explained the steps AT&T is taking to ensure that AT&T CallVantage Service subscribers are transitioned to an interim E911 solution as quickly as technically feasible. AT&T described the complexity of provisioning E911 services when a subscriber has chosen a "non-native" telephone number that does not map to the rate center associated with the service address because the Automatic Location Information (ALI) database and 911 infrastructure are not designed to handle the mismatch.[1] It is our understanding that ALI databases currently generally do not accept orders where the NPA-NXX does not match the underlying street address information. For example, if a Washington, D.C. subscriber chooses to have an Austin, Texas telephone number, the ALI database rejects any attempt to match that Texas telephone number with that Washington, D.C. address. This can also happen with in-state telephone numbers, if the subscriber chooses a number that does match the underlying rate center assigned to the particular service address. The problem also occurs when the end user uses the service

[1] For purposes of this proceeding. AT&T has defined a "native" telephone number as follows: An End User has a Native Telephone Number and qualifies for non-nomadic E911, if he or she is assigned an NPA-NXX from the local exchange within the ILEC defined Rate Center associated with their primary service address, which Rate Center is also covered by the End User's serving PSAP.

nomadically and tries to update their 911 address for their nomadic (temporary) location. Additionally, 911 selective routers are also generally not configured to properly route a call when the subscriber number does not match the underlying rate center assigned to the particular service address.

As the Commission is aware, the National Emergency Numbering Association (NENA), AT&T and other members of the VoIP industry are working proactively to develop acceptable solutions to these complex issues that will be fully addressed with the implementation of I2.[2] Full implementation of I2 will leverage additional routing capability to solve for non-native numbers and nomadic use. The I2 solution, however, will require access to the incumbent E911 selective routers. Whereas, as AT&T CallVantage Service can work with its affiliate AT&T local network services to access the selective routers through local exchange connections, AT&T CallVantage Service can only use this solution throughout the AT&T local network footprint. Yet, end users can order and use AT&T CallVantage Service from any location within the U.S. as long as they have a broadband connection. AT&T would need to have access to all other selective routers in the country in order to provide nationwide E911 for its VoIP customers. Whatever the Commission does here, it should mandate that all operators of selective routers provide access to other carriers. For example, selective routers may be operated by Bell companies, by ICOs, by states and by municipalities. This will enable nationwide VoIP E911 deployment for IP enabled services.

Because an estimated one-quarter of AT&T's CallVantage Service customer-base have non-native telephone numbers (numbers that do not match the service address' rate center) and an unknown percentage of customers use their service nomadically, AT&T's ability to provide an E911 solution is necessarily limited. Moreover, for the remaining customers with native telephone numbers, AT&T's ability to provide an E911 solution to its customers is currently limited by the size of AT&T's local footprint. In short, if AT&T has the capability to assign a telephone number that matches the rate center for the service address, it can implement an interim E911 solution for that customer for use at their service address. The solution is "interim" in the sense that it does not solve for nomadic use. However, if a customer lives in a rate center in which AT&T has not been assigned numbers (and thus has no local CLEC facilities or access to the selective router), AT&T is not able to provision E911 service for that customer today. This issue is significant in that, like most CLECs, AT&T does not currently have facilities and therefore the capability to assign local telephone numbers in many areas (especially rural areas) throughout the country. VoIP services are, in many cases, the only form of competitive communications service available to those communities.

If the Commission were to order AT&T and other VoIP providers to provide E911 service where selective router access is the only solution and where such access does not exist today, it would be tantamount to ordering the discontinuance of service to existing customers outside of AT&T's CLEC footprint and limiting availability of AT&T CallVantage Service solely to those customers located in AT&T's local footprint. It would also eliminate a valuable competitive alternative to the very customer set that otherwise has little in the way of competitive alternatives. Whatever the Commission orders here, it must recognize that

---

[2] There are a few areas of the country do not yet have E911; they only have 911. VoIP cannot provide E911 where wireline E911 is not available.

permanent solutions are possible in a reasonable timeframe and at a reasonable cost with appropriate cooperation from incumbent LECs. The Commission should order access to selective routers to enable a prompt and smooth transition to E911 for IP-enabled services.

AT&T recognizes that 911 services are an integral part of providing communications services to customers and has been working diligently on technical solutions for 911 calling to enable AT&T CallVantage Service customers to have access to Public Service Answering Points (PSAPs) over the dedicated 911 trunks, so that appropriate location-identifying information can be passed to the PSAP personnel. These interim non-nomadic E911 solutions will be deployed to approximately 76%[3] of AT&T's CallVantage customer base by year-end 2005. AT&T's current phased-in deployment plan is described below.

In Footprint / Native TNs

Significantly, 70% of AT&T's CallVantage Service customer base have native telephone numbers and are within AT&T's local footprint. AT&T has installed, tested and begun deployment of the infrastructure required to support E911 services to customers who are located in AT&T's local services footprint and use "native" telephone numbers (telephone numbers that match the rate center for the service address). Notably, AT&T has already begun provisioning eligible new AT&T CallVantage subscribers with E911 capabilities; these subscribers will automatically receive enhanced service when activating their accounts. AT&T expects to be able to deploy this solution to cover approximately 68% of existing AT&T CallVantage Service customers within 120 days of the effective date of the Order. AT&T expects to be able to complete the upgrade (the remaining 2%) by First Quarter 2006. The reason for the delay in implementation for the final rate centers arises from the need to construct new E911 trunking where the infrastructure does not already exist within the AT&T network.

Outside Footprint / Native TNs

Approximately 6% of AT&T CallVantage Service subscribers are outside of AT&T's local footprint, for which AT&T utilizes another partner for connectivity. Subject to ongoing discussions, AT&T anticipates being able to provide E911 service to those customers during Fourth Quarter 2005 and have a solution fully implemented by December 31, 2005. In other words, AT&T will be able to provide E911 capability to all of its AT&T CallVantage Service subscribers with Native TNs (as that term was defined above) by December 31, 2005.

In Footprint / Non-native TNs

For subscribers who are located in the AT&T local services footprint and have selected a non-native telephone number as their VoIP line (*e.g.*, a New Jersey resident that chose a telephone number in another part of the state, or in another state), AT&T currently is working toward provisioning E911 to these customers via "number spoofing." To implement number

[3] The percentages involved are approximations based upon sampling and snapshots of AT&T's CallVantage customer base between Dec 2004 and early April 2005. Since the geographic distribution of the customer base is always in flux, these approximations are subject to change.

spoofing AT&T would assign a shadow number associated with the subscriber's service address rate center, which would ensure the correct routing of the 911 phone call to the appropriate PSAP. (The process is transparent to the customer.) If the FCC endorses the use of number spoofing as a short term solution rather than seeking to fast track I2 solutions, AT&T intends to implement this solution for the approximately 19% of AT&T CallVantage Service customers who would otherwise not have near term access to E911. The FCC's approach will likely impact corporate decisions by AT&T and other VoIP providers to either expend significant sums on short term number spoofing solutions or I2 solutions which also solve for nomadic use of E911. AT&T estimates that the number spoofing solution can be implemented within 300 days of the effective date of this Order.

Remainder Outside Footprint / Non-native TNs / Nomadic Customers

For the remaining 5% of the AT&T CallVantage Service customer base who choose telephone numbers that do not match their underlying rate center, including customers outside of CLEC footprints (e.g., as well as those customers who use their service in a nomadic fashion (temporarily using their VoIP service at a location other than their service address of record), there is not yet an E911 solution that can be implemented quickly. Ubiquitous, nationwide selective router access remains the critical ingredient to solving this problem, and while many ILECs have announced they will provide such access in the future at a rate to be negotiated, there is no solution today and certainly no indication that such access will be available nationally. If the Commission were to adopt a rule that required all customers to be provisioned E911 by a short-term date certain (*e.g.,* 120 days), AT&T and other providers may have little choice but to terminate service to those customers. AT&T urges the Commission to treat this small subset of customers differently from those for whom technical solutions – albeit imperfect ones – exist today and rather than order a definitive implementation date, monitor the situation as it develops to ensure universal E911 capability. In addition, AT&T urges the Commission to order all LECs to tariff the rates, terms and conditions for E911 selective router access to speed implementation of this solution as quickly as possible.

With respect to solving for solutions for "In Footprint/Non-native TNs Customers" and the "Outside Footprint/Non-native TNs/Nomadic Customers," AT&T also notes that deactivating these customers may be depriving them of the innovative benefits of VoIP services without any corresponding impact on their access to E911 services. It is possible that a percentage of these customers rely on VoIP for second or third line use and maintain a primary wireline service that enables E911 access.

Other Issues

In addition to the deployment timeline, AT&T explained that the Commission should clarify that any E911 requirements would apply only to a customer's outbound calling service number. For example, AT&T CallVantage Service offers a premium feature called "Simple Reach." This feature enables a customer to select an additional telephone number to receive inbound calls; a subscriber cannot place an outbound call with a "Simple Reach" number. Many customers choose a local number that is associated with their service address and then buy a Simple Reach out-of-area-number to establish "presence" or create the perception of being local,

in a different location. AT&T also offers a similar premium feature called AT&T CallVantage Plus. Cutting off such services would disable some of the wonderful benefits of VoIP services. For example, such services enable out-of-town relatives to be reached by elderly parents in nursing homes that usually only allow for local calling to protect against fraudulent use of nursing home patients' telephone lines

Finally, AT&T discussed the need for the Commission to include provisions that provide liability immunity to VoIP providers if they comply with notice and disclosure obligations and/or E911. We explained that "telecommunications" providers currently have immunity from 911 lawsuits pursuant to their state certification, if they comply with wireline state E911 statutes. However, as providers of "information" services, VoIP providers currently do not have that same protection.

One electronic copy of this Notice is being submitted to the Secretary of the FCC in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

Robert W. Quinn Jr.