

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Enforcement Bureau Provides Guidance to)
Interconnected Voice Over Internet)
Protocol Service Providers Concerning the) CC Docket 05-196
July 29, 2005 Subscriber Notification)
Deadlines)
)

Subscriber Notification Report of Eagle Communications, Inc.

In accordance with the Public Notice released by the Federal Communications Commission (FCC) on July 26, 2005,¹ in the above referenced docket, Eagle Communications Inc. hereby files this Subscriber Notification Report.

This report describes the actions that Eagle Communications has taken to advise Eagle Communications subscribers of the differences between the 911 services offered by Eagle Communications in conjunction with its interconnected VoIP service and the 911 services historically offered by wireline telecommunications service providers. Eagle Communications through a partnership with PointOne is a provider of “interconnected VoIP” services as described in the FCC’s *VoIP E911 Order*.²

As required by the FCC’s VoIP E911 Enforcement Notice, Eagle Communications submits the following information:

- *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 (i.e., e-mail, U. S. mail);*

¹ *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, Public Notice, DA 05-2085, WC Dockets No. 04-36 and 05-196, (rel. July 26, 2005) (VoIP E911 Enforcement Notice)

² *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 2005 WL 1323217, FCC, (rel. Jun 3, 2005) (*VoIP E911 Order*).

On 8/2/2005, Eagle Communications sent by U.S. mail a letter and supporting materials to our VoIP. The notice clearly, plainly, and prominently advises the user of the circumstances under which E911 may not be available as of the date the letter was delivered. Moreover, the notice indicated that Eagle Communications is working in tandem with our partner, PointOne, to enhance the available 911 service. The notice requested users to sign, date, and return the notice directly to Eagle Communications. Finally, the notice warned that failure to acknowledge the notice will trigger the FCC requirement that Eagle Communications disconnect the subscribers' VoIP service altogether.

- *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 10, 2005, greater than forty seven (47) percent of subscribers or customers have affirmatively acknowledged receipt of the notice. Eagle Communications expects that less than one (1) percent of its subscribers will not provide an affirmative acknowledgment by August 29, 2005.

- *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);*

Eagle Communications will provided labels and instruction via U.S. mail to all existing subscribers before August 17th and will ensure stickers are attached to all future subscriber units.

- *A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet immediately above;*

As of August 10, 2005, zero (0) percent of the relevant subscribers have not been sent the advisory described in the first bullet above. As of August 10, 2005, one hundred (100) percent of the relevant subscribers have not been sent the appropriate label identified in the bullet immediately above.

- *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;*

Eagle Communications plans to follow up by, U.S. mail, or phone call with subscribers that have not affirmatively acknowledged notification. No later than August 30, 2005, Eagle Communications will disconnect such VoIP services or take other appropriate action consistent with the FCC requirements, contractual provisions, and state and federal law, by August 30, 2005 or such other date as may be established by the FCC, if no response to the advisory has been received from that subscriber.

- *A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers;*

Eagle Communications is maintaining all acknowledgements received from its subscribers regarding this matter in our broadband office in Hays, KS. Eagle Communications is maintaining the acknowledgements in the form received in the customer's file.

- *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.*

Contact information for Eagle Communications employee responsible for FCC VoIP E911 subscriber notification compliance:

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