

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

In the Matter of)

E911 Requirements for IP-Enabled Service)
Providers)

WC Docket No. 05-196

REPLY COMMENTS OF AT&T CORP.

Leonard J. Cali
Lawrence J. Lafaro
Judy Sello
Mart Vaarsi

AT&T Corp.
Room 3A229
One AT&T Way
Bedminster, NJ 07921
(908) 532-1846
(908) 532-1281 (facsimile)

Attorneys for AT&T Corp.

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reach its ultimate goal of ensuring that all end user customers have access to desired 911 services irrespective of the underlying technology used to deliver their local exchange service.

While the Commission's *June 3 Order* took a significant first step in moving the entire VoIP industry towards universal implementation of E911 capabilities, solving the issues surrounding nomadic use of VoIP devices (which will grow even more prevalent as widespread software development and deployment permits computers and other devices to be used for voice communications) has proven to be difficult. In November, even after AT&T adopts the procedures to implement E911 capabilities to comply with the *June 3 Order*, AT&T will be dependent on customers to enter and maintain a valid registered user address in order to deliver E911 service to the customer. When customers move their device (be it a telephone adapter, a telephone or other equipment) to an area where E911 capability is available, they must re-enter their new address in order to re-establish E911 functionality.

To avoid this, technology must be developed to enable VoIP providers automatically to recognize when their customers have moved their VoIP device and instantly update their records to reflect the customer's new location, validate the address to the extent required for E911 industry database reliance and then update the appropriate E911 databases in order to provide up-to-the-minute correct information to the appropriate PSAP -- without any action by the customer. Until this challenge is addressed, the Commission will not have achieved its goal of providing all consumers E911 capability whenever and wherever VoIP services may be used. This proceeding should be utilized to identify the best method and process to address this issue.

II. THE COMMISSION SHOULD CONVENE A JOINT TASK FORCE TO IDENTIFY THE BEST SOLUTION TO ADDRESS ISSUES ARISING FROM THE NOMADIC USE OF VOIP DEVICES.

The Commission acknowledged in the *NPRM* (§ 57) that “currently there is no way for portable VoIP providers reliably and automatically to provide the location information to PSAPs for these services without the customer’s cooperation.” All major VoIP providers, including the major local exchange carriers, appear to agree that given the lack of technical solutions to solve the remaining nomadic issues, adoption of additional rules on those issues would be unwise.

For example, the VON Coalition points out (at 4-5) that it and NENA are already actively working in collaboration with other industry groups, such as the Next Generation 9-1-1 Forum, the Network Reliability and Interoperability Council (“NRIC”), the Internet Engineering Task Force (“IETF”) and emergency services providers to develop a “feature rich, IP-enabled emergency response system.” Other VoIP service providers² and the major local exchange carriers³ similarly show that the best means to address this issue is through collaborative industry action, not additional regulation. What the Commission should order, however, is a deadline for that task force to develop recommendations for implementing solutions to VoIP mobility issues which could form the basis of trials and future rules to ensure universal E911 availability.

To achieve this goal, the Commission should convene a joint agency / industry / emergency responder task force that includes all necessary industry participants, including VoIP providers, ILECs, and PSAP administrators, to address these remaining issues and aid

² See, e.g., iPosi, Inc. at 4; United Online Inc. at 3-4, 11; CompTel at 2; Earthlink Inc. at 1-3; RNK, Inc. at 2; see also Vonage at 2-4, 9.

³ SBC at 3-6; Verizon at 2-4; Qwest at 1, 5, 8; BellSouth at 5-6. See also USTA at 2; Time Warner Inc. at 7-9.

in developing a consensus solution that can be implemented universally. This will enable the industry and the agency to complete the implementation of rules currently scheduled to become effective on November 28, 2005, and gain some experience in operating under those rules before ascertaining what, if any, additional rules and funding for enhancements to public segments of 911 call completion systems are required to enable the industry to achieve universal E911 capability without reliance on customer action. Imposing additional requirements at this time might impair the ability of the industry to meet the November 28 deadline, and adopt requirements that may not be possible to meet, at least by the proposed June 1, 2006 implementation date.

The creation of a joint agency / industry / emergency responder task force will enable the Commission and the industry working collectively to take advantage of important development work and significant resources that have already been expended in examining the issues and potential solutions. For example, the VON Coalition explains that it has been working with the National Emergency Numbering Association (“NENA”) for nearly two years on technical and policy solutions to VoIP E-9-1-1 issues under a joint agreement, and that those efforts could produce workable, real-world solutions. *Id.* at 3-4. Moreover, the task force should consider nationwide standards and enhancements to public emergency responders’ systems and such issues as nationwide mobility of services and possible convergence with wireless E911 solutions.

This view -- that a cooperative approach can most effectively develop solutions to meet the E911 needs of IP-based services customers -- is shared by numerous other industry groups. For example, NENA (at 10) agrees that the Commission should not adopt additional regulations at this time, “but should encourage cooperative standards development processes

to address important issues.” The Information Technology Industry Council (“ITI”), representing the Nation’s leading information technology companies, including computer hardware and software, Internet services, and wireline and wireless networking companies, states that a June 2006 deadline may not be achievable and could be counter-productive to “the Commission’s goal of facilitating development of effective geographic location sensing technologies.” ITI at 1, 5. CTIA agrees that the Commission “should provide interconnected VoIP service providers with the flexibility to identify the best solution to meet the VoIP E911 goals.” CTIA at 7.

As AT&T showed in its comments (at 8, n.9) and as numerous other commenters have urged, the Commission also should refrain at this time from taking further action on a number of ancillary issues raised in the *NPRM*, and issues as to interpretation of its recently adopted rules.⁴ Action on many of these items would be premature because they can best be addressed by industry and marketplace initiatives and their resolution would benefit from the experience gained in implementing the regulations that take effect in November 2005. Any uncertainty as to the exact requirements of those regulations is best resolved by the Commission quickly considering and resolving the petitions for clarification of the *VoIP E911 Order* filed by several parties.⁵

⁴ These issues include adoption of performance standards for updating Registered Location information; the requirements for interconnected VoIP services in geographic areas where PSAPs are not connected to a Selective Router; treatment of wireless broadband connections; additional customer acknowledgement requirements; carrier reporting requirements, and other operational and administrative issues.

⁵ See Joint Petition for Clarification of the National Emergency Number Association and the Voice on the Net (VON) Coalition, WC Docket Nos. 04-36 and 05-196, filed July 29, 2005; Petition for Reconsideration/Clarification and/or Waiver by Comptel, WC Docket Nos. 04-36 and 05-190, filed July 29, 2005; Petition of T-Mobile USA, Inc. for Clarification, WC Docket Nos. 04-36 and 05-196, filed July 29, 2005.

The Commission can, however, take one immediate action to facilitate E911 implementation for VoIP. While AT&T and other entities, including NENA are working independently to develop a comprehensive list of selective routers, determining the location of selective routers operated by small carriers or in less populated areas has proven difficult. To eliminate this roadblock, AT&T recommends that the Commission require all operators of selective routers to populate in a central repository, such as Telecordia's Local Exchange Routing Guide (LERG) Section 15 database, key fields including state, county, location (CLLI code), and owner. This is essential because without such information VoIP providers cannot ensure their 911 service is in compliance with the FCC's requirements. In addition, the Commission should require that the LECs allow access to ALI databases for the full E911 solution to be delivered, *i.e.*, that the 911 call and customer locations information are delivered to a PSAP at the same time.

In short, there is a virtually unanimous consensus within the industry that given the existing state of technology, a cooperative approach will provide the best and fastest vehicle to establish guidelines to solve the remaining E911 issues caused by the mobility or nomadic feature of the VoIP services. Solving those issues is critically important to accomplishing the public safety goals of ensuring universal E911 accessibility that the Commission identified in the *June 3 Order*. Further, AT&T recommends that the Commission appoint a joint agency / industry / emergency responder task force which includes entities like NENA, the VON Coalition, other industry participants and PSAP administrators to examine potential solutions and report back to the FCC promptly with recommendations as how to best address the deficiencies that prevent the desired E911 access even after VoIP providers comply with the obligations of the Commission's *June 3 Order*.

III. THE COMMENTS CONFIRM THAT E911 REQUIREMENTS SHOULD NOT BE EXPANDED BEYOND FULLY INTERCONNECTED SERVICES.

The Commission has held that consumer expectations are the touchstone for determining whether E911 capability should be required with a particular service.⁶ As the Commission stated, “a service that enables a customer to do everything (or nearly everything) the customer could do using an analog telephone, and more, can at least reasonably be expected and required to route 911 calls to the appropriate destination.”⁷ The comments demonstrate persuasively that under this standard 911 requirements should not be generally extended beyond fully interconnected services, and specifically not to one-way, in-bound only, or outbound-only business services.

There is a broad agreement among the commenters that with services that offer only limited capability, such as specialized inbound-only or outbound-only calling capability for business customers, there is no reasonable expectation that the service can be used to call 911, and therefore no basis to adopt rules to cover such services.⁸ Unidirectional services are typically sold for a specialized application, to business customers, and not to replace “regular telephone service.” *911 Order*, ¶ 23.⁹ Whether services are IP-based or circuit-switched should not alter their E911 obligations. The Commission’s justified interest in solving for

⁶ *E911 Order*, ¶ 23.

⁷ *Id.*

⁸ *See, e.g.*, ITI at 3-5; Telecommunications Systems, Inc. at 4; BellSouth at 7; United Online at 4-6; Joint Comments of Center for Democracy & Technology, Computer & Communications Industry Association, Electronic Frontier Foundation and Pulver.com (“Joint Commenters”) at 11; SBC at 4-5; CompTel at 5; Qwest at 4; Skype at 4-10; Time Warner at 7-8.

⁹ As SBC at 6, points out, “the three widely reported incidents of VoIP 911 failure that were brought to the Commission’s attention, all involved a residential customer who purchased a VoIP services as a replacement for their traditional telephone service.”

E911 where customers expect E911 should not be misinterpreted to apply E911 obligations on certain VoIP services if E911 obligations do not apply to comparable wireline services.

For example, AT&T has several business offerings that allow customers to place voice calls over services that were originally designed to handle data traffic. AT&T refers to these services as “Voice over” the particular data application involved, such as Voice over Managed Internet Service (“VoMIS”). These services are originated at large business locations, generally using T-1 level access or higher. This service arrangement allows customers to more efficiently utilize nodal facilities which they purchased to meet their data needs. Depending upon the customer’s service configuration, these “Voice over” calls are generally placed “on-net”, *i.e.*, to other customer-owned locations. Those calls that are “off-net” are carried over AT&T’s IP network and then terminated using standard access facilities. These “Voice over” services are not marketed as a substitute for local service and are invariably sold to sophisticated business customers who have their own PBX and retain local connectivity that already provides 911 capability. These customers know that such services are used for specialized business communications needs and do not expect them to function like “regular telephone service.” Imposing a 911 obligation on such services would serve no valid purpose and would impose unnecessary inefficiencies and costs, which customers would ultimately have to bear.¹⁰

¹⁰ As several commenters point out, there would also be a number of difficult technical and operational issues involved in attempting to provide 911 capability with such services. *See, e.g.*, VON Coalition at 4; United at 4-6; AT&T at 9; ITI at 4.

IV. CONSUMER PRIVACY ISSUES AND ACCESS FOR PERSONS WITH DISABILITIES SHOULD BE FURTHER EXAMINED IN SEPARATE PROCEEDINGS.

The commenting parties all recognize the importance of protecting the privacy of customer information, including customer location information, which will become more widely available to VoIP service providers when ALI is fully implemented. The comments, however, propose a number of different means for addressing this issue. Several parties propose extending the same privacy protections to VoIP services as currently apply to wireline and wireless services.¹¹ Others propose a new approach that would allow end-users to control the use of customer location information or opt out of location identification capability altogether.¹² Yet other commenters point out that they already carefully safeguard the use of customer information in their possession and see no need for the Commission to adopt additional safeguards at this time.¹³ ITI (at 8) suggests creation of a working group to address privacy concerns and potential technical barriers to application of the provisions of Section 222 of the Act to IP-enabled services. Many commenters, regardless of the positions they advocate, urge the Commission to consider this issue in greater depth in a separate docket before promulgating any additional privacy rules.¹⁴

AT&T agrees that this is the approach the Commission should follow, possibly in conjunction with ITI's proposed working group. Further study of this issue will allow the Commission to fully consider novel proposals such as end-user control of customer information and to consider technical issues that may arise in extending the same privacy regulations for interconnected VoIP services as apply to wireline and wireless services. It

¹¹ *See, e.g.*, VON Coalition at 15; United Online at 10; NENA at 15.

¹² *See, e.g.*, Joint Commenters at 14; iPosi at 7.

¹³ *See, e.g.*, AT&T at 14-16; SBC at 13; Time Warner at 12-13.

¹⁴ *See, e.g.*, SBC at 13; ITI at 8; US Telecom at 9.

will also allow the Commission to better address concerns that increased regulations not inhibit the technological development of IP-based services.¹⁵

AT&T also supports the proposal of several commenters that the needs of persons with disabilities be more thoroughly considered in a separate proceeding. In its comments, the Rehabilitation Engineering Research Center on Telecommunications Access (“RERC”) raises a number of valid concerns regarding the accessibility of E911 services for the disabled, particularly for deaf, hard of hearing, and speech-impaired consumers. AT&T (at 13) has proposed creation of a task force to address such concerns and publicly report its findings by June 1, 2006, and periodically thereafter. AT&T recognizes the need to address the concerns raised by RERC but urges that the best approach for doing so is not to adopt additional regulations at this time, but rather allow the industry to develop solutions (under the Commission’s aegis) which may resolve the problems RERC identifies. The VON Coalition (at 20-21) points out that the industry is already moving forward to ensure that interconnected VoIP services are capable of being used by hearing and speech-impaired persons and urges the Commission not to inhibit such efforts with undue regulation. NENA (at 16) also notes that the Network Reliability and Interoperability Council is addressing access to VoIP services for disabled persons. AT&T believes this would be the most productive approach to providing timely, practical solutions to issues of access for the disabled.

¹⁵ See USTA at 9.

CONCLUSION

For the foregoing reasons, AT&T urges the Commission to convene a joint agency / industry / emergency responder task force to identify the best solution to address issues arising from nomadic use of VoIP devices, rather than adopting new rules at this time. Privacy concerns and the needs of disabled users will continue to be addressed by the industry and should be considered in greater depth in separate dockets.

Respectfully submitted,

AT&T Corp.

By /s/ Judy Sello

Leonard J. Cali
Lawrence J. Lafaro
Judy Sello
Mart Vaarsi

AT&T Corp.
Room 3A229
One AT&T Way
Bedminster, NJ 07921
(908) 532-1846
(908) 532-1281 (facsimile)

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