

September 1, 2005

VIA ELECTRONIC FILING

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

Re: **Subscriber Acknowledgement Report (September 1, 2005)
Yak Communications (America), Inc.; WC Docket No. 05-196**

Dear Ms. Dortch:

Yak Communications (America), Inc. (“Yak”), through its undersigned counsel and in response to the Public Notice issued by the Enforcement Bureau (“Bureau”) on August 26, 2005 (“Public Notice”), submits this Subscriber Acknowledgement Report (“Report”) to advise the Commission of the status of Yak’s efforts to comply with Commission Rule 9.5(e). Yak previously filed a Subscriber Acknowledgement Report on August 10, 2005 in response to the Bureau’s July 26, 2005 Public Notice (“August 10 Report”).

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

- 1) A detailed explanation regarding current compliance with the notice and warning sticker requirements *if* the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.**

As indicated in Yak’s August 10 Report, Yak had not sent its E911 Customer Notice to approximately 6% of its VoIP subscriber base. Those customers have now been sent a E911 Customer Notice. Similarly, Yak has sent warning labels to the 2.5% of its VoIP subscriber base that had not previously been sent the warning labels.

- 2) **A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.**

As of August 31, 2005, Yak has obtained affirmative acknowledgement from approximately 23% of its subscriber base. Yak cannot predict with certainty what its final response rate will be, but estimates that 20% of its customers will still not have provided affirmative acknowledgement by September 28, 2005.

- 3) **A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.**

As previously described in response to Question 5 of Yak's August 10 Report, Yak is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers by telephoning all subscribers who have not replied to its E911 Customer Notice by e-mail. For customers that do not provide affirmative acknowledgement by September 28, 2005, Yak will wait for further guidance from the Commission, but, at this point in time, Yak intends to implement a "soft" disconnect procedure that will automatically connect such customers to Yak customer service representatives when they attempt to place a 7- or 10-digit outbound call.

- 4) **A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.**

As detailed in Yak's August 10 Report, Yak's service does not allow for 911 calling. Yak's service is not meant to be a primary line replacement service and the Company does not have the ability to connect customers to the appropriate PSAP even through the use of PSAP administrative lines. At this time, Yak is focusing all of its resources on complying with the Commission's Order that requires VoIP providers to offer E911 functionality by November 28, 2005. For this reason, Yak intends to offer a "soft" disconnect procedure, as described in response to question 3, that does not allow for 911 calls to be routed to the appropriate PSAP.

Respectfully submitted,



Catherine Wang

Ronald W. Del Sesto, Jr.

Counsel for Yak Communications (America) Inc.

cc: Byron McCoy (FCC)
Kathy Berthot (FCC)
Janice Myles (FCC)
Best Copy and Printing, Inc.

I, Benjamin Rovet, state that I am Corporate and Regulatory Counsel, of Yak Communications (America) Inc.; that I am authorized to submit the forgoing *Subscriber Acknowledgement Report* ("*Report*") on behalf of Yak Communications (America) Inc. that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that the *Report* is true and correct to the best of my knowledge, information, and belief.



Name: Benjamin Rovet
Title: Corporate and Regulatory Counsel
Yak Communications (America) Inc.