

September 1, 2005

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 05-196
Subscriber Acknowledgement Report (September 1, 2005)

Dear Ms. Dortch:

Endavo Media and Communications Inc. (“Endavo”) is filing this report in accordance with the Commission’s Public Notice, DA 05-2358, *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, released August 26, 2005, in WC Docket No. 04-36 and No. 05-196.

The following information is submitted to the Commission for the purpose of updating Endavo’s August 10, 2005 report on the subscriber notification and acknowledgement requirements:

- *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.*

On July 28, 2005, Endavo sent a letter, certified mail, return receipt requested, to each Endavo voice over Internet protocol (“VoIP”) subscriber through the U.S. mail. Endavo has seventy one (71) VoIP subscribers, and Endavo sent 71 such letters. Each letter included three warning stickers. On July 29, 2005, Endavo sent an e-mail to each of its 71 VoIP subscribers at their last e-mail address of record. The letter and the subsequent e-mail advised each VoIP subscriber, prominently and in plain language, of the circumstances under which Endavo’s 911 service is provided and any limitation, as

compared to traditional Enhanced 911. The letter and the e-mail also requested a return acknowledgement that the subscriber read and understood the advisory.

In addition to the letter and e-mail to each VoIP subscriber, Endavo has posted the letter at the condominium Club House doors, and at the condominium common mailbox locations, for each development where Endavo's VoIP subscribers reside.

Endavo sent 71 letters, certified mail, return receipt requested, and 71 e-mails, one letter and one e-mail to each of the 71 VoIP subscribers. Of the 71 letters, sixty two (62) were delivered and signed for, and nine (9) letters were returned as "unclaimed and unable to forward." Endavo has attempted to contact those 9 subscribers who did not claim their letter or receive their warning stickers, and did not respond to the e-mail. Endavo will continue in its attempt to contact these last few subscribers. Endavo did contact one of those 9 subscribers, has provided notification and has asked for an acknowledgement. Endavo will arrange for warning stickers to be delivered and for pick-up of the signed acknowledgement from this subscriber. In summary, there are no more eight (8) subscribers who have not received the letter and warning stickers or the e-mail.

- *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 September 1, 2005, the date of this report, Endavo has received signed acknowledgements from 59 percent of its VoIP subscribers. Endavo has received confirmation of delivery of approximately 87 percent of the letters. Endavo estimates that it will not receive an acknowledgement from approximately 20 percent of its VoIP subscribers by September 28, 2005.

- *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.*

Endavo will continue its efforts to acquire subscriber acknowledgements as discussed above. Endavo will send another e-mail and will continue its attempts to contact them by telephone.

- *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 the Bureau understands it, the soft disconnect procedure will either disallow all non-911 calls or intercept and send those calls to the provider's customer service department. Under this "soft" disconnect procedure, however, calls to 911 will continue to go to the appropriate Public Safety Answering Point (PSAP). 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.

Endavo plans to use the following procedure for VoIP subscribers that fail to provide an affirmative acknowledgement by September 28, 2005. For these subscribers, any outbound calls, except for 911 calls, will automatically be routed to our customer service center, where Endavo will inform the subscriber of their need to receive the 911 notification, understand the advisory and acknowledge their receipt and understanding by signing the acknowledgement form.

Should you have any questions regarding this filing, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Vasenda". The signature is fluid and cursive, with a large initial "D" and "V".

Dave Vasenda
Director of Operations