

September 1, 2005
Submitted Electronically via
ECFS

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743
Attention: Office of the Secretary

**Re: RE: WC Dockets 04-36 and 05-196
Subscriber Notification and Acknowledgement Status and Compliance
Report – Second Report.**

Dear Ms. Dortch:

Net2Phone, Inc., and its subsidiaries, (collectively “Net2Phone”) respectfully submit this Second Report in response to the Enforcement Bureau’s Public Notice issued August 26, 2005 providing further guidance on the Federal Communications Commission’s (“FCC” or “Commission”) rules governing enhanced 911 (“VoIP E911 Order”).¹ Net2Phone’s direct to consumer broadband voice service consists of devices that function with any high-speed broadband connection to enable customers to make and receive calls from telephone numbers assigned to the devices for a fee.²

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

¹ *In the Matter of IP-Enabled Services and E911 Requirements for IP-Enabled Providers*, First Report and Order and Notice of Proposed Rulemaking, 2005 WL 1323217, FCC (rel. June 3, 2005) (“*VoIP E911 Order*”).

² Although the VoIP E911 Order does not apply to WiFi services, Net2Phone has included WiFi customers in its subscriber notification and acknowledgment processes.

stickers to their subscribers, but had not completed the process by July 29, 2005.

As of September 1, 2005, Net2Phone has notified and provided warning stickers to one hundred percent (100%) of its direct customers.

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

Net2Phone has received acknowledgments from over ninety nine percent (99%) of its direct customers. Net2Phone expects to receive acknowledgments from all of its customers by September 28, 2005. Net2Phone will continue with its e-mail and calling campaign until it is satisfied that all of its customers have affirmatively acknowledged the limitations, if any, on Net2Phone's emergency services.

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.

Net2Phone will continue to contact all of its remaining customers who have not yet acknowledged.

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. A provider's September 1 and September 22 reports must include either a statement that the provider will use a "soft" or "warm" disconnect (or similar) solution as of September 28, 2005, or a detailed explanation of why it is not feasible for the provider to use a "soft" or "warm" disconnect solution, as described above.

As stated in response to Question 3 above, Net2Phone is still reviewing its course of action with respect to those customers who may not acknowledge by September 28, 2005. At this stage in Net2Phone's analysis, it is still in the process of reviewing the feasibility of a soft or warm shut down.

Respectfully submitted,

[electronically filed]
Elana Shapochnikov

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