

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

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

**M5 NETWORKS, INC.
UPDATE OF AUGUST 10, 2005
SUBSCRIBER NOTIFICATION REPORT**

M5 Networks, Inc. ("M5"), by its undersigned counsel, submits this Update of its August 10, 2005 Report regarding M5's efforts to notify its customers of the potential limitations of its E911 service offering, as required by the Commission's *VoIP E911 Order*.¹ This report is submitted in compliance with the Commission's Public Notice dated August 26, 2005 ("Public Notice").² Pursuant to that Public Notice, M5 provides the following information:

- As described in detail in its August 10 Report, M5 provided the required notice statement and labels directly, via email, to 100% of its customers by the July 29, 2005 deadline.
- As of September 1, 2005, M5 has received affirmative responses that its customers received and understand the notice from approximately 88% of its customers. This is up from the 56% response rate that M5 reported in its August 10 Report.
- M5 is continuing with email and direct phone contacts with the customers who have not yet responded. M5 continues to believe that it will obtain a 100% affirmative response rate. As a result, M5 believes it will not be necessary to take any action against any of its customers. M5 is aware of the Commission's requirement that interconnected VoIP providers must terminate service to customers who do not affirmatively respond by the deadline.
- M5 does not have plans to employ a "soft" or "warm" disconnect. M5 remains confident that it will achieve a 100% affirmative response rate among its customers, and that termination of service will not be necessary.

¹ *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. June 23, 2005) (*VoIP E911 Order*).

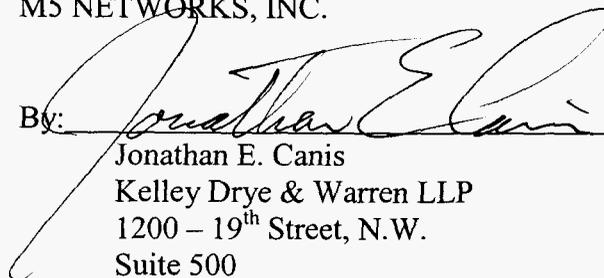
² Public Notice, *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, DA 05-2358 (rel. August 26, 2005).

If the Bureau requires any additional information regarding this matter, please contact the undersigned.

Respectfully submitted,

M5 NETWORKS, INC.

By:



Jonathan E. Canis
Kelley Drye & Warren LLP
1200 – 19th Street, N.W.
Suite 500
Washington, D.C. 20036
Tele: (202) 955-9664
Facsimile: (202) 955-9792
Email: jcanis@kelleydrye.com

Dated: September 1, 2005