

Before the
Federal Communications Commission
Washington, D.C. 20554

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

**MILLENNIUM DIGITAL MEDIA SYSTEMS, L.L.C.
SUBSCRIBER NOTIFICATION REPORT**

NOW COMES, Millennium Digital Media Systems, L.L.C. (“Millennium”) and pursuant to the Enforcement Bureau’s Public Notice¹ in this matter files this Subscriber Notification Report.

INTRODUCTION

Millennium is a small minority owned and operated multi-system cable operator offering cable television and high speed data services to customers in Maryland, Michigan, Washington and Oregon. In April, 2005 Millennium began offering Voice over Internet Protocol (VoIP) service through its association with Net2Phone, Inc.

Millennium is complying with the Customer Notification requirements adopted in the VoIP E911 Order². The ability of subscribers to reach emergency services and the subscriber’s knowledge of any limitation on such ability were key concerns to Millennium in contracting for and implementing VoIP service. As described more fully herein, since inception of the service, Millennium’s subscriber agreements, user’s manual, and equipment manual have prominently advised subscribers of the potential 911 limitations associated with using VoIP services. Further, since inception of the service, clear and conspicuous warning stickers have been provided with the customer premises equipment (“CPE” i.e. the multimedia terminal adapter required for the service), warning of potential limitations of the service and additional stickers are made available on request.

¹ Public Notice DA-2085, *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, Released July 26, 2005.

² *IP Enabled Services and E911 Requirements for IP –Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, released June 3, 2005. (“VoIP E911 Order”).

Millennium appreciates and shares the Commission's concern for public safety. Consistent with its concern for public safety, Millennium is again reminding each of its existing customers of the limitations on the use of 911 services through an advisory notice, consistent with the requirements of 47 CFR 9.5(e)(1), ("911 Advisory") and is recording the acknowledgement by each subscriber of having received and understood the advisory. Millennium sent the 911 Advisory to 100% of its VoIP subscriber base, consistent with the July 29, 2005 timeline, and is working diligently to obtain confirmation of receipt and understanding from each subscriber. Millennium will continue to work to obtain affirmative acknowledgment of receipt and understanding from all of its VoIP subscribers.

SUBSCRIBER NOTIFICATION AND ACKNOWLEDGEMENT

As noted, customer understanding of emergency calling limitations was a key concern of Millennium in implementing its VoIP service. Since inception of the service, each subscriber to Millennium's VoIP service must agree to and accept the terms and conditions of the "Millennium Voice Users Agreement" ("Users Agreement") prior to service being initiated. After a short introductory paragraph identifying the parties, the Users Agreement immediately states, in the first substantive paragraph, in capitalized, bold and enhanced size lettering that:

BY USING MILLENNIUM VOICE YOU, AGREE TO THE TERMS IN THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO, ALL LIMITATIONS OF LIABILITY, 911 DISCLAIMERS AND LIMITATIONS OF 911 TYPE SERVICES AND YOU AGREE TO PAY ALL APPLICABLE FEES AND CHARGES. IF YOU DO NOT AGREE TO BE BOUND BY THESE TERMS AND CONDITIONS, YOU MAY NOT USE THE MILLENNIUM VOICE SERVICE OR, IF YOU HAVE ALREADY STARTED USING IT, YOU MUST IMMEDIATELY STOP USING IT AND NOTIFY MDM'S CUSTOMER SERVICE DURING NORMAL BUSINESS HOURS SO THAT YOUR SUBSCRIBER ACCOUNT MAY BE CLOSED.

Section 5 of the Users Agreement, entitled "911 DISCLAIMER AND LIMITATIONS OF 911 TYPE SERVICES", describes in detail and in plain language, the 911 service and the limitations the subscriber may experience with the service. Subparagraphs are used for organizational clarity and, as noted by the following titles, address various topics associated with calling emergency services:

- a) Service Outages, Service Suspension, Power Failure or Disruption;
- b) Use of TDD or TYY Devices;
- c) Dialing Requires Activation;
- d) Failure to Designate Correct Service Address When Activating 911 Dialing or Moving your Device;
- e) Network Congestion, Answering of 911 Calls;
- f) Automated Number Identification;

- g) Automated Location Identification;
- h) Home Security Systems and other Non-voice Communications Equipment; and
- i) Local Number Portability.

Again, service is not implemented until the potential subscriber agrees to and confirms acceptance of such terms either electronically, by clicking on “Accept “ rather than “Decline”, or by the subscriber signing the User Agreement, if paper documents are being used. Records of the acceptance are maintained.

Each subscriber, since inception of the service, has also been advised of potential emergency calling limitations via 1) detailed advisories in the Millennium Voice Users Guide³ provided to all subscribers, 2) advisories on the first text page of the “Getting Started Guide”⁴ which is provided with the CPE to all subscribers and 3) detailed 911 warning stickers provided with the CPE⁵ provided to all subscribers.

With the Commission’s adoption of the VoIP E911 Order, Millennium also instituted a distinct 911 advisory notice which the potential subscriber must separately acknowledge receipt and understanding of prior to the initiation of service. Again, a record of the subscriber’s acknowledgement is maintained either electronically or via paper.

In addition, Millennium is providing the 911 Advisory, consistent with the requirements of 47 CFR 9.5(e)(1), to its existing VoIP customer base, and seeking acknowledgement by each subscriber of receipt and understanding of the advisory.

³ The User Guide contains advisories which are bolded, boxed with colored explanation points next to them to call the readers attention to the information. The advisories state: **(IMPORTANT: Since the Voice service is dependent on your cable modem, which requires electricity to operate, you will not be able to use Voice during a power outage. Other service interruptions that prevent Voice from working properly include, but are not limited to, cable and network outages. In these cases you will need an alternative mode of communication to contact emergency professionals.) (IMPORTANT: When you move, you must notify Customer Support of your new location. Please note that it can take several days before your new settings take effect.) (IMPORTANT: If you move your Voice device to a location other than your primary service address, you may not be able to place emergency calls, or your calls may be misrouted to the incorrect emergency service personnel. It is not recommended that you dial emergency services if you move the device)**

⁴ The advisory appears on the first page of text (page 3) and is titled, in large capital letters, “IMPORTANT NOTICE CONCERNING EMERGENCY 911 SERVICES”. The advisory encompasses the ¾ of the page and states, in part “Even where emergency 911 services are offered as part of your plan, service will not work properly if you move the equipment to a different location from your registered location. You should be aware that telephony services (including 911) will not work in the event of a power outage. You must inform any other persons who may use this equipment of the limitations of 911 and E911 emergency services. It is strongly recommended that you always maintain an alternate means of reaching a 911 operator in case of an emergency.”

⁵ The sticker contains the universal warning sign (circle with a dash through it) and states “**Emergency services (such as 911 or E911) may not be available depending on your service plan and/or geographic location. Even where available, obtaining emergency services through this device may not be reliable under certain conditions such as the failure of your ISP connection or during a power outage.**” Note--all Millennium Voice service plans include emergency services.

Millennium, consistent with the July 29, 2005 timeline, distributed the 911 Advisory via e-mail to all subscribers and requested electronic confirmation of receipt and understanding via click. On August 4, 2005 Millennium sent a second 911 Advisory via e-mail to all subscribers who did not respond to the initial e-mail. On August 6, 2005 Millennium began calling subscribers and/or leaving voice-mail messages for subscribers who have not responded to the e-mails. On the calls Millennium explains the initiative and then either 1) requests the customer to respond to the prior e-mail or 2) sends a subsequent e-mail with the 911 Advisory included and a request for confirmation of receipt and understanding. A third e-mail containing the 911 Advisory was sent on August 8, 2005 and Millennium anticipates continued e-mails. In addition, Millennium is sending the 911 Advisory via US Mail, with return postage pre-paid confirmation post cards enclosed, to all those who do not respond to the e-mails. Letters are expected to have been sent to all non-responding subscribers by August 13, 2005.

In summary, the 911 advisory was sent, within the July 29 timeline, to 100% of Millennium's VoIP customers. Millennium is taking steps, including sending subsequent e-mails, sending the 911 Advisories via US Mail with return postage pre-paid post cards, and calling customers directly, to assure that 100% of its VoIP customer base has confirmed receipt and understanding. Acknowledgements are being tracked and kept electronically or via paper copy, depending on the mode of acknowledgment. Millennium has received confirmation of receipt and understanding from 58% of its existing customer base. With the planned mailing of the advisories, phone calls and other continued efforts, Millennium anticipates that it will obtain confirmation from the remaining subscribers, thus obtaining 100%, prior to the end of August. Millennium will continue its efforts until all subscribers have acknowledged receipt and understanding of the advisory.

WARNING STICKERS

The regulations promulgated in the VoIP E911 Order require interconnected VoIP providers to distribute "warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available".⁶ Millennium has distributed such stickers since inception of the service to all customers in conjunction with the provision of the CPE and prior to initiation of service. Thus, 100% of Millennium's VoIP customers have received the warning stickers.

⁶ 47 CFR 9.5(e)(3).

911 COMPLIANCE COORDINATOR

The Bureau's Public Notice requests contact information for the person responsible for the company's compliance efforts with the VoIP 911 Order. Millennium has designated its General Counsel as the person responsible for its compliance efforts. Contact information is:

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Respectively Submitted,

Millennium Digital Media Systems, L.L.C.

By: **(s) Bruce E. Beard**

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Certificate of Service

The above signed hereby certifies that electronic copies of this Subscriber Notification Report to the following:

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