

August 10, 2005

VIA ELECTRONIC FILING

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

RE: Subscriber Notification and Acknowledgement Status and Compliance Report of Lightyear Network Solutions, LLC, WC Docket No. 05-196

Dear Ms. Dortch:

Lightyear Network Solutions, LLC (“Lightyear”), through its undersigned counsel and in response to the Commission’s *VoIP E911 Order* (“Order”) and the Public Notice issued by the Enforcement Bureau on July 26, 2005 (“Public Notice”), submits this report to advise the Commission of the status of Lightyear’s efforts to comply with Commission Rule 9.5(e).

As requested by the Public Notice, Lightyear responds to the following questions set out in the Public Notice:

1) A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers.

Prior to the Commission’s adoption of the *VoIP E-911 Order*, Lightyear informed its customers of the E911 limitations associated with its service. Specifically, when a customer first signed up for service on Lightyear’s website, a “pop-up” box appeared at the time the customer selected the service and advised them that 911 and E911 services were or were not available (depending on where they were located), and the customer was required to check a box that they understood these limitations. Further, the boxes shipped to subscribers containing the IP connection device contains a notice printed on a hot pink colored paper warning subscribers of

August 10, 2005

Page 2

the E911 limitations, which is placed on top of the contents of the box so it is the first document subscribers see. Also, the connection instructions included with the device contain a disclosure regarding the E911 limitations associated with the service. Additionally, the Terms and Conditions of Lightyear's service offering have the E911 limitations all in capital letters on the first page.

Subsequent to the Commission's adoption of the *VoIP E-911 Order*, Lightyear embarked on a campaign to notify customers of the E911 limitations associated with the Company's service and to obtain customer's affirmative acknowledgement that they are aware of such limitations. As part of this effort, Lightyear offered customers a \$5.00 credit towards their August invoice if they provided affirmative acknowledgement by July 18, 2005. Lightyear drafted new text to disclose the limitations associated with its 911 service. Since the Company does provide E911 service to certain customers, Lightyear developed two different forms of disclosures. In both notices, Lightyear informs customers of their obligation to provide affirmative acknowledgement they that have read and understood the 911 disclosure through postal mail, e-mail, website pages, and contacting customers by telephone.

Lightyear has taken the following steps to provide the notifications to all of the Company's customers, new and existing, as required under Rule 9.5(e)(1):

- Website: As of July 21, 2005, Lightyear completed an upgrade to its website that prevents subscribers from logging on to their VoIP Account Manager if they have not yet acknowledged the E911 Notice. Subscribers cannot continue to access their Account Manager without first going through the E911 acknowledgement process. In addition, all new subscribers starting from July 20, 2005, provide affirmative acknowledgement that they have read and understood the E911 limitations of the service as part of the subscription process. All customers that signed up for service prior to July 20, 2005, have been included in the outreach efforts detailed below.
- Postal Mail: A paper notice containing the Company's customer notification was mailed July 11, 2005, via first-class mail to all existing subscribers who had signed up for service as of July 4, 2005. The notice contained a self-addressed stamped envelope for the subscriber to return the acknowledgement along with a set of six warning stickers. The notice also contained two toll free numbers; one to Lightyear's Customer Service Department if the subscriber had any questions, and one to an automated response number that captures and records the subscriber's VoIP telephone number, their name, state in which they reside, a statement inquiring as to whether they were the decision-maker for the account, the appropriate E911 Notice unique to the subscriber based on the E911 capabilities of the service, and requests that the customer provide their affirmative acknowledgement that they understood the E911 disclosure. Additionally, on July 17, another paper notice was sent via first-class mail to subscribers who had signed up between July 5 and July 11; and then on July 25, 2005, to subscribers who had signed up between July 12 and July 19, the day before

August 10, 2005

Page 3

the new subscriber acknowledgement was put in place. This small group also received an e-mail notice.

- E-Mail: Lightyear has sent e-mails to all of its subscribers instructing the subscriber to click on a hyperlink within the e-mail that would deliver the subscriber to a website containing Lightyear's 911 disclosure. Such e-mails were transmitted to all customers on July 15, 2005, and follow-up e-mails were sent to those subscribers who had not yet responded on July 20, 22, and August 3, 2005. Each e-mail contains an Internet hyperlink loaded from the Lightyear web-server that takes the customer to a web page with the appropriate E911 customer notification and requests that the customer provide affirmative acknowledgement.
- Direct Dial: On July 22, 2005, Lightyear initiated an outbound call campaign to reach the subscribers who had not yet replied. Lightyear employees made the calls. In addition, on July 25, 2005, an independent contractor began making outbound calls on Lightyear's behalf to the remaining customers who had not yet responded using two scripts.
- Sales Conference: At Lightyear's recent Sales Conference held July 16 and 17, Lightyear placed signs on the registration tables reminding everyone to please complete and return their 911 Acknowledgement letter. For those wanting to complete their acknowledgment at the Sales Conference, forms were provided for that purpose.

2) A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.

As of August 8, 2005, Lightyear has obtained affirmative acknowledgement from approximately 84.62% of its subscriber base. Lightyear cannot predict with precision what its final response rate will be, but estimates that 10% of its customers will still not have provided affirmative acknowledgement by August 29, 2005.

3) A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e., e-mail, U.S. mail).

Lightyear has distributed warning labels to all of its existing subscribers. Those labels, along with appropriate instructions that advise the subscriber to place the labels on or near the customer premises equipment were mailed to subscribers by letters sent on July 11, July 17, and

August 10, 2005

Page 4

July 25, 2005. Lightyear also provided warning labels to new subscribers who signed up for service beginning on July 20, 2005, to ensure that those new subscribers would receive the required labels on a timely basis. At the time of sign up, the subscriber was advised that the labels would be provided to them when they received their VoIP Adapter box. The labels are packed in the box as they are shipped.

4) A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in [Question 1] and/or to whom the provider did not send warning stickers or other appropriate label as identified in [Question 3].

Lightyear has sent advisories and warning labels to 100% of its subscribers.

5) A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.

Lightyear is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers. Lightyear continues to send out e-mails, to make telephone calls and to restrict account access of subscribers who have not affirmatively acknowledged the E911 disclosure by August 29, 2005.

As detailed in response to Question 2, Lightyear expects that despite its diligent efforts, the Company will not be able to obtain affirmative acknowledgement from some of its subscribers by August 29, 2005. For those customers that do not provide affirmative acknowledgement, on August 30, 2005, Lightyear currently plans to disconnect subscribers from their service until affirmative acknowledgement is provided.

6) A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.

For Lightyear customers that provide affirmative acknowledgements by returning forms included with the notice sent out by postal mail, Lightyear's Legal Department is physically housing the responses. For any letters returned as undeliverable, Lightyear is contacting the subscribers through its outbound call campaign to obtain valid addresses in order to send them the warning stickers.

For Lightyear customers that provide affirmative acknowledgement through the outbound call campaign, verbal responses are stored on CDs.

For Lightyear customers that provide affirmative acknowledgement thorough electronic notices, including e-mails and the website, the responses are captured and stored by Lightyear's IT Department. Lightyear established a special e-mail box, and those e-mails that are undeliverable are forwarded to that box. Lightyear is then calling the subscriber to remind them

August 10, 2005

Page 5

to either mail in their acknowledgement letter, or offer to transfer them to the automated recording site.

In addition, all received acknowledgments are recorded in the subscriber's account. A label identifying the type of acknowledgment, i.e., verbal, written or electronic, is associated with each VoIP phone number of the subscriber.

7) The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.

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Respectfully submitted,



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cc: Byron McCoy
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I, Linda Hunt, state that I am Director of Legal and Regulatory Affairs, of Lightyear Network Solutions, LLC; that I am authorized to submit this report on behalf of Lightyear Network Solutions, LLC; that the foregoing filing was prepared under my direction and supervision; and I declare under penalty of perjury that this report is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in cursive script that reads "Linda Hunt". The signature is written in black ink and is positioned above a horizontal line.

Name: Linda Hunt

Title: Director of Legal and Regulatory Affairs
Lightyear Network Solutions, LLC