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

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

E911 COMPLIANCE LETTER

Bright House Networks, LLC ("BHN") hereby files its E911 Compliance Letter, as required in the Commission's recent order regarding interconnected voice over Internet protocol ("VoIP") E911 requirements.[1] The foremost concern of the Commission in adopting its order was to address the specific challenges in providing E911 service in the context of "portable" or "nomadic" VoIP services. As explained in more detail in its August 10th Subscriber Notification Report, however, BHN's operations are so different from the portable services which were the focus of the order that it is not readily apparent that the order's requirements actually apply to BHN.[2] (A copy of BHN's August 10th report is attached hereto.) Nonetheless, out of an abundance of caution, BHN submits this filing.

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[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 ¶¶ 50-51; *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, Public Notice, DA 05-2945 (EB rel. Nov. 7, 2005) (hereinafter "Public Notice").

[2] *In Re IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, Subscriber Notification Report, Bright House Networks, LLC (filed Aug. 10, 2005) (hereinafter "August 10th Report).

I. BHN HAS PROVIDED E911 SERVICES SINCE LAUNCH

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 PUBLIC NOTICE

In the Public Notice, the Enforcement Bureau asked 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. **911 Solution: This description should include a quantification, on a percentage basis, of the number of subscribers to whom the provider is able to provide 911 service in compliance with the rules established in the VoIP 911 Order.**

BHN is able to provide 911 service in compliance with the rules established in the VoIP 911 Order to 100% of its subscribers.

2. **The detailed description of the technical solution should include the following components:**

   2.a. **911 Routing Information/Connectivity to Wireline E911 Network: A detailed statement as to whether the provider is transmitting, as specified in Paragraph 42 of the VoIP 911 Order, "all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those**

areas where Selective Routers are utilized." If the provider is not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, this statement should include a detailed explanation why not. In addition, the provider should quantify the number of Selective Routers to which it has interconnected, directly or indirectly, as of November 28, 2005.

BHN transmits all 911 calls to the appropriate public safety answering point ("PSAP"), designated statewide default answering point or appropriate local emergency authority, and in so doing, utilizes the Selective Router, the trunk line(s) between the Selective Router and the PSAP and other elements of the Wireline E911 network as necessary in areas where Selective Routers are used. In other words, BHN transmits all 911 calls in accordance with paragraph 42 of the Commission's Order. Finally, BHN has interconnected with sixteen Selective Routers as of November 28, 2005.

2.b. Transmission of ANI and Registered Location Information: A detailed statement as to whether the provider is transmitting via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information. This information should include: (i) a quantification, on a percentage basis, of how many answering points within the provider's service area are capable of receiving and processing ANI and Registered Location information that the provider transmits; (ii) a quantification of the number of subscribers, on a percentage basis, whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information; and (iii) if the provider is not transmitting the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information, a detailed explanation why not.

BHN transmits, via the wireline E911 network, the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information. 100% of the answering points in BHN's service area are capable of receiving and processing ANI and Registered Location information transmitted by BHN.

The ANI and Registered Location information of 100% of BHN subscribers are transmitted to the answering points in BHN's service area that are capable of receiving and processing this information.

2.c. 911 Coverage: To the extent a provider has not achieved full 911 compliance with the requirements of the VoIP 911 Order in all areas of the country by November 28, 2005, the provider should: 1) describe in detail, either in narrative form or by map, the areas of the country, on a MSA basis, where it is in full compliance and those in which it is not; and 2) describe in detail its plans for coming into full compliance with the requirements of the order, including its anticipated timeframe for such compliance.

BHN has achieved full 911 compliance with the requirements of the VoIP 911 Order in all areas of the country.

3. Obtaining Initial Registered Location Information: A detailed description of all actions the provider has taken to obtain each existing subscriber's current Registered Location and each new subscriber's initial Registered Location. This information should include, but is not limited to, relevant dates and methods of contact with subscribers and a quantification, on a percentage basis, of the number of subscribers from whom the provider has obtained the Registered Location.

BHN has obtained the Registered Location for 100% of its subscribers. Since the launch of its VoIP service in the summer of 2004, the subscriber's initial Registered Location is obtained at the time of installation, by filling out the BHN work order. All subscribers were notified via the work order that they must notify BHN of any change of address for E911 purposes. *See* detailed description of work order in August 10th report at 4. Moreover, BHN subscribers can update their Registered Location at any time by calling the general customer service telephone number, or through the BHN website.

4. **Obtaining Updated Registered Location Information: A detailed description of the method(s) the provider has offered its subscribers to update their Registered Locations. This information should include a statement as to whether the provider is offering its subscribers at least one option for updating their Registered Location that permits them to use the same equipment that they use to access their interconnected VoIP service.**

BHN subscribers can update their Registered Location at any time by calling the general customer service telephone number, which provides subscribers a means of updating their Registered Location information that involves the use of the same equipment they use to access their BHN Digital Phone service, *i.e.*, their cable modem, multimedia terminal adapter and telephone. As noted above, subscribers may also update their Registered Location information by filing out a form on the BHN website.

5. **Technical Solution for Nomadic Subscribers: A detailed description of any technical solutions the provider is implementing or has implemented to ensure that subscribers have access to 911 service whenever they use their service nomadically. Providers should include in their November 28, 2005, Compliance Letters a detailed statement as to whether and how they have implemented measures such as AT&T, MCI and Verizon's automatic location detection mechanisms.**

As explained above and in BHN's August 10th report, BHN does not provide a "nomadic" VoIP service. Nomadic providers specifically market their services as being easily moved to a new physical location.[3] Quite to the contrary, BHN requires its subscribers (through a condition imposed in the subscriber agreement) not to move their VoIP service without prior notice to BHN. In any case, BHN is not aware of any subscriber moves without prior notice to BHN; BHN has provided ample subscriber notice, as set forth in its previous reports to the Commission, regarding the importance of

[3] Order at ¶ 25.

keeping current the subscriber's Registered Location information;[4] and BHN has provided subscribers with multiple ways of updating their Registered Location information as discussed above. For these reasons, BHN has no current plans to implement an automatic detection technology, which is still being developed by the industry. That being said, BHN is actively monitoring the development of these technologies because they have real potential to reduce BHN's administrative costs in updating address information.

Respectfully submitted,

Michael C. Sloan
Danielle Frappier
Cole, Raywid & Braverman, LLP
1919 Pennsylvania, Ave. Suite 200
Washington D.C. 20006
(202) 659-9750
msloan@crblaw.com
dfrappier@crblaw.com

Attorneys for BHN

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[4] August 10th Report; *In Re IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, Subscriber Acknowledgement Report, Bright House Networks, LLC (filed Sept. 1, 2005); *In Re IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, Subscriber Acknowledgement Report, Bright House Networks, LLC (filed Sept. 22, 2005).

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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.

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[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:

Debbie P. Cummings
Director, Voice Services
Bright House Networks, Florida Group Office
301 E. Pine Street, Suite 600
Orlando, FL 32801
Telephone: (407) 210-3153
Email: debbie.cummings@mybrighthouse.com

Respectfully submitted,

Michael C. Sloan
Danielle Frappier
Cole, Raywid & Braverman, LLP
1919 Pennsylvania, Ave. Suite 200
Washington D.C. 20006
(202) 659-9750
msloan@crblaw.com
dfrappier@crblaw.com

Attorneys for BHN

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