

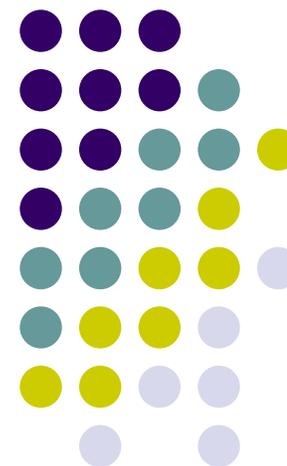
# Preserving Voice Service Competition in the Heartland:

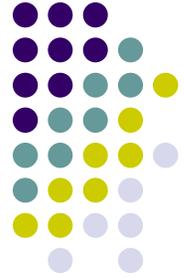
## The Impact of New VoIP E911 Regulations on Rural Cable Companies Providing VoIP

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Meetings of Representatives of Net2Phone, Bresnan  
Communications, Liberty Cablevision of Puerto Rico, and  
Millennium Digital Services with FCC Legal Advisors and Staff

November 8, 2005





- **Elana Shapochnikov, Associate General Counsel, Net2Phone.**

Net2Phone offers enterprise solutions targeting small and medium sized businesses, broadband telephony, and VoIP products for delivery through cable, Wi-Fi, and satellite applications.

- **Jerry Lambert, Associate General Counsel, Bresnan Communications.**

Bresnan Communications is a broadband provider and cable system operator with a goal to provide leading-edge technology to small and medium-sized markets.

- **Bruce Beard, Senior Vice President, Millennium Digital Media Systems.**

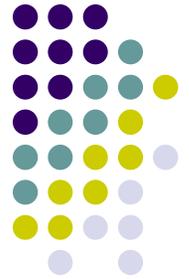
Millennium Digital Media is a broadband services company bringing cable and Internet service to customers in small and medium-sized markets in four states.

- **John Conrad, Counsel, Liberty Cablevision of Puerto Rico.**

Liberty Cablevision of Puerto Rico provides digital cable, high-speed Internet, and VoIP services in Puerto Rico.

- **Cherie Kiser, Mintz Levin Cohn Ferris Glovsky & Popeo PC.**

## Small market broadband and cable providers are key to bringing the benefits of advanced technology and voice services competition to rural areas.



- VoIP is a significant component of the financial structure that allows companies to bring broadband services to rural areas.
  - President Bush has set as a national goal “universal, affordable access for broadband technology by the year 2007.”
- In many rural areas, VoIP may be the only real voice service competition to ILEC wireline service.
  - Wireless service may be non-existent or with spotty coverage lacking sufficiently strong signals for home use.
  - Many rural markets may be too small for effective CLEC competition, particularly without availability of UNE-P.



The key role played by VoIP in rapid restoration of voice services to those affected by Hurricane Katrina and other disasters illustrates the importance of keeping VoIP services available to all areas of the country.



Emergency VoIP installation as part of Hurricane Katrina relief, September 2005:



**Enforcement of the November 28, 2005, deadline for provision of E911 service will effectively, and needlessly, drive many small rural VoIP providers out of the voice services business.**



- Because of cost factors and limits on technical abilities, Net2Phone and the small rural cable companies it serves must rely on third-party providers for 911 and E911 services.
  - Third-party vendors have made it clear that they will not have systems compliant with the order available in all areas of the country by the November 28th deadline.
  - The economics of bringing expensive technical systems to sparsely populated areas may dictate that rural areas are the last areas in which new E911 systems will become available.
- If there is no flexibility introduced into the E911 order, VoIP providers will have no choice but to discontinue service on November 28th in the primarily rural areas where E911 service is not contractually available from third-party providers.

**Forced disconnection may irretrievably damage companies' ability to bring broadband and VoIP to rural areas in the future.**



- Forced disconnection will irretrievably destroy customer goodwill such that small VoIP providers will not be able to regain old customers or attract new customers after E911 service becomes available.
- Forced disconnection will significantly limit voice service choices for rural consumers, especially in areas where small rural cable companies offering VoIP are the only viable competition to ILECs.
- Loss of revenue caused by forced disconnection will have a significant negative financial impact on small rural cable companies, limiting their ability to reinvest when E911 service becomes available.

**Allowing VoIP providers to maintain service with current 911 capabilities while new solutions are developed will protect consumers while continuing to bring choice and advanced technology to rural areas.**



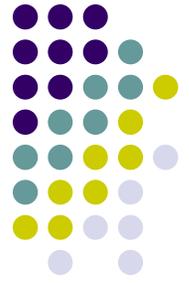
- Relief to grandfather existing subscribers and grant waivers where full E911 capability is not technically or operationally feasible is consistent with legislation being considered by Congress (S. 1063).
- Currently deployed basic network 911 better serves rural citizens than being forced to discontinue the advanced service they have chosen.
  - Customers have been fully informed about emergency call limitations of current systems and have freely chosen to initiate or continue the service.
  - Limited 911 service is better than no 911 service, which may be the alternative for some subscribers for whom VoIP service is their only economically or technically viable choice.
- VoIP providers will upgrade to E911 service as it becomes reasonably available from third parties.

## **Singling out VoIP Services for heightened enforcement not applied to wireline and wireless carriers is unfair and puts VoIP at a competitive disadvantage.**



- Wireline and wireless carriers have not been required to notify subscribers and obtain acknowledgements of limitations of their own emergency calling systems.
  - Subscribers receiving notice from VoIP providers, but not from wireline or wireless carriers may erroneously believe that wireline and wireless E911 are without problems and may unfairly believe that VoIP is an inferior product. Some wireline carriers are pointing to the FCC's enforcement action to disparage VoIP service in advertising.
  - VoIP subscribers, even where they have not acknowledged receipt of notice, have been far better informed about emergency calling limitations of their service than have wireless or wireline subscribers, whose services also have emergency calling limitations.
- Wireless services have been granted great flexibility over a ten-year period to implement an E911 solution. VoIP service should not be more burdened in its developmental stages than wireless service was.
- Wireline and wireless carriers are not required to disconnect subscribers for whom they cannot provide full E911 service on November 28, 2005.

**Flexibility in implementation of VoIP E911 mandates is needed to assure that the benefits of competition and the advantages of broadband Internet services can continue to be made available throughout the country.**



- VoIP providers, particularly those in rural areas, should be permitted to continue service with current emergency calling capabilities during a transition period while new E911 technologies are developed.
- Allowing a transition in rural areas helps promote the national goal of bringing affordable broadband services to all parts of America.
- Good faith efforts to notify customers of emergency calling limitations of VoIP services should be recognized as sufficient to safeguard the public interest.
- Continuing redundant efforts at obtaining notification acknowledgements confuses consumers, needlessly wastes valuable resources, and impairs the ability of small companies to compete.

**Brief Descriptions of the Businesses of  
Net2Phone  
Bresnan Communications  
Liberty Cablevision of Puerto Rico  
Millennium Digital Services**



▣ Cable Telephony

▣ Solutions

▣ Partnerships

▣ Consumer Services

COMPANY OVERVIEW

:: Home > About Net2Phone > Company Overview

↑ Back to About Net2Phone

### Company Overview

Company Overview

Timeline

Management Team

Code of Conduct

Net2Phone is a provider of low-cost, high-quality, retail Voice over IP services, either directly or through partners. Recognized as the first company to bridge the Internet with the public switched telephone network, Net2Phone currently routes millions of minutes daily over data networks, saving consumers and businesses up to 90% off traditional long distance rates.

The company is comprised of two wholly owned subsidiaries: (1) Net2Phone Global Services (NGS), and (2) Net2Phone Cable Telephony (NCT). NGS is a leading global provider of VoIP services to retail consumers and small- to medium-sized businesses around the world. NCT's mission is to empower cable operators in North America and Western Europe with the toolset to offer residential replacement phone service to their subscribers utilizing their existing cable networks.

Through relationships with ISPs, VARs, competitive carriers and other resellers, NGS markets fully integrated VoIP solutions in emerging markets to businesses and consumers, capitalizing on the growth, flexibility and cost advantages of IP-based calling.

NCT offers cable operators the ability to deliver a viable cable telephony service to their video and high-speed data customers. For many operators, offering voice enables the "triple play" combination of video, high-speed data, and telephony, which not only delivers profitable top-line revenue but also aids in the reduction of subscriber churn. NCT manages the cable operators' networks for them, enabling them to assure quality of service from call inception to completion.

Traded on the NASDAQ under the symbol NTOP, Net2Phone's strategic partners include Liberty Media and IDT Corporation.



## About Bresnan

### Overview

Bresnan Communications is a broadband telecommunications provider founded in 1984 with the goal of providing leading-edge technology, entertainment and advanced services supported by outstanding customer service to small and medium-sized markets. The nation's thirteenth largest MSO, Bresnan currently serves over 300,000 customers in Colorado, Montana, Wyoming, and Utah. We have also operated abroad in Chile and Poland, at one point serving more than a million customers worldwide.

Today, Bresnan delivers advanced products and services such as high-speed Internet access, high-definition television, video-on-demand, digital video recorder, and telephone to residential and business customers across an upgraded fiber-optic coaxial network that reaches across 95% of its footprint. Bresnan Business Services, the company's commercial sales division, recently has passed its 1000th customer marker, delivering custom data, voice, and video solutions to businesses and institutions of all sizes.

William J. Bresnan, founder and Chief Executive Officer of Bresnan Communications, and a cable industry pioneer with more than 40 years experience in the industry, is widely acknowledged as one of the leading supporters of technological advancement in the field. An inductee into the Cable Television Hall of Fame and the Broadcasting and Cable Hall of Fame, he is the recipient of numerous awards and honors including the Walter Kaitz Foundation's prestigious Partnership in Diversity Award honoring him for his "leadership, generosity, talent and integrity."

Bresnan's executive team possesses a demonstrated wealth of experience in finance, engineering, and development and operations of broadband systems. Over the years, it has gained vast experience in utilizing various telecommunications technologies including advanced fiber optics, traditional coaxial cable, twisted-pair copper telephone wire, and wireless services.



DIGITAL CABLE



HIGH-SPEED INTERNET



DIGITAL PHONE



BUSINESS SERVICES

**Get both  
and save!**  
Bresnan Combo Packages

**SPECIAL  
OFFERS >>**



CORPORATE

Home

Company Overview

Cable Industry Info

Service Areas

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## Company Overview

[COMPANY OVERVIEW](#)

Millennium Digital Media is a fast-growing Broadband Services Company serving more than 150,000 customers. Millennium offers basic and premium cable television services, including state-of-the-art digital cable products in five states. Millennium offers a full spectrum of Internet access options with our CableSpeed High-Speed cable modem service.

Formed in 1997, Millennium Digital Media is a privately held company headquartered in St. Louis, MO. Based on pending industry acquisitions, Millennium is currently ranked among the twenty-five largest cable providers in the U.S.



Our businesses are organized into three geographic regions: Mid-Atlantic (Regional Office: Maryland), Central (Regional Office: Michigan), and Northwest (Regional Office: Washington). We will continue to grow the company through strategic acquisitions in high-growth areas adjacent to major metropolitan markets.

We are a technology leader, focused on the evolving future of broadband telecommunications. We have installed hundreds of miles of state-of-the-art fiber optic lines throughout our systems. We offer customers tremendous variety and value as they choose entertainment, information, and communication services.

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Webmail



.MENSAJE

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MENSAJE

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SOBRE LIBERTY MEDIA CORP.

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HISTORIA DE CABLE TV

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COMUNICADOS DE PRENSA

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EMPLEOS

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Estimados amigos,

El año 2005 marcará el quinto aniversario desde que Liberty llegó a Puerto Rico a través de la adquisición de TCI Cablevision. Mediante el compromiso de enriquecer las vidas de las comunidades a las que servimos, hemos invertido más de \$125 millones en nuevas tecnologías, infraestructura y equipos de apoyo para lograr el ofrecimiento de nuevos productos año tras año. Desde cable TV digital, televisión interactiva, Internet a alta velocidad hasta el más reciente servicio de telefonía digital, Liberty ha logrado posicionarse como la compañía más avanzada en entretenimiento y comunicaciones integradas en Puerto Rico y América Latina.

Solo con Liberty podrás ahorrar al menos \$720 al año cuando comparas los ofrecimientos de servicios de otros proveedores comparables a nuestro Triple Pack (cable TV, Internet y telefonía). Liberty te ofrece más canales digitales que nadie, el Internet más rápido en el mercado, y es la única alternativa de telefonía residencial ofreciéndote mejor servicio, más funciones y ahorros de más de 50% en tu factura de teléfono.

El 2005 no debe ser diferente. Antes de que culmine el primer trimestre, Liberty tendrá disponible todos sus productos en el 100% de su área de cobertura (actualmente está en el 90%). Además, lanzaremos dos nuevos productos – (i) Video-a-la-Demanda, que te permitirá seleccionar y ordenar una película dentro de una biblioteca de más de 800 títulos diferentes por mes para que la disfrutes en el momento que desees y (ii) el sistema de Grabación de Video Digital (Digital Video Recording) que te permitirá pausar, darle reversa y avanzar la programación en vivo o programas previamente grabados desde tu control remoto sin la necesidad de una video grabadora. Podrás grabar hasta 60 horas de programación en tu convertidor y no tendrás que perderte tu programa favorito. Pronto recibirás más información de estos extraordinarios servicios.

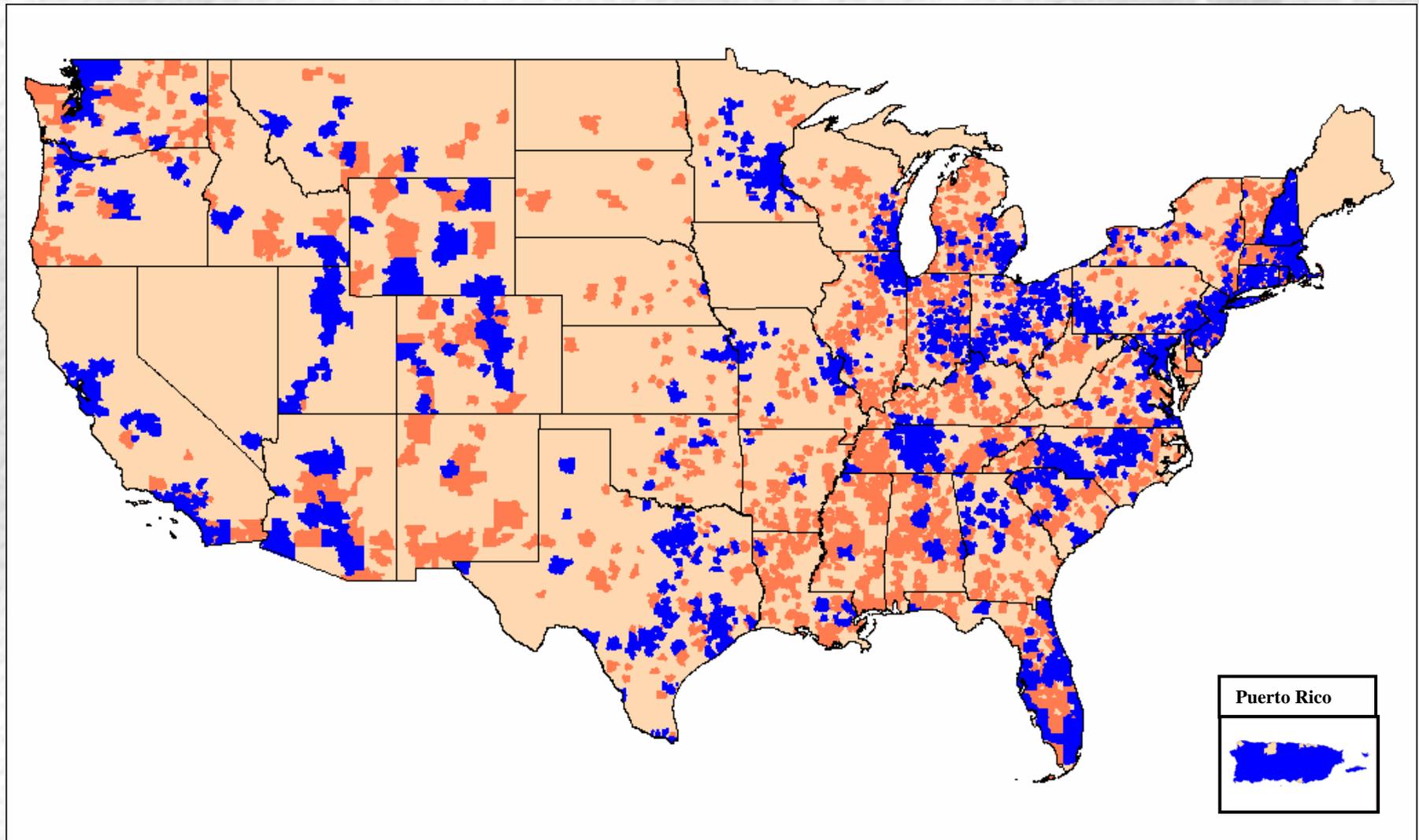
En enero, Liberty te trae de vuelta a Sci Fi al servicio básico (en el canal 29), Court TV (en el canal 62) y te presenta nuevos canales en el servicio digital como Senda Broadcasting (en el canal 115) y CNN Internacional (en el canal 143), además de siete estaciones de radio local en el servicio de DMX – música digital.

Liberty es un mundo donde todo está hecho para hacerte la vida más fácil y simplificarte todas las necesidades de entretenimiento, información y comunicación. Esperamos que puedas disfrutar de estos adelantos tecnológicos y de los servicios que solo Liberty puede ofrecer.

Saludos,  
José Alegría  
Presidente

**Maps of Service Area and E911 Coverage for  
Net2Phone**

# Net2Phone National Coverage Map



**Blue Areas: Net2Phone Service with E911**  
**Red Areas: Net2Phone Service without E911**

**Description of Problems Faced by VoIP Providers Who  
Must Rely on Third Parties for 911 and E911 Services.**

Description of Problems Faced by VoIP Providers  
Who Must Rely on Third Parties for 911 and E911 Services.

The following narrative, excerpted from the recent Motion for Partial Stay filed by Nuvio, et. al, is reproduced here because the situation it describes so neatly mirrors the situation faced by Net2Phone, Bresnan Communications, and Millennium Digital Media Services.

Excerpted from *E911 Requirements for IP Enabled Service Providers*, WC Docket No 05-196, [Nuvio, et al.] Motion for Partial Stay, at 5-9 (filed Oct. 24, 2005) (citations omitted):

Movants rapidly determined that they did not have the resources, capital or time to create and deploy their own dedicated E911 solution. Unlike traditional providers of telecommunications services, Movants were not required to obtain state licenses to operate as carriers, nor were they required to enter into interconnection agreements. As a result, Movants do not have the requisite legal authority to interconnect with selective routers in the Wireline E911 Network. Moreover, no CLEC has coverage to more than 60% of the country. Even if Movants had the resources and capital to obtain licenses in all 50 states - which they do not - there was not enough time for the Movants to obtain all such licenses and enter into interconnection agreements before November 28. Since Movants could not create their own E911 solution that would conform with the *Order*, Movants contacted third-party solution providers including Global Crossing, Intrado, Level 3, MCI, Telefinity and TeleCommunications Systems, Inc. Each of these companies offered slightly different services. Specifically, one party's service was limited to updating location information and address verification services and offered no 911 call delivery service. Another party could not accommodate nomadic VoIP service nor address nonnative telephone numbers. Another available solution was limited to telephone numbers assigned by the provider and is geographically limited to the

provider's service footprint. Further, no company in the market offers a solution that will cover the entire United States by November 28, 2005.

...

The Movants' vendors say they will have an E911 solution in compliance with the *Order* by November 28 in most markets within the top 20 Metropolitan Statistical Areas ("MSAs") of the United States. This covers only 10% of i2's customers and 12% of Lightyear's customers in the United States. Moreover, no vendor will contractually commit to having an E911 solution in place that conforms with the *Order* in any market at any time. At this time, Movants do not know when or if it will be possible to provide an E911 solution in conformity with the *Order* throughout the entire United States, but their vendors' deployment schedule only projects a solution in 116 of the 922 MSAs in the continental United States by the end of 2005. The vendor for i2, Nuvio and Lingo previously projected availability of 911 service in an additional 47 MSAs by September 2005, a projection that "has not yet occurred." According to this vendor, some parts of the United States will likely never be covered.

Further, Movants do not believe any of the vendors they have contacted will be able to provide full E911 capability for non-native numbers by November 28. These calls require pseudo-telephone numbers (or "pseudo-ANI" or "p-ANI") that are geographically relevant to be dynamically assigned for purposes of routing the call through the selective router. The use of pseudo-ANI requires an entity to administer such numbering resources but in certain areas there is no such entity. In areas where there is no entity to administer the p-ANI, it is highly likely that neither the IVP nor the third party provider will have an

E911 solution in place that conforms with all aspects of the *Order* by November 28, 2005 because neither entity will have access to the necessary numbering resources.

The Commission has made clear that IVPs that do not comply with the *Order* will be subject to “swift enforcement action . . . including substantial proposed forfeitures and, in the appropriate cases, cease and desist orders and proceedings to revoke any Commission licenses held by the [IVPS].” Movants will then be faced with a dilemma: continue to provide service and face potential enforcement actions, or disconnect customers risking their safety and possibly breaching their contracts. Some of the Movants would be forced to disconnect nearly 90% of their subscribers, rendering their ability to remain in business doubtful. Those Movants able to remain in business are unlikely later to win back disconnected customers, as those customers will blame Movants for the service interruption and consider their service unreliable. Further, customers will immediately have to find new communications providers. For these reasons, it is highly unlikely that Movants will be able to reclaim any of the customers lost to disconnection.

**Excerpts from S 1063**  
**The IP-Enabled Voice Communications and Public**  
**Safety Act of 2005**  
**Describing Grandfathering and Waiver Provisions**



U.S. SENATE COMMITTEE ON  
**Commerce, Science, and Transportation**

TED STEVENS, Chairman

DANIEL INOUYE, Co-Chairman

FOR IMMEDIATE RELEASE

Contact: Melanie Alvord or Aaron Saunders (202) 224-8456 or (202) 224-3991

**Senate Commerce Committee Approves  
the IP-Enabled Voice Communications and Public Safety Act of  
2005**

Washington, D.C. – The Senate Committee on Commerce, Science and Transportation today reported S. 1063, the IP-Enabled Voice Communications and Public Safety Act of 2005, by unanimous consent. Senator Bill Nelson (D-Fla.) originally introduced the bill, which was co-sponsored by Committee Members Conrad Burns (R-Mont.), Olympia Snowe (R-Maine), and John Kerry (D-Mass.).

During the mark-up, the Committee adopted a substitute amendment offered by Commerce Committee Chairman Ted Stevens (R-Alaska), Co-Chairman Daniel Inouye (D-Hawaii), Senator Burns, and Senator Nelson. The amendment, which was adopted by unanimous consent, was necessitated primarily because the FCC's IP-enabled voice service provider Report and Order was released after S. 1063 was originally introduced.

S. 1063, as amended, would accomplish three primary objectives.

First, the bill provides authority and guidance to the FCC so that they can craft a comprehensive scheme to address 911 and E-911 services. Specifically, it gives the FCC authority and direction to set regulations to ensure that 911 and E-911 services are available to Voice-over Internet Protocol (VoIP) customers taking into consideration the technological and operational feasibility of providing such service. It charges the FCC with setting a reasonable time frame for companies to come into compliance with the regulations. It also provides states with authority to enforce the FCC's rules.

Second, the legislation ensures that IP phone companies have access to E911 components that may be controlled by competitors, which the FCC Order published in June did not do.

Third, S. 1063 provides the liability protection that public safety and industry groups need to be able to provide 911 service. This ensures public safety professionals are protected when taking calls from IP Voice service providers at all Public Safety Answering Points (PSAPs). Industry also needs this protection in order to acquire needed capital and insurance to be able to continue to bring this new and innovative service to consumers. The liability protection that is afforded in this bill is the same liability protection that current law extends to wireline and wireless companies for providing 911 service.

In addition, the bill provides a waiver process by which IP-enabled voice service providers may continue to add subscribers after December 31, 2005. These provisions address additional issues for IP Voice service providers in making E-911 calls in a system built around a wireline network. A waiver requires a provider to demonstrate to the FCC that the provider is technically or operationally unable to comply with its rules and then permits the FCC to grant waivers of limited duration, of not more than a year, that may also be limited in geographic area.

The Committee accepted an amendment by Senator Inouye which limited the new, expedited waiver authority granted to the FCC. The terms of the bill direct the FCC to grant or deny expedited waivers to service providers within 45 days or the waiver will be deemed granted. Inouye's amendment would sunset the expedited waiver authority after four years. The FCC continues to retain its underlying authority to waive any of its rules for good cause.

Along with the substitute and Senator Inouye's waiver amendment, the Committee adopted two other amendments to S. 1063. A Manager's Amendment that made technical changes and minor adjustments to the underlying bill was approved by unanimous consent. An amendment offered by Senator John Sununu (R-N.H.), which ensured that nothing in the Act provides the FCC the authority to require specific technology to carry out provisions of the Act, passed 13-9.

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1063

[Report No. 109- ]

To promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

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IN THE SENATE OF THE UNITED STATES

MAY 18, 2005

Mr. NELSON of Florida (for himself, Mr. BURNS, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER —, 2005

Reported by Mr. STEVENS, with an amendment in the nature of a substitute  
[Strike all after the enacting clause and insert the part printed in italic]

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## A BILL

To promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “~~IP-Enabled Voice~~  
5 ~~Communications and Public Safety Act of 2005~~”.

1           (d) *GRANDFATHERING OF CURRENT IP-ENABLED*  
2 *VOICE SERVICE SUBSCRIBERS.*—

3           (1) *IN GENERAL.*—*A provider of IP-enabled voice*  
4 *service may continue to provide service to each sub-*  
5 *scriber who subscribed to that service as of December*  
6 *31, 2005, to whom notice has been given in accord-*  
7 *ance with the requirements of the Commission’s Re-*  
8 *port and Order in WC Docket Nos. 04–36 and 05–*  
9 *196 if—*

10                   (A) *the provider has received an acknowl-*  
11 *edgement in writing or by electronic means by*  
12 *the subscriber of receipt of the notice; or*

13                   (B) *the provider continues to give clear and*  
14 *conspicuous notice of the unavailability of 911 or*  
15 *E–911 service, or either service, in billing state-*  
16 *ments or their equivalent sent to the subscriber.*

17           (2) *CONTINUED SERVICE.*—*The Commission may*  
18 *not require a provider of IP-enabled voice service to*  
19 *terminate service to a subscriber described in para-*  
20 *graph (1) as long as the provider is in compliance*  
21 *with the requirements of that paragraph and the reg-*  
22 *ulations prescribed under this subsection.*

23           (3) *REPORTING REQUIREMENT.*—*A provider of*  
24 *IP-enabled voice service that continues to provide*  
25 *service under paragraphs (1) and (2) shall file a re-*

1        *port with the Commission every 6 months detailing*  
2        *its efforts to identify and implement a 911 or E-911*  
3        *solution or both.*

4            (4) *COMPLIANCE WITH REGARD TO NEW SUB-*  
5        *SCRIBERS.—Nothing in this subsection shall be con-*  
6        *strued to authorize a provider of IP-enabled voice*  
7        *service to add subscribers to such service after Decem-*  
8        *ber 31, 2005, if the provider is not in compliance*  
9        *with the Commission’s 911 and E-911 regulations for*  
10       *IP-enabled voice service providers.*

11       (e) *TECHNICAL AND OPERATIONAL FEASIBILITY.—*

12            (1) *SPECIAL WAIVERS.—The Commission shall*  
13        *wave the 911 and E-911 requirements contained in*  
14        *the Commission’s Report and Order in WC Docket*  
15        *Nos. 04-36 and 05-196, together with any regulations*  
16        *promulgated under subsection (a), for a provider of*  
17        *IP-enabled voice service if—*

18            (A) *the provider gives a separate, clear, and*  
19        *conspicuous notice to its subscribers that it does*  
20        *not offer 911 service, E-911 service, or either*  
21        *service, as the case may be, to its IP-enabled*  
22        *voice service subscribers;*

23            (B) *the subscriber separately acknowledges*  
24        *receipt of that notice in writing or by electronic*  
25        *means; and*

1           (C) the provider demonstrates that it is not  
2           technically or operationally feasible for its IP-  
3           enabled voice service to comply with those 911  
4           and E-911 requirements, which may include  
5           technical and operational feasibility relative to  
6           its portable or nomadic IP-enabled voice service.

7           (2) *PRESUMPTION.*—A provider of IP-enabled  
8           voice service shall be presumed to have complied with  
9           the requirements of subparagraphs (A) and (B) of  
10          paragraph (1) with respect to subscribers whose sub-  
11          scriptions commenced before the date of enactment of  
12          this Act if the provider has met the subscriber ac-  
13          knowledgement requirements in the Commission’s Re-  
14          port and Order in WC Docket Nos. 04–36 and 05–  
15          196 with respect to 90 percent of those subscribers.

16          (3) *TERM OF WAIVER.*—The Commission may  
17          not grant a waiver under paragraph (1) for a period  
18          of more than 12 months at a time.

19          (4) *GEOGRAPHIC LIMITATION.*—The Commission  
20          may limit any waiver issued under paragraph (1) by  
21          geographic area if the Commission finds such a limi-  
22          tation is in the public interest.

23          (5) *45-DAY RULE.*—The Commission shall grant  
24          or deny a waiver under paragraph (1) within 45  
25          days after it receives a complete waiver request from

1        *a provider of IP-enabled voice service. If the Commis-*  
2        *sion fails to act within 45 days then the waiver shall*  
3        *be deemed granted.*

4            (6) *SUNSET OF WAIVER AUTHORITY.—The Com-*  
5        *mission may not grant a waiver under paragraph (1)*  
6        *more than 48 months after the date of enactment of*  
7        *this Act.*

8            (f) *PARITY OF PROTECTION FOR PROVISION OR USE*  
9        *OF IP-ENABLED VOICE SERVICE.—A provider or user of*  
10       *IP-enabled voice services, a PSAP, and the officers, direc-*  
11       *tors, employees, vendors, agents, and authorizing govern-*  
12       *ment entity (if any) of such provider, user, or PSAP, shall*  
13       *have the same scope and extent of immunity and other pro-*  
14       *tection from liability under Federal and State law with re-*  
15       *spect to—*

16            (1) *the release of subscriber information related*  
17        *to emergency calls or emergency services,*

18            (2) *the use or provision of 911 and E-911 serv-*  
19        *ices, and*

20            (3) *other matters related to 911 and E-911 serv-*  
21        *ices,*

22        *as section 4 of the Wireless Communications and Public*  
23        *Safety Act of 1999 (47 U.S.C. 615a) provides to wireless*  
24        *carriers, PSAPs, and users of wireless 9-1-1 service (as de-*  
25        *finied in paragraphs (4), (3), and (6), respectively, of section*

**Summary of Customer Notification Actions Taken by  
Net2Phone  
Bresnan Communications  
Liberty Cablevision of Puerto Rico  
Millennium Digital Services**

## **Summary of Emergency Calling Limitation Notification Actions Taken**

### Net2Phone

- On-line click-through acknowledgement process for new customers.
- Notification in Terms of Use, warning sticker for device, and User Manual.
- Advisory and acknowledgement required at installation for all new customers.
- Notification by e-mail with follow-up e-mail for those not responding.
- Notification by telephone for those with invalid e-mail addresses.
- Second follow-up e-mail for those still not responding.
- Voice-mail message left for those still not responding.
- Continued e-mail, telephone, and voice-mail contacts for those still not responding.

### Bresnan Communications

- Customer service representative scripts, promotional materials, subscriber agreements, and customer question and answer materials.
- Advisory and acknowledgement required at installation for all new customers.
- Notice by first class mail to all subscribers with prepaid reply card.
- Warning stickers for devices.
- Voice-mail message to all subscribers.
- Telephone contact for those not responding.
- Continued e-mail, telephone, and voice-mail contacts for those still not responding.

### Liberty Cablevision of Puerto Rico

- Notification and acknowledgement as part of customer agreement.
- Advisory and acknowledgement required at installation for all customers.
- Warning stickers for devices.
- Notice by first class mail to existing subscribers with prepaid reply card.

### Millennium Digital Media Systems

- Subscriber agreements, user's manual, and equipment manual.
- Warning stickers for devices.
- Advisory and acknowledgement required at installation for all new customers.
- Notification by e-mail with follow-up e-mail for those not responding.
- Telephone contact and voice-mail messages for those not responding.
- Second follow-up e-mail for those still not responding.
- Notice by first class with prepaid reply card for those still not responding.
- Continued e-mail, telephone, and voice-mail contacts for those still not responding.