

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)  
Nuvio Corporation; WC Docket No. 05-196**

Dear Ms. Dortch:

Nuvio Corporation (“Nuvio”), 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 Nuvio’s efforts to comply with Commission Rule 9.5(e). Nuvio 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, Nuvio 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 detailed in response to question 4 in Nuvio’s August 10 Report, Nuvio distributed labels and sent advisories to all of its customers by the July 29, 2005, deadline.

- 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.**

September 1, 2005

Page 2

As of August 31, 2005, Nuvio has obtained affirmative acknowledgement from approximately 83% of its subscriber base. Nuvio cannot predict with certainty what its final response rate will be, but estimates that 12% of its customers will still not have provided affirmative acknowledgement by September 28, 2005.

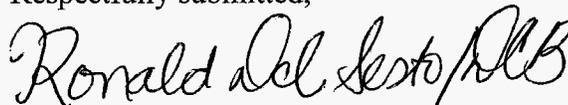
**3) A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.**

As previously described in response to Question 5 of Nuvio's August 10 Report, Nuvio is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers. Nuvio continues to send out e-mails every week and to restrict account access of subscribers who have not yet submitted an affirmative acknowledgment. In addition, Nuvio is calling subscribers who have not yet provided acknowledgements.

**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 acknowledgment by September 28, 2005.**

Nuvio plans to implement a "soft" disconnect procedure for those customers that have not provided affirmative acknowledgement by September 28, 2005. The "soft" disconnect allows affected customers to place 911 calls, but prevents the initiation of all other types of outbound calls. If a customer that has not provided affirmative acknowledgment tries to place an outbound call other than to 911, the call will be routed to a pre-recorded message informing the customer that they must provide affirmative acknowledgment in order to restore the full functionality of their VoIP service. Customers will be instructed to complete the affirmative acknowledgment form on the Company's website in order to have their outbound calling service fully restored. Customers will also be provided a toll free number to contact Nuvio's customer support center should they have any questions or need assistance in accessing the affirmative acknowledgment form.

Respectfully submitted,



Russell M. Blau

Ronald W. Del Sesto, Jr.

Counsel for Nuvio Corporation

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

I, Barry Brautman, state that I am Vice President of Operations, of Nuvio Corporation; that I am authorized to submit the forgoing *Subscriber Acknowledgement Report* (“*Report*”) on behalf of Nuvio Corporation; 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.

A handwritten signature in black ink, appearing to read "Barry Brautman", written over a horizontal line.

Name: Barry Brautman  
Title: Vice President of Operations  
Nuvio Corporation