Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matters of	
IP-Enabled Services	WC Docket Nos. 04-36
E911 Requirements for IP-Enabled Service Providers	**WC Docket No. 05-196**

SUBSCRIBER ACKNOWLEDGEMENT REPORT (SEPTEMBER 22, 2005)

Bright House Networks, LLC ("BHN") hereby files its second E911 Subscriber Acknowledgement Report, required as a condition of further extending to September 28, 2005 as the earliest date on which enforcement action would be taken in connection with the subscriber acknowledgement requirements set forth in the Commission's recent order regarding interconnected voice over Internet protocol ("VoIP") E911 requirements.[1] As stated in its previous E911 filings, it

[1] *In Re IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (FCC rel. June 3, 2005) at ¶¶ 47-49 (requiring interconnected VoIP providers to provide a subscriber advisory and obtain subscriber acknowledgment of the advisory); *Enforcement Bureau Provides Further Guidance to Interconnected Voice over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, Public Notice, DA 05-2358 (EB rel. Aug. 26, 2005) (hereinafter "August 26 Public Notice"). BHN had timely filed an initial Subscriber Notification Report on August 10, 2005, in response to guidance provided by the Enforcement Bureau. *Enforcement Bureau Provides Guidance to Interconnected Voice over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, Public Notice, DA 05-2085 (EB rel. July 26, 2005) at 2 (extending the earliest date for any enforcement action regarding subscriber acknowledgements, to August 29, 2005 upon timely filing of an initial report); BHN Subscriber Notification Report, WC Docket Nos. 04-36, 05-196 (filed Aug. 10, 2005) (hereinafter "BHN's August 10 Report") (noting that it is not readily apparent that the Commission's new E911 rules apply to non-portable VoIP services like BHN's Digital Phone service, but that BHN filed the initial report out of an abundance of caution). BHN also filed a Subscriber Acknowledgement Report on September 22, 2005, in response to the August 26 Public Notice. BHN Subscriber Acknowledgement Report, WC Docket Nos. 04-36, 05-196 (filed Sept. 1, 2005) (hereinafter "BHN September 1 Report").

is not clear that these requirements apply to BHN and BHN adopts and incorporates herein its discussion of this issue as laid out in those filings.[2]

Below, BHN provides detailed responses to the specific questions posed in the Bureau's August 26 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.**

To BHN's reasonable knowledge and belief, BHN provided written or oral notice, as well as appropriate warning stickers, to all its VoIP subscribers by July 29, 2005. The content of those notices and warning stickers is described in detail in BHN's August 10 Report (see attached).

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

BHN estimates that as of September 22, 2005, it has received an affirmative written or oral acknowledgement from approximately 94% of its subscribers. For the remaining 6%, BHN will continue to try to obtain written or oral affirmation before 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 described in BHN's August 10 Report, BHN will continue to try to obtain written or oral acknowledgement from its subscribers by email, and through direct phone calls to subscribers, the

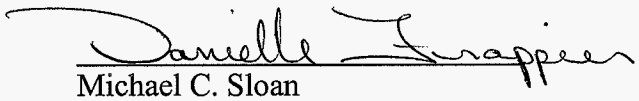
[2] BHN August 10 Report at 1-3; BHN September 1 Report at 1-2.

BHN website, as well as mailed flyers/return postcards. BHN has attached a copy of BHN's August 10 Report for the convenience of the Commission.

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.

BHN has provided its subscribers with ample information regarding its E911 service since the launch of its VoIP service long before the Commission issued its VoIP E911 rules. The BHN work order, provided at the time of service installation and signed by the customer, specifically states that the customer must notify BHN prior to moving the service in order to avoid having emergency services dispatched to the original service address, and that the Digital Phone service is not separately powered. Additional information has been provided via the BHN website, separate mailings, and in certain instances, direct outbound telephone calls and emails to customers. BHN continues to provide these advisories to existing and new customers. As such, BHN feels that it will not be necessary to disconnect any Digital Phone customers.

Respectfully submitted,



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In the Matters of	
IP-Enabled Services	WC Docket No. 04-36
E911 Requirements for IP-Enabled Service Providers	**WC Docket No. 05-196**

SUBSCRIBER NOTIFICATION REPORT

Bright House Networks, LLC ("BHN") hereby files its E911 Subscriber Notification Report, required as a condition of extending to August 29, 2005 the deadline for the subscriber acknowledgement requirements set forth in the Commission's recent order regarding interconnected voice over Internet protocol ("VoIP") E911 requirements.[1] In order to qualify for the extension, interconnected VoIP providers must file a report by August 10 detailing the actions they have taken to (1) advise subscribers of any limitations of their E911 service, (2) obtain subscriber acknowledgement that the subscriber received and understood the advisory, and (3) distribute the required warning stickers.[2]

In addition, this filing provides important information about BHN's operations that distinguishes it from the "portable" interconnected VoIP providers that were the focus of

[1] *In Re IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (FCC rel. June 3, 2005) (hereinafter "Order") at ¶¶ 47-49 (requiring interconnected VoIP providers to provide a subscriber advisory and obtain subscriber acknowledgment of the advisory); *Enforcement Bureau Provides Guidance to Interconnected Voice over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, Public Notice, DA 05-2085 (FCC rel. July 26, 2005) at 2 (extending the deadline for obtaining subscriber acknowledgement to August 29, 2005).
[2] *Id.* BHN has provided this specific information beginning at page 3 herein.

the Commission's order. Indeed, BHN's operations are so different from the portable services described in the order that it is not readily apparent that the order's requirements actually apply to BHN. Nonetheless, out of an abundance of caution, and in order to provide the Commission with additional information about the diversity of VoIP services now being offered in the market, BHN submits this filing.

I. BHN'S VOIP SERVICE IS NOT A "PORTABLE" SERVICE

The key motivating factor behind the Commission's E911 VoIP order was to address the challenges posed by "portable" VoIP services, which specifically market their services as being easily moved to a new physical location.[3] These services pose certain challenges for the proper functioning of E911 service. BHN's Digital Phone VoIP service, on the other hand, is not a "portable" service. While it is technically possible for a BHN subscriber to move his or her cable modem and other VoIP customer premise equipment to an address other than the original service address, it is relatively rare for BHN subscribers to do so. In any case, BHN requires its subscribers (through a condition in its subscriber agreement) not to move their service without prior notice to BHN, and BHN is not aware of any subscriber moves without prior notice to BHN. Finally, BHN's Digital Phone service is not marketed as a portable service. Vonage, on the other hand, expressly markets the ability of its customers to easily and frequently move its service to different locations, even on a short-term basis.[4] Thus, the risk of improper handling of E911 calls from BHN subscribers is minimal.

[3] Order at ¶ 25 (finding that "portable" VoIP services can be used from any broadband connection and that providers of these services "often have no reliable way to discern from where their customers are accessing the VoIP service.") The Commission has found that Vonage, for example, offers a "portable" VoIP service. *Id.* at ¶ 20. As explained herein, however, BHN's service is very different from Vonage's.

[4] Vonage website at http://www.vonage.com/features.php?feature=traveling (last visited Aug. 3. 2005) (advising customers that "[w]hen visiting family, going on vacation or traveling for business, you can make

The Commission was also concerned about interconnected VoIP providers that offered no E911 service at all. BHN has provided E911 service—and has provided its subscribers with ample information regarding its E911 service—since the launch of its VoIP service in the summer of 2004. BHN's VoIP customer agreement specifically states that if the customer moves his or her service without notifying BHN, that emergency services may be dispatched to the original service address, and that the Digital Phone service is not separately powered. The customer must acknowledge these E911-specific provisions by signing the customer agreement. In sum, BHN long ago addressed the policy objectives of the order without prompting from the Commission.

II. SPECIFIC RESPONSES TO THE COMMISSION'S PUBLIC NOTICE

In its VoIP E911 Public Notice, the Commission asked filing VoIP providers to provide the information in bold text below. BHN has responded to these items in the order listed in the Public Notice.

1. **A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (*i.e.*, e-mail, U.S. mail).**

BHN has provided the requisite E911 advisory to its subscribers by the following means: the work order agreement presented at the time of installation; mailings consisting

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and receive calls from one convenient Vonage number. Vonage gives you unparalleled choice and control over where and how you use your phone.")

of a flyer and return postcard; stickers; email; direct phone contact (beginning August 22, 2005); and the BHN website.

BHN work orders, presented at the time of installation, have contained E911 advisory language since the launch of its VoIP service in the summer of 2004. BHN work orders will now contain the language quoted below to ensure that the advisory language is plain and prominent across all company divisions. The new BHN work orders contain the following language above the signature line:

> I (the customer) . . .ACKNOWLEDGE THAT I HAVE CAREFULLY READ THE FRONT AND BACK OF THIS FORM, AND THAT IF I AM A DIGITAL PHONE CUSTOMER I EXPRESSLY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND BHN'S E911 NOTICE ON THE BACK OF THIS FORM. . .

The back of the new work order provides more details regarding BHN's E911 service. Specifically, it states:

> **DIGITAL PHONE E911 NOTICE**
>
> I am aware that Enhanced 911 (E911) is a required feature of Bright House Networks Digital Phone. I expressly acknowledge that the Digital Phone is not a powered service. This means that in the event of an extended electrical power failure and/or if Bright House Networks cable network is not operating, then access to E911 services will not be available. I understand that the address associated with an E911 call is the authorized address where service was originally provided. If I move my voice-enabled modem to another location, I understand that I must notify Bright House Networks of my new address. I expressly acknowledge that if I move my voice-enabled modem to a different address, without first notifying Bright House Networks, then all E911 calls that I make may result in emergency services being dispatched to my original service address. I understand that if my Digital Phone service is disconnected for any reason, then my E911 service will also be disconnected.

BHN E911 Subscriber Notification Report

In order to ensure that subscribers were properly advised in accordance with the Commission's orders, certain subscribers were also sent via U.S. mail on July 29, 2005 a one page flyer/return postcard advising them of the following:

- E911 is designed to give emergency operators the exact location where urgent calls originate. These capabilities have been available to you since installation of Digital Phone
- Moving your modem from the original service address without notifying us could result in dispatching emergency services to the wrong location. Please contact Bright House Networks before moving the modem to a new address
- If there is no dial tone due to an extended electrical power failure and/or a network outage, E911 services will not be available
- If your Digital Phone service is disconnected for any reason, E911 service will also be disconnected

The subscriber is provided with an acknowledgment form at the bottom of the page on which this language appears. The acknowledgement form states "[b]y signing below, I acknowledge that I have received and reviewed this information and understand the E911 notice stated above." It then asks the subscriber to provide his or her name, signature, date of the signature and BHN phone number. The acknowledgement form then detaches from the advisory, thereby becoming a self-addressed, U.S. mail postage-paid postcard for return to BHN. Subscribers are instructed to detach, sign and mail the postcard to BHN. On the opposite side of the flyer, BHN included the following language in large, bold font "IMPORTANT The FCC has issued new 911 requirements. Your immediate response is required."

BHN has also distributed the required warning stickers to subscribers via U.S. mail. The stickers measure three-by-one inches and include the following warning:

E911 INFORMATION

- Contact Bright House Networks if you plan to move the Digital Phone modem to a different address. Failure to do so may result in emergency services being dispatched to the wrong address.
- E911 service may not be available during power or network outages.

Just above the sticker, BHN included language instructing subscribers to "[p]lace this label on or near your Digital Phone modem."

BHN also sent emails to subscribers from whom it had not received acknowledgement by August 9, 2005, and will contact by phone the remaining non-responsive subscribers beginning August 22, 2005 to provide an oral advisory and record an oral acknowledgement.[5]

BHN's website has also provided subscribers with information on E911 since launch of the service. Subscribers may provide acknowledgement via the website.[6]

2. **A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.**

As of August 10, 2005, BHN estimates that it has received an affirmative acknowledgement from approximately 63% of its subscribers in the form of a signed work form, a returned postcard, or via its website as described above. By August, 29, 2005, BHN estimates that it will have received an affirmative written or oral acknowledgement from approximately 80% of its subscribers. For the remaining 20% of subscribers, BHN will continue to try to obtain written or oral affirmation before the August 30 disconnection deadline.

[5] BHN obtains prior consent from the subscriber to record the conversation.
[6] The acknowledgement form is found at http://e911.mybrighthouse.com/911/.

3. **A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (*i.e.*, e-mail, U. S. mail).**

BHN distributed appropriate warning stickers to all VoIP subscribers via U.S. mail on August 2, 2005. As described above, the stickers measure three-by-one inches and include the following warning:

E911 INFORMATION

- Contact Bright House Networks if you plan to move the Digital Phone modem to a different address. Failure to do so may result in emergency services being dispatched to the wrong address.
- E911 service may not be available during power or network outages.

Just above the sticker, BHN included language instructing subscribers to "[p]lace this label on or near your Digital Phone modem."

4. **A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet immediately above.**

To BHN's reasonable belief and knowledge, 0% of its subscribers did not receive the advisory described above, and 0% were not provided warning stickers.

5. **A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.**

As described above, if BHN did not receive a signed work order, signed postcard or website acknowledgement from the subscriber, it sent a follow up email. If by August 22, 2005 the subscriber still has not provided acknowledgement, BHN will call the subscriber to obtain oral acknowledgement, and will continue to do so before the August 30, 2005 disconnection deadline.

6. **A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.**

Acknowledgements received in the form of work orders and returned postcards are scanned into electronic files and the paper copies are stored in a warehouse. Acknowledgements received through the website are saved in electronic files. Oral advisories and acknowledgements are recorded and saved in electronic files. BHN's billing database also keeps a record of the manner in which the subscriber provided acknowledgement (*i.e.*, work order, postcard, website, oral).

7. **The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the *VoIP E911 Order*.**

The person responsible for BHN's company-wide compliance efforts with the Commission's interconnected VoIP E911 order is:

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