

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202.662.6000
FAX 202.662.6291
WWW.COV.COM

WASHINGTON
NEW YORK
SAN FRANCISCO
LONDON
BRUSSELS

GERARD J. WALDRON
TEL 202.662.5360
FAX 202.778.5360
GWALDRON@COV.COM

August 2, 2005

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Notice in WC Docket Nos. 04-36 and 05-196

Dear Ms. Dortch:

Yesterday Frank Manning, President and CEO of Zoom Technologies, Inc. (“Zoom”) and the undersigned, counsel to Zoom, met with Nicholas Alexander of the Wireline Competition Bureau and, separately, with Joseph P. Casey and Kathryn S. Berthot of the Enforcement Bureau. This letter is accordingly submitted pursuant to Section 1.1206(b)(2) of the Commission’s Rules to provide notice of a permitted oral *ex parte* communication in the above-referenced proceeding.

In these meetings Mr. Manning discussed the attached presentation concerning Zoom’s TelePort™ technology. TelePort is built into VoIP hardware, such as an ATA, ATA/router, DSL modem with VoIP, or cable modem with VoIP. VoIP hardware with TelePort is designed to connect to a conventional telephone instrument and to allow access to both the Internet and to the Public Switched Telephone Network (“PSTN”). TelePort-equipped hardware can route calls to the Internet as VoIP calls; but when a caller dials 911, the TelePort’s “smart switch” automatically routes the call through the local phone jack to the Wireline E911 Network. Consequently the caller experiences the advantages of the Wireline E911 Network, including correct location and callback number information. To ensure that E911 access is maintained, the TelePort can scan for a “live” dial tone at regular intervals; and if a dial tone is not detected, the modem can automatically notify the VoIP provider that the customer does not have access to E911 service.¹ Zoom estimates that TelePort would add no more than \$10 to the retail cost of a modem, which is competitive with Internet-provided E911 solutions.

¹ Based on instructions from the provider, Zoom can even program the TelePort to shut down VoIP service if access to a dial tone is absent for a certain length of time (*e.g.*, two days), thereby encouraging the consumer to ensure that dial tone service is reestablished. Of course, if the VoIP provider informs Zoom that the provider is itself able to handle E911 calls (*e.g.*, through an arrangement with a competitive local exchange carrier), Zoom would not program the TelePort to automatically notify the carrier when dial tone service is unavailable.

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Zoom pointed out that TelePort has certain advantages over Internet-provided E911 support. TelePort works even if a customer experiences a power outage, whereas Internet-provided solutions typically do not work unless there is a backup power supply for all hardware between the dialing phone and the customer's DSL or cable modem jack. TelePort is more reliable at accurately specifying the location and callback number of a customer, since the Internet-provided solution is vulnerable to mis-keying of database information and to a customer who moves.

We explained that TelePort presents an inexpensive hardware-based solution by which interconnected VoIP providers can comply with the Commission's newly-established E911 VoIP rules.² Indeed, Zoom provides customers of its VoIP Service, Global Village, with Zoom's X5v DSL modem or Zoom's V3 ATA/router, both of which include TelePort. Mr. Manning accordingly expressed Zoom's intent to rely on TelePort in certifying that Global Village provides E911 capabilities to certain customers as a standard feature of service, namely customers who plug the TelePort-equipped VoIP hardware into a phone jack with dialtone for Wireline E911 access.

Please direct any questions concerning this information to the undersigned.

Sincerely,



Gerard J. Waldron
Matthew S. DelNero
Counsel to Zoom Technologies, Inc.

Attachments

cc: Mr. Joseph Casey
Ms. Kathy Berthot
Mr. Nicholas Alexander

² See *E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd 10245 (2005); Public Notice, *OMB Grants Emergency Approval of New VoIP E911 Rules Adopted in IP-Enabled Services First Report and Order*, WC Docket No. 04-36, DA 05-1992 (rel. July 12, 2005) (announcing that E911 VoIP providers must provide E911 capabilities to their customers by no later than Nov. 28, 2005).



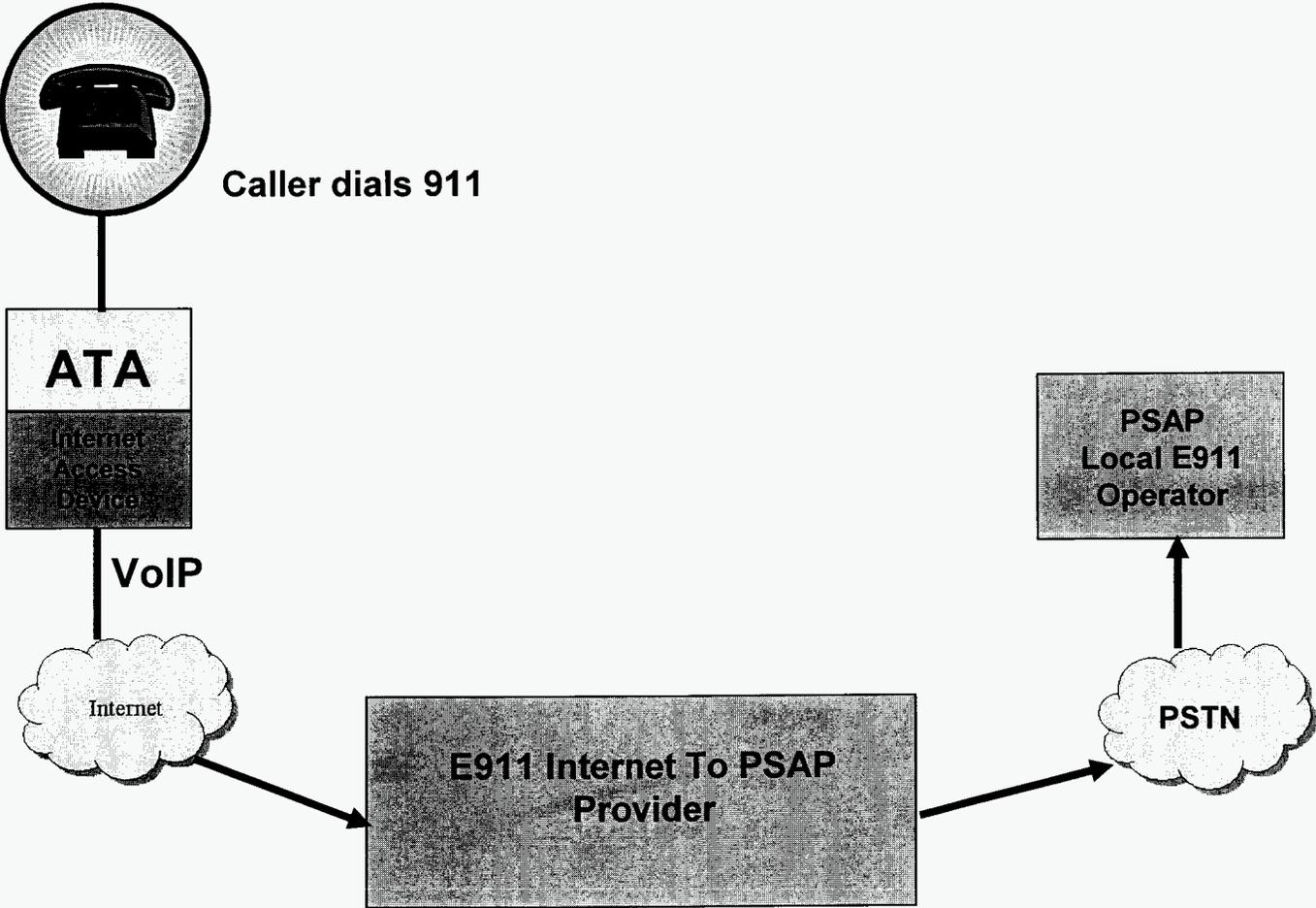
The TelePort™ Solution to E911



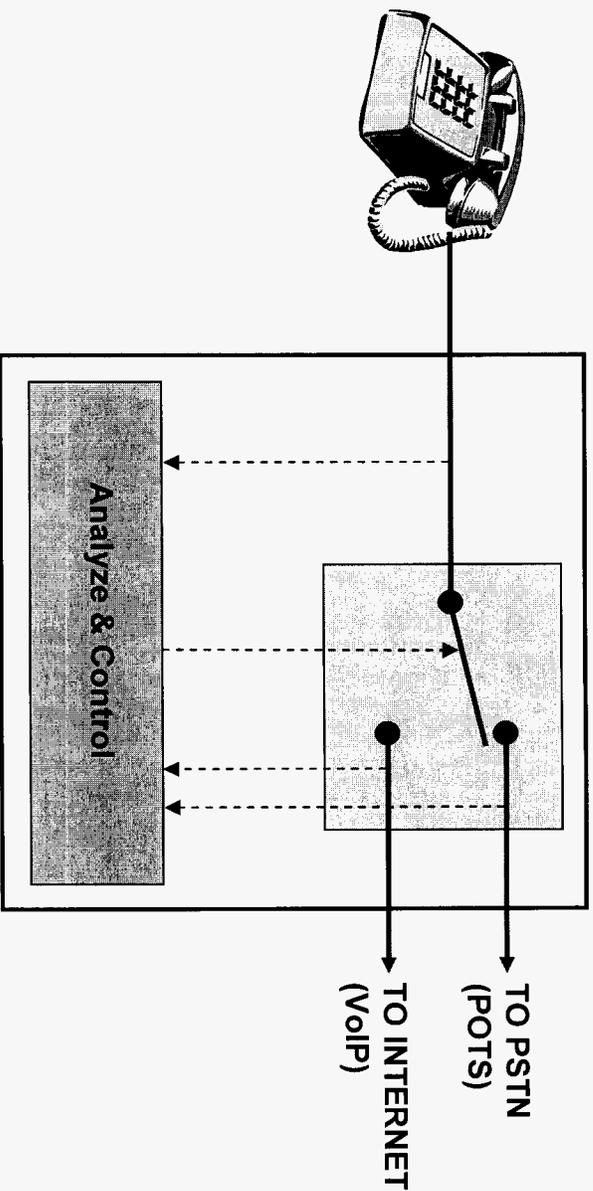
Zoom Technologies, Inc.

July 2005

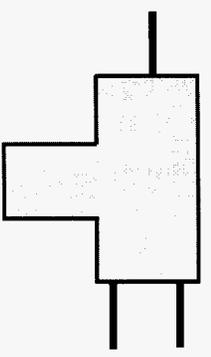
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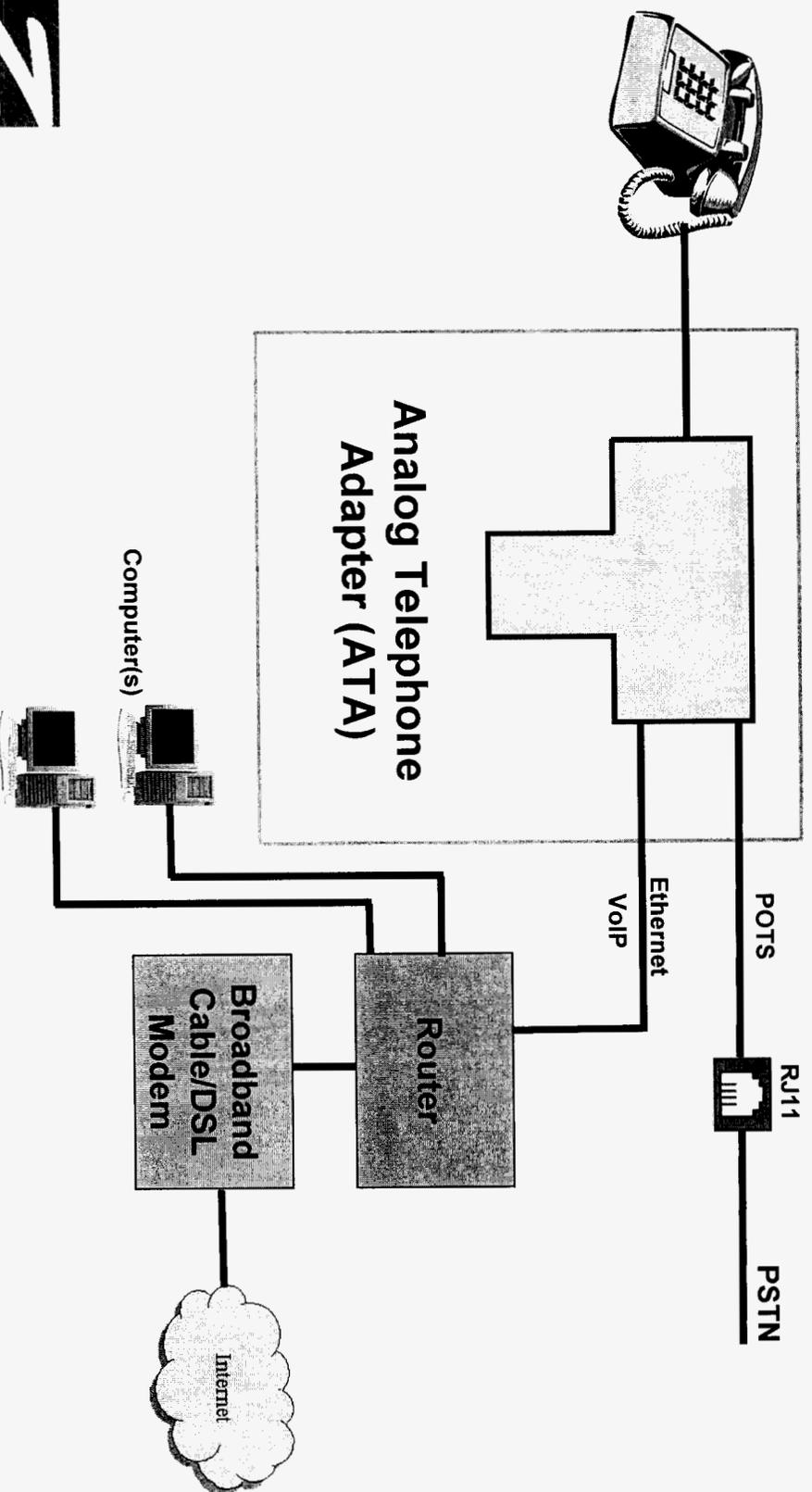
TelePort Smart Switch



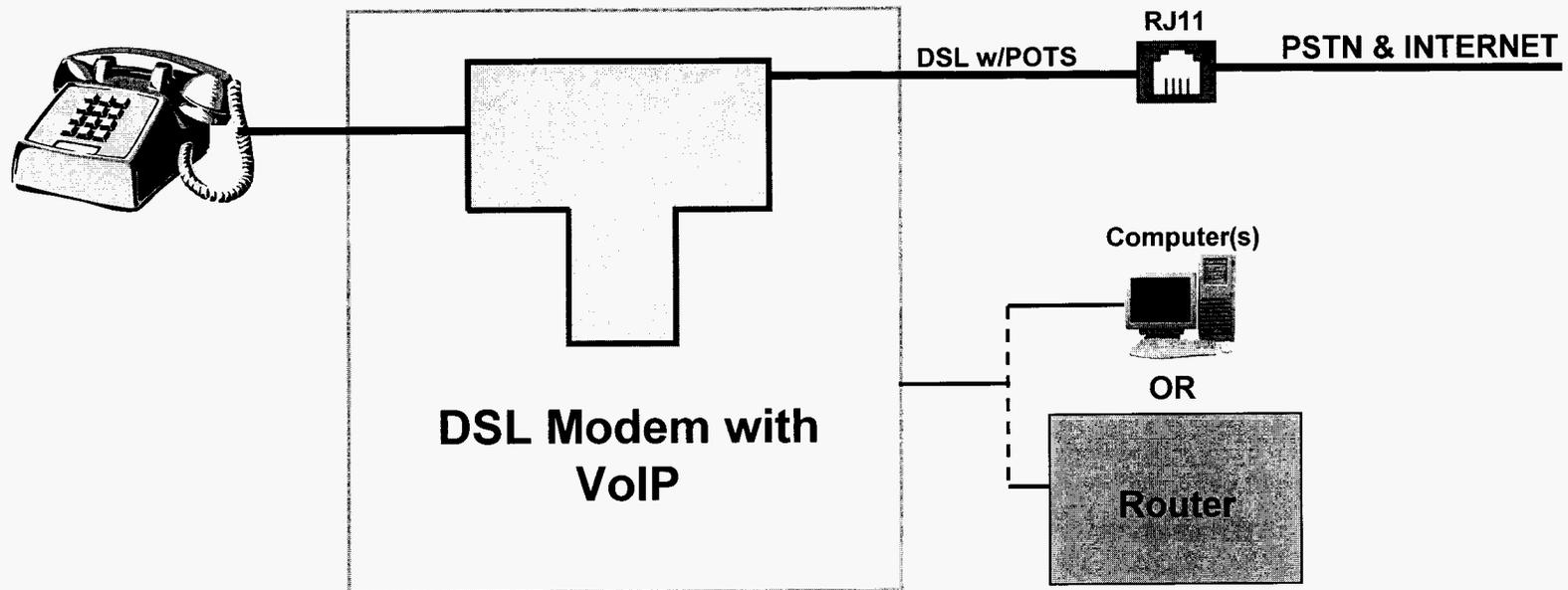
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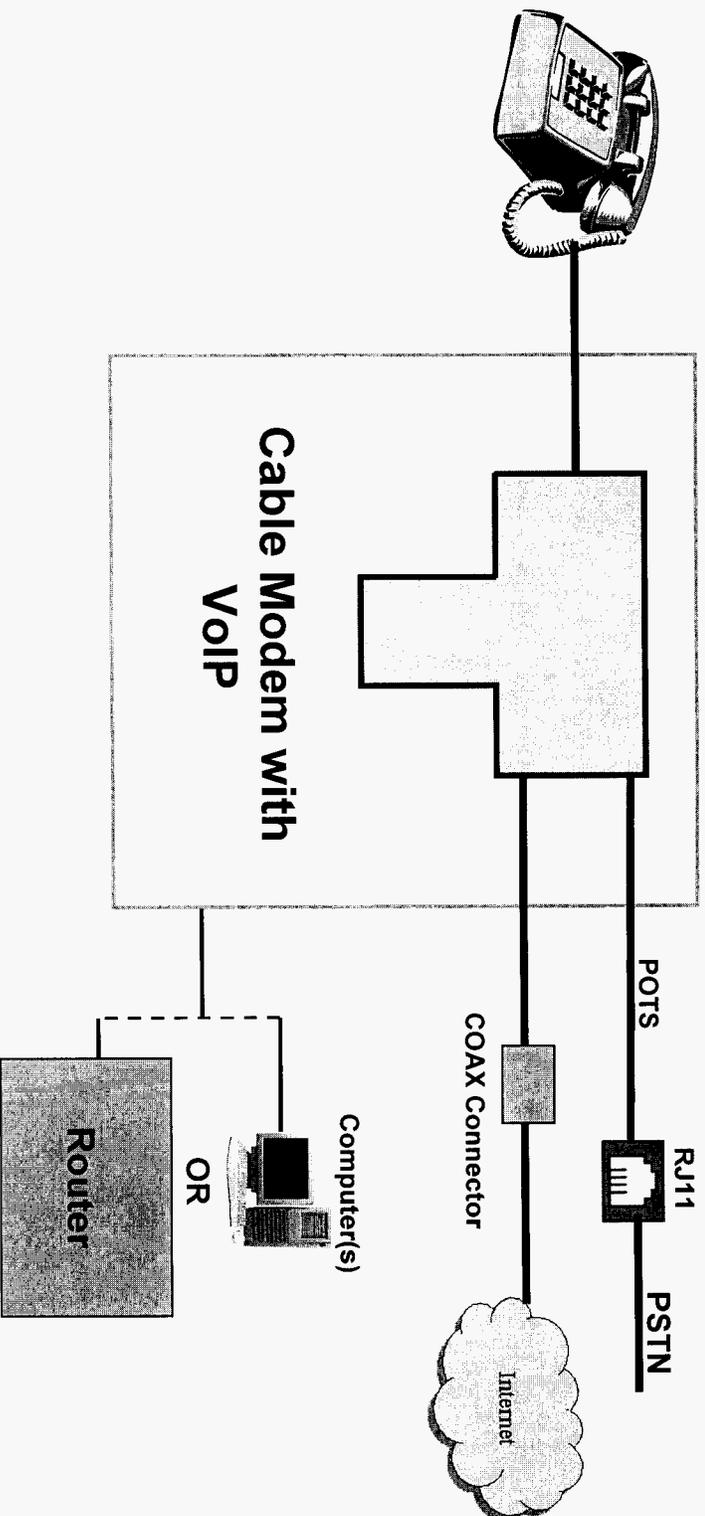
TelePort in an ATA



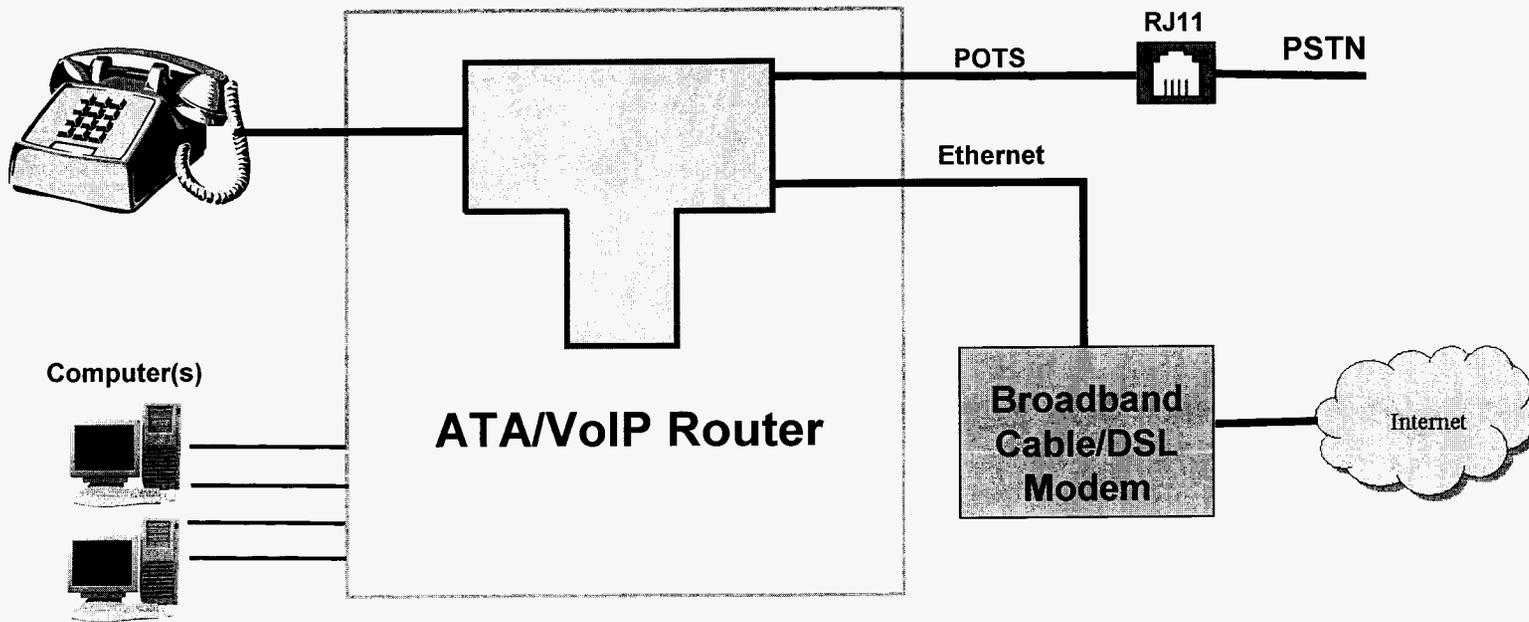
TelePort in a DSL Modem with VoIP



TelePort in a Cable Modem with VoIP



TelePort in an ATA/Router



For Discussion: Some ways a VoIP Provider can know a customer has local E911 service

- 1) If TelePort is provided as part of a DSL modem, any U.S. customer without naked DSL will have local E911 service automatically. If a customer comes off-hook using the phone being used for VoIP and gets dialtone, that customer has local E911 service even when there is a power outage.
- 2) If TelePort is provided as part of an ATA, ATA/router, or cable modem, how does the VoIP service provider know the customer plugged TelePort into a phoneline with dialtone?
 - a) The VoIP service provider could ask the customer whether there's dialtone when the phone being used for VoIP comes off-hook.
 - b) The device could automatically check for dialtone on the TelePort jack connected to the local phoneline, and then notify the VoIP service provider whether or not dialtone was present. This could also be done for a DSL modem with TelePort.

For Discussion: How would a device automatically check whether a customer has local E911 service?

If the device has TelePort, it could check for dialtone (or its equivalent) on the jack that connects to the local phoneline. If there wasn't dialtone, the device could communicate with the VoIP service provider to find out whether the service provider is providing 911 service for that customer.

Note that the device can check more than one time. For instance, it can check every day.

For Discussion: What should a device with TelePort do if a customer does not have local 911 service?

- 1) Ideally the device at least informs the VoIP service provider.
- 2) Should the device refuse to allow phone calls until the condition is rectified? If so, the device should probably check at least every day to see whether the condition is rectified.

TelePort is Cost-effective

- 1) TelePort should add \$10 or less to the retail cost of the product. There is no monthly cost for TelePort. And TelePort provides enhanced functionality to anyone who has PSTN service. For instance, TelePort facilitates PSTN 411 calls, local calls, or any other PSTN calls the customer desires. With TelePort a customer effectively has 2 phonelines, the VoIP “line” and the PSTN line.
- 2) E911 service through the Internet is available to smaller service providers from Dash911, for example. They charge \$1,835 setup plus a monthly fee that ranges from \$1.45 per line per month for up to 1000 lines to \$1.10 per line per month for over 10,000 lines. They are accepting pre-registrations, but they are not “live” with their service yet.

TelePort is less susceptible to errors than an Internet-provided solution

Internet-provided solutions count on the fact that the database has correct information about the customer’s location and callback number. If that information is mis-keyed, or if the customer moves and doesn’t update the database, the customer will not get proper help in an emergency. TelePort does not have this problem.

What would Zoom like the FCC to do?

- 1) At a minimum, accept TelePort as one acceptable solution of the E911 issue
- 2) Ideally mandate that all consumer DSL lines, including “naked” DSL lines, support E911 calls through the PSTN.