November 28, 2005

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC
20554

RE: Compliance Letter—*IP-Enabled Services and 911 Requirements for IP Enabled Service Providers*, WC Docket No. 04-36; WC Docket 05-196.

Dear Ms. Dortch,

Millennium Digital Media Systems, L.L.C. ("Millennium") files this Compliance Letter in response to the Commission's First Report and Order[1] in this proceeding and the Enforcement Bureau's subsequent Public Notice[2]. Millennium is a small multi-system cable television operator which began providing Voice over Internet Protocol (VoIP) services over certain of its cable systems in the Spring, 2005. Millennium's cable operations are divided into three regions: 1) the Mid-Atlantic Region, consisting of northern Anne Arundel County, Maryland; 2) the Central Region consisting of 100 franchised communities in central Michigan and 3) the Northwest region, consisting of portions of Seattle and King County Washington, along with approximately 40 smaller rural stand alone systems in Washington and Oregon. Millennium does not actively market its VoIP service as a nomadic service but rather as an additional service offered through its cable systems where it offers high speed data service.

Background on Millennium's VoIP Offering

Millennium, because of its size, limited resources and the small size and rural nature of many its cable systems, realized that it would be extremely difficult to launch VoIP services without significant assistance from a third party. Millennium however was committed to finding a way to provide VoIP service. Millennium viewed the ability to offer VoIP services as

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[1] *IP-Enabled Services and 911 Requirements for IP-Enabled Service Providers,* First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10273, para. 50 (2005). ("VoIP 911 Order").

[2] Public Notice, DA 05-2945, "Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters", WC Docket 04-36; WC Docket 05-196 (November 7, 2005).

an important factor to justify the cost of implementing high speed data service in Millennium's rural systems, particularly stand alone systems.[3] Millennium also viewed VoIP as a means of generating incremental revenue and justifying the cost of upgrades to its larger systems.

After meeting with various vendors and analyzing different solutions Millennium chose Net2Phone, Inc. as its VoIP provider. Net2Phone provides Millennium with a turn-key type solution. Net2Phone contracts with various competitive local exchange providers and other third party vendors, including Intrado, to supply the facilities from the cable system head-end to the public switched network. Millennium's ability to provide VoIP service, including E911 service, thus is dependent upon the Net2Phone being able to form relationships with such third parties and, of course, the presence of such third parties in the rural areas where Millennium's cable systems are located.

Compliance with Customer Notification Rules

Millennium is complying with the Commission's VoIP Customer Notification rules.[4] The ability of its subscribers to reach emergency services was a key factor for Millennium in choosing a VoIP provider.[5] Likewise, the subscriber's knowledge of any limitations on the ability to reach emergency services is a key element for Millennium in providing the service. Since inception of the service, Millennium's subscriber agreements, user's manual, and equipment manual have prominently advised subscribers of the potential emergency calling limitations associated with using VoIP services. Further, since inception of the service, clear and conspicuous warning stickers have been provided with the customer premises equipment, warning of potential limitations of the service and additional stickers are made available on request. In addition, in response to the various Enforcement Bureau Public Notice Guidance documents, Millennium notified and obtained affirmative confirmation of receipt and understanding of the 911 limitations from well over 99% of its existing customer base.

E911 Compliance

While Millennium has met the customer notification confirmation requirements set by the Enforcement Bureau, Millennium was not able to completely obtain E911 service though out its service area within the 120

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[3] Since implementing VoIP, Millennium has launched high speed data in systems with as few as 365 subscribers.
[4] 47 CFR 9.5(e).
[5] Net2Phone's relationships with Level 3 and Intrado for 911 and E 911 service were key factors weighing in favor of Millennium choosing Net2Phone as its VoIP provider.

days set forth in the VoIP 911 Order. As noted, Millennium relies upon Net2Phone and its third party providers for E911 service. Net2Phone's ability to provide such service is dependent upon the availability of competitive local exchange carriers and other entities capable of interconnecting with the incumbent local exchange carrier controlled Wireline 911 system in the rural areas where many of Millennium's cable systems are located. While Net2Phone has worked diligently, pressed its providers to implement interconnections and searched for alternate providers and solutions, 120 days simply was not sufficient time to obtain complete coverage of all Millennium cable systems where VoIP has been implemented. Thus, there are a few Millennium cable systems, primarily rural, where VoIP is available but E911 service will not be available by the November 28, 2005 timeline set by the Commission.

In response to the direct inquiries listed in the Public Notice, in areas where Millennium is providing E911 Service, emergency 911 calls are directed to the appropriate public safety answering point ("PSAP"), through Net2Phone and its underlying providers, using the Wireline E911 Network including applicable Selective Routers, with ANI and registered location information available to the PSAP. Such is the case everywhere that Millennium is providing E911 service.

As noted, where Millennium provides E911, calls are directed through the Wireline E911 system and the appropriate Selective Routers via Net2Phone's underlying third party providers. Millennium does not have access to the precise number of Selective Routers it indirectly interconnects with via such vendors as those relationships and facilities are handled by Net2Phone and their third party providers. Millennium understands that Net2Phone has requested its various third party vendors to attempt to break the information down into such detail, but has not received the information as of the date of this filing. Thus, Millennium is not able, at this time, to state with any degree of certainty, exactly how many Selective Routers to which it has interconnected.

Millennium provides E911 service, as described in the preceding paragraphs, throughout its entire Mid-Atlantic Region and in the major metropolitan areas of its Northwest[6] and Central Regions. Millennium approximates that over-all, 94% of its subscribers have full E911 capability, as per the VoIP 911 Order. In the Mid-Atlantic region, 100% of the subscribers have E911 capability. In the Northwest region approximately 84% of the subscribers, located primarily in Seattle, King County and in Whatcom County area of Northwest Washington, have E911 capability.

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[6] E911 Service is provided in the Seattle and metropolitan King County area and in Whatcom County, Washington.

E911 is not yet available in some of the more rural stand alone smaller systems in the Northwest Region. In Millennium's Central region, approximately 85% have full E911 capability with the service not being available in a few of the more rural areas. In Michigan, of the 37 rate centers wherein Millennium has VoIP subscribers, E911 is offered in 35 rate centers with E911 service pending in the additional 2 rate centers.[7]

Net2Phone has worked diligently in attempting to obtain and offer E911 service in areas where it is currently not available, along with analyzing potential new solutions. Net2Phone indicates that factors including a lack of third party providers to associate with to obtain E911 services in rural areas and the time, cost and technical difficulty associated with interconnecting directly with incumbent local exchange carriers are hurdles that must be overcome. Millennium's profile reflects such hurdles as E911 service is available in the more urban areas, but not in the rural areas where there is a lack of competitive local exchange providers.

911 Capability through Intrado

In areas where E911 service is not available, Millennium provides emergency 911 service through Net2Phone's relationship with Intrado. The Net2Phone/Intrado 911 service is designed to direct the calls to the appropriate PSAP and to prevent the caller from being left stranded if the call is not initially answered at the PSAP or if there is a problem on obtaining the location information to route the call. When the subscriber dials 9-1-1, a query is sent to the Intrado database. Based on the ANI information in the call stream, Intrado sends back the 10-digit routing number associated with the geographically appropriate PSAP for the customer's registered service location. The call is then routed to the 10-digit routing number associated with the PSAP. If the call is not answered at the PSAP or if there is a lack of communication or information with Intrado, Net2Phone's Network Operations Center ("NOC") is alerted and the call is automatically routed to Intrado's Emergency Call Relay Center ("ECRC"). At the ECRC a live Intrado operator, trained to handle emergency calls, answers the call and asks the customer where they are located. The trained operator, remaining on the line, makes a second call to the PSAP associated with the customer's physical location. If the customer cannot speak, the ECRC operator dips into the Intrado database associated with the customer's telephone number and makes the PSAP call based on the customer's registered service location. In the event Intrado cannot retrieve the customer information for the customer who cannot speak, the Intrado operator engages the Net2Phone NOC and the customer's registered location information is relayed to the ECRC in real-

[7] E911 interconnection via third party is currently pending in Michigan for the Bath and Marshall areas.

time. All of this occurs automatically, in quick succession to ensure a rapid response.

Registered Service Location Information

During the activation process a subscriber is required to designate a registered service location to be used for 911 purposes. Thus, Millennium has received Registered Location information from 100% of its subscribers. As noted, Millennium does not actively market its voice service as a nomadic service and advises against the device being moved from the registered service location. The subscriber receives numerous warnings and advisories in the subscriber agreement, welcome material, getting started manual and other user information about the affect moving the service device from the registered service location will have on emergency dialed services and the need to register the new service address. While Millennium does not market the service as nomadic and discourages customers from moving the device from the registered service location, the service is SIP based and thus can be moved. Therefore, customers are advised that if the device is moved from the registered service location a new service location must be registered by the subscriber. The subscriber can update the registered location either on-line through the internet using or by calling customer service. The CPE may be used to update the registered service location via the internet however it requires action on the part of the subscriber to input the new location on-line.

Further E911 Enhancements

In providing its VoIP service Millennium works closely with Net2Phone, its turn key provider. As noted, Net2Phone maintains close relationships with Intrado and various third party service providers, including Level 3, in providing emergency calling options. Net2Phone reviews and analyzes new solutions and technology enhancements associated with VoIP service, including emergency calling options, because the provision of VoIP solutions and service is its primary business. Likewise, the provision of emergency calling capability and solutions is Intrado's primary business. As feasible enhancements and solutions are developed they will be analyzed by Net2Phone, Intrado and/or the other third party providers and if adopted will be made available to Millennium. Such enhancements will include any nomadic E911 solutions and any solutions for rural areas where no third party is currently operating.

Respectfully Submitted,

Millennium Digital Media Systems, L.L.C.

Bruce E. Beard
General Counsel