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August 10, 2005  
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**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 Midwest Wireless Holdings L.L.C.  
**WC Docket No. 05-196**

Dear Ms. Dortch:

Midwest Wireless Holdings L.L.C. (“Midwest Wireless”), 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 Midwest Wireless’ efforts to comply with Commission Rule 9.5(e).

By way of background, Midwest Wireless is a CMRS provider operating under FCC authority in Southern Minnesota, Iowa and Western Wisconsin.<sup>1</sup> Midwest Wireless recently began utilizing Voice over Internet Protocol (“VoIP”) technology in order to offer its wireless subscribers an integrated service feature to be used in connection with their wireless device. The use of VoIP technology allows Midwest Wireless to offer its customers the use of a VoIP enabled home or office phone in connection with the wireless device. The customer utilizes only one phone number, one voicemail, etc. This service feature offering is entitled oneWave.

As requested in the Public Notice dated July 26, 2005, Midwest Wireless 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.**

(a) Existing Customers:

<sup>1</sup> Midwest Wireless currently holds the CMRS license for Minnesota RSAs 7 – 10; the Rochester, MN MSA; Iowa RSAs 3, 6, 11-16; and Wisconsin RSA 5.



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On July 14, 2005, Midwest Wireless sent by First-Class United States Mail, to every one of its then identified oneWave customers, a mailing containing an E911 customer notice containing the information required by new Rule 9.5(e)(1).

In follow-up with those customers who did not respond to the July 14, 2005 mailing, Midwest Wireless sent e-mail notification of the E911 information required by new Rule 9.5(e)(1), along with a request asking the customer to acknowledge receipt of the E911 customer notice. The e-mail notifications were sent August 9, 2005.

Beginning on August 9, 2005, Midwest Wireless placed telephone calls to all oneWave customers of record who had not responded to the July 14, 2005 mailing. The caller asked the customer whether the customer had received the notice letter. If not, the caller offered to read the letter to the customer over the telephone. The caller then offered to answer any questions that the customer might have about the notice letter. The caller then forwarded to the customer, via e-mail, the required E911 disclosure.

On August 10, 2005, Midwest Wireless again identified all existing oneWave customers and sent via First-Class United States Mail a mailing containing the requisite E911 customer notice pursuant to new Rule 9.5(e)(1).

(b) New Customers:

As part of the sales process, beginning on July 14, 2005, Midwest Wireless sales personnel have been required to specifically identify the E911 disclosure to each new customer before completing a sale. The customer then acknowledges the disclosure by initialing that portion of the sales agreement articulating the oneWave service description and limitations.

**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 10, 2005, Midwest Wireless has obtained affirmative acknowledgement from approximately 52% of its oneWave subscriber base.

Midwest Wireless cannot predict with precision what its final response rate will be, but estimates that 8% of its customers will 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).**

Midwest Wireless will have sent, via US mail, warning labels to all of its existing subscribers as of August 11, 2005, along with appropriate instructions that advise the subscriber to place the labels on or near the customer premises equipment. Midwest Wireless had originally intended to distribute the warning labels in connection with the initial July 14, 2005 disclosure mailing. However, a printing error delayed distribution of the warning labels until August 11, 2005.

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For new customers, going forward, Midwest Wireless sales personnel will distribute warning labels and placement instructions at the point of sale of the oneWave service feature.

**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].**

Midwest Wireless has sent advisories to all of its oneWave customers. Additionally, by August 11, 2005, Midwest Wireless will have sent the warning labels to all of its oneWave customers

**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.**

Midwest Wireless is continuing its campaign to contact and obtain affirmative acknowledgment from all of its oneWave subscribers. To that end, until August 20, 29, 2005, Midwest Wireless will continue to send letters, e-mails and place telephone calls to those oneWave subscribers who have not yet submitted an affirmative acknowledgment. Finally, for those oneWave customers that do not respond by August 19, 2005, Midwest Wireless sales personnel will personally follow-up with each customer regarding the oneWave service description and limitations.

For those customers that do not provide affirmative acknowledgement, on or before August 29, 2005, Midwest Wireless currently plans to restrict these customers' service so that no outgoing calls can be placed.

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

Affirmative acknowledgements received by means of the customer's initials or signatures have been retained in Midwest Wireless's customer files.

**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.**

Sean R. Simpson  
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Respectfully submitted,



Sean R. Simpson

**VERIFICATION**

I, Sean R. Simpson, state that I am the Director of Legal & Regulatory Affairs for Midwest Wireless Holdings L.L.C.; that I am authorized to submit this report on behalf of Midwest Wireless Holdings L.L.C.; 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.



Name: Sean R. Simpson  
Title: Director of Legal & Regulatory Affairs  
Midwest Wireless Holdings L.L.C.