

November 28, 2005

VIA ELECTRONIC COMMENT FILING SYSTEM

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: WC Docket No. 05-196, E911 Compliance Letter, November 28, 2005

Dear Ms. Dortch:

airBand Communications, Inc. ("airBand") files this Report to provide the information requested by the Commission in its *First Report and Order* released on June 3, 2005, and in its subsequent *Public Notice* released on November 7, 2005 ("Public Notice").¹ airBand has worked diligently to implement the Commission's requirements. **All** of our customers have affirmatively acknowledged that they understand the limitations of the 911 service provided by VoIP.²

The Commission, in Section 9.5(f) of its rules³ adopted in the *First Report and Order*, requires each interconnected VoIP provider to provide specific E911 services no later than November 28, 2005, and to provide this Compliance Letter to the Commission by that date. airBand is a non-facilities based service provider whose subscribers are businesses operating within major metropolitan areas.⁴ As a standard procedure before initiating service we acquire and register the fixed location(s) of every subscriber.

Approximately 50 percent of our customers use an integrated access device ("IAD") that connects to the customer's PBX located on its premises. The telephone instruments of these customers are located at permanent, fixed locations because of this hardware integration and do not have nomadic capability. The addresses of these subscribers accurately reflect the location of the telephone instrument. For the remaining 50 percent of our customers we maintain an accurate listing of the service address. This information is in the appropriate 911 databases and 911 calls are appropriately routed to PSAPs based on this information.

¹ *IP-Enabled Services*, WC Docket No. 04-36; *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, *First Report and Order and Notice of Proposed Rulemaking*, 20 FCC Rcd 10245 (2005); *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, DA 05-2945 (released Nov. 7, 2005).

² See airBand Subscriber Acknowledgement Report, October 24, 2005, filed in WC Docket No. 05-196.

³ 47 C.F.R. § 9.5(f).

⁴ We are providing service to businesses in Dallas, Fort Worth, Houston, Phoenix, Baltimore and Philadelphia.

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We recognize that under two conditions the location of a caller could be different than that indicated by our service address records. First, the telephone instruments of approximately 50 percent of our customers can be unplugged from the office broadband connection and carried to homes, hotels, or other locations, reconnected to a broadband connection at the new location, and service will be reinitiated. We have not and do not advertise that the telephone instruments can be moved in this fashion. However, with increasing numbers of users acquiring technical skills, such capabilities are discoverable and accordingly some employees of our customers may move their telephone instrument to their home or other location and use it from that different location without our knowledge. Since we do not sell or encourage this feature, however, we have no way of knowing if employees do this, and if so, how many and how often. Anecdotally we believe that it is rare but occasionally does occur, and in such cases a 911 call would be routed to the appropriate PSAP for the office location and the instrument's telephone number, and the office address would be displayed from the database.

Second, we offer software for laptops as part of our total business communications package that permits employees to make and receive calls over their regular office number from anywhere a broadband connection is available through their laptop. This service is intended to permit an employee to continue to communicate seamlessly when traveling. In this case the individual phone number is correctly transmitted to the PSAP so that the caller can be called back by emergency services no matter where the caller is located. We do not know how many employees use this feature nor how often they may do so. This feature is available to approximately 10 percent of our customers.

We do not have the technological capability to ascertain when a customer's employee travels with a laptop containing our VoIP software or when an employee unplugs their desk telephone device and moves it to a different location. Therefore we read with interest the representations of AT&T, MCI and Verizon cited in the Commission's Public Notice. We have met with our providers to determine when they will offer this capability, and independently we are discussing solutions with third-party providers. We also have contacted AT&T about this capability. Insofar as we can determine, however, at this time a power-down notification capability is not readily available. We are seeking a reasonable solution, as are other providers, and we hope that innovations such as those disclosed in your record become widely available. We recognize the public interest and public safety needs and hope to be able to offer these or similar capabilities. We emphasize, however, that our particular brand of service was and continues to be marketed for the fixed office environment and not intended to be nomadic except for the occasional laptop use during business trips.

Below we respond to the specific points set out in the Public Notice.

- **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*.

airBand is a non-facilities based VoIP and data service provider to businesses for fixed use in offices. All (100 percent) of our office lines are compliant with the Commission's E911 requirements when used at the location for which service is sold. We do not market it as a nomadic service although as noted above, we can provide laptop software

for employees when they travel and want access to their phone. Except for limited use of laptops, we do not believe that our equipment is widely used nomadically. As we recognize above, however, for about 70 percent of our customers, the system architecture allows individual customer units to be moved to other locations and as a practical matter we cannot detect removal and reattachment to a broadband connection.

Further, the detailed description of the technical solution should include the following components:

- **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.”⁵ 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.

At all locations for which we sell service, all 911 calls are routed to the appropriate PSAP or other appropriate local emergency authority using elements of the Wireline E911 network as necessary. As we are a non-facilities based provider, our contractors provide this service to us.

- **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.

We have engaged in detailed discussions with our providers and determined that 100 percent of the PSAPs in our service areas are capable of receiving and processing ANI

⁵ *VoIP 911 Order*, 20 FCC Rcd at 10269-70, ¶ 42 (footnote omitted).

and Registered Location information. We transmit this information for all 911 calls made by our VoIP customers.

- **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.

We are assured by our vendors that we comply 100 percent with the Commission's E911 rules for all calls made from the Registered Location. We also are making every effort to ensure that our customers inform us before they move phones to a new location, and we transmit new location information to the E911 database within 48 hours. Nevertheless, we recognize that employees of our customers may discover the portability of our handsets that do not use an IAD. Therefore we have entered into discussions with our vendors and separately with third-party vendors to determine the availability of solutions such as detection of power interruptions to our units.

We have been unable to secure such solutions as of today. If they exist generally in the marketplace, we have not found them. However, given the representations made in the record in this Docket, we expect (and hope) that such solutions will become available in a timely manner. In the interim, in addition to the notices, acknowledgements and labels that already warn our customers of potential differences in E911 connections using our service, during December we will be sending an email to our customers using either the laptop software or non-fixed VoIP solutions specifically informing them that use outside of the business location registered with us is not advised and prevents E911 location service from working correctly; and if it so must be used, to be sure to both inform us of the new location and to give the 911 operator their correct location first. In addition, we are exploring more far-reaching software changes to permit more rapid changes to be made to our location database.

- **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.

We do not provide service until we have valid location information from our customer. We have such information for all of our customers.

- **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.

We remind our subscribers of their continuing responsibility to keep us informed of the location of the telephone equipment connected to broadband connections for our service. Subscribers have a phone number which they call for the purpose of updating their information when they move. Our capabilities are designed to be appropriate for the office environment of our customers.

- **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.**

Because our target market consists of business offices in major metropolitan cities, we do not market nomadic service except for occasional laptop use during business trips. Our service also is marketed only in geographic areas where ANI and Registered Location information is passed to the correct PSAP, including through selective routers. However, we recognize that we are powerless to prevent the technology and equipment from being moved and connected to broadband services at locations unknown to us. Although our service is designed for and marketed to fixed offices, we recognize that nomadic use is possible with some of our equipment and therefore we are engaged in discussions both with our service providers and with third-party vendors and want to implement a feasible solution at the earliest possible time.

Questions concerning any aspect of this report should be referred to the undersigned.

Sincerely,



Mark F. Spagnolo
President and Chief Executive Officer

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Kathy Berthot (by email: Kathy.Berthot@fcc.gov)
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