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November 28, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: **VoIP E911 Compliance Report (November 28, 2005)**
Constant Touch Communications, LLC; WC Docket No. 05-196

Dear Ms. Dortch:

Constant Touch Communications, LLC ("CTC"), through its undersigned counsel and pursuant to Commission Rule 9.5(f), as adopted by the Commission's *VoIP E911 Order*[1] concerning the enhanced 911 ("E911") service requirements and conditions applicable to interconnected Voice over Internet Protocol ("VoIP") service providers, submits this Compliance Report ("Report") to advise the Commission of the status of CTC's efforts to comply with the Commission's VoIP E911 Rules.[2]

CTC is a communications provider offering IP-enabled services, including VoIP technologies and applications. CTC also provides broadband telecommunications, wireless, video and data network services to carriers, ISPs, satellite providers and television broadcast companies. CTC markets its services only in Hawaii and the overwhelming majority of CTC's customers are located in Hawaii. However, persons located in other areas can use CTC's VoIP

[1] *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking 20 FCC Rcd. 10245 (2005) ("*VoIP E911 Order*").

[2] Pursuant to the Commission's prior Public Notices, CTC filed four status reports concerning the Company's efforts to notify its customers of the limitations associated with the Company's VoIP 911 service, and to obtain affirmative acknowledgments from those subscribers stating that they fully understand those limitations. These reports were filed in the above-referenced docket on August 10, September 1, and September 22, 2005. The Company's September 22, 2005 report informed the Commission that, as of September 20, 2005, CTC had obtained affirmative acknowledgement from 100% of its U.S. subscriber base.

service and Hawaii-based customers can use the service anywhere broadband Internet access is available.

As required by the Commission's rules, as well as the Public Notice issued by the Enforcement Bureau on November 7, 2005[3] (the "Public Notice"), this Report details CTC's efforts to provide E911 service to customers in compliance with Commission Rule 9.5(b) and (c), and comply with registered location requirements of Commission Rule 9.5(d). Pursuant to the information requested by the Enforcement Bureau in the Public Notice, the Company provides as follows:

1) A quantification, on a percentage basis, of the number of subscribers to whom the Company is able to provide 911 service in compliance with the rules established in the *VoIP 911 Order*.

As of November 28, 2005, CTC is able to provide 911 service in full compliance with the rules established in the *VoIP 911 Order* to approximately 85% to 90% of the Company's VoIP subscribers through its VoIP E911 vendor arrangement with New Global Telecom, Inc. ("NGT"), an Intrado reseller, based on the initial Registered Location information provided to the Company by its customers. CTC customers that do not have access to a 911 service that complies with the *VoIP 911 Order* are able to access an interim 911 solution. For the small number of CTC customers located in markets where NGT, does not offer an E911 solution, CTC's agreement with NGT calls for NGT to provide, on an interim basis until E911 is fully implemented in those areas, an emergency operator-assisted 911 service – known as SafeCall® Operator Assisted 911 Service. Under this interim solution, 911 calls placed by subscribers with Registered Locations in the United States, but outside the areas where NGT has deployed E911 service, will be routed to an emergency call response center ("ECRC"). The ECRC will have operators standing by 7 days a week, 24 hours a day with access to the subscriber's Registered Location and callback number. The ECRC would then provide a "soft transfer" of the 911 call to the appropriate 911 dispatcher or to a local exchange telephone line of the geographically appropriate PSAP. The ECRC then will communicate the Registered Location and call back number prior to transferring the actual call. As such, all CTC customers are covered by either NGT's E911 solution, or NGT's SafeCall® Operator Assisted 911 Service.

2) A detailed statement as to whether the Company is transmitting, as specified in Paragraph 42 of the *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."

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[3] *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket Nos. 04-36 and 05-196, Public Notice, DA 05-2945 (rel. Nov. 7, 2005).

As detailed in response to question 1, for approximately 10 to 15% of CTC's customers, CTC's third-party solution provider, NGT, is not able to transmit 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the selective router, the trunk lines 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.

3) If the Company is not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, a detailed explanation of why not.

As detailed in response to question 1, CTC is reliant upon its third party VoIP E911 vendor, NGT. All CTC customers are either routed to the PSAP associated with their registered location or are connected to a live operator when dialing "911." CTC's vendor, however, is only able to route calls to the correct answering point in areas where NGT offers its E911 service.

4) The number of Selective Routers to which the Company has interconnected, directly or indirectly, as of November 28, 2005.

As explained in response to questions 1 and 2, CTC relies on NGT to provide its VoIP E911 solution. CTC does not interconnect directly with any Selective Routers, instead CTC will rely on NGT to provide a complete E911 solution. According to information provided by NGT, the Company is indirectly interconnected to 154 Selective Routers.

5) A detailed statement as to whether the Company 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.

Based on information received from NGT, CTC believes that NGT will transmit 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 within the service areas of the 154 Selective Routers referenced above. In all other areas, this information is not being transmitted at present.

6) The percentage of how many answering points within the Company's service area are capable of receiving and processing ANI and Registered Location information that the provider transmits.

As explained in response to question 5, CTC's service area is potentially the entire world as the service is available from any location where a customer can obtain broadband Internet access. Pursuant to correspondence with NGT, CTC understands that 93% of the U.S. population is currently served by PSAPs utilizing E911 Selective Routers. As NGT is an Intrado reseller, CTC attaches a map provided by Intrado/NGT entitled "Basic PSAP" (Attachment A). While the areas not served by a PSAP utilizing an E911 Selective Router are not included within the *VoIP*

E911 Order and are not required for compliance, Intrado is actively contacting these areas to determine technical options for VoIP E911 native call delivery. At present, however, CTC is unable to determine how many PSAPs that are connected to a Selective Router are unable to receive and process ANI and Registered Location information.

According to Intrado, Intrado is currently aware of four States and a Commonwealth that have native Selective Routing functionality but will only provide ANI-only service (not Registered Location information) to the PSAP. In New Jersey, Intrado (Telefinity's underlying network provider) has gained permission to deploy a voice-only service that enables the call taker to receive ANI on the VoIP 911 caller, but the state ALI system is not capable of full dynamic ALI updates and will require an upgrade. Ohio and Hawaii have not granted permission to Intrado to deploy a voice-only solution, and these states' ALI systems are not capable of full dynamic ALI updates. Further, Puerto Rico has not granted permission to Intrado to deploy a voice only solution, and the ALI systems are not capable of full dynamic ALI update.

7) The percentage of subscribers whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information.

CTC lacks information regarding the percentage of PSAPs able to receive and process ANI and Registered Location information. However, through CTC's discussions with NGT, it is CTC's belief that the Company will have the capability of transmitting ANI and Registered Location information, through its third party vendor, to entities able to utilize this information for approximately 85% to 90% of its customers.

8) If the Company 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.

Please refer to CTC's responses to question 5 and 6 above.

9) To the extent the Company has not achieved full 911 compliance with the requirements of the *Order* in all areas of the country by November 28, 2005, the Company should describe in detail, either in narrative form or by map, the areas of the country, on an MSA basis, where it is in full compliance and those in which it is not.

Please see the attached map provided by Intrado demonstrating the planned schedule for achieving nationwide E911 deployment (Attachment B). However, this estimate is predicated on an estimate by Intrado, the underlying VoIP E911 network provider on which CTC's vendor relies, that full E911 coverage will be in place by June 2006 for at least one Selective Router per county (where Selective Routers are utilized). CTC is unable to determine at this time which counties are served by more than one Selective Router. As such, it is impossible for CTC to determine whether full coverage will be reached by June 2006, or whether certain customers may

still be without E911 service in counties with two or more Selective Routers where Intrado has not interconnected with all available Selective Routers in those areas.

10) If not in full compliance, the Company's plans for coming into full compliance with the requirements of the *Order*, including its anticipated timeframe for such compliance.

As noted above, CTC's plan for compliance necessarily relies on the efforts of its third party vendor, NGT. NGT's projected timeframes for full compliance includes factors outside of NGT's control. Specifically, NGT's timeframes may or may not be met based on the level of cooperation of PSAPs, RBOCs and state and local agencies involved in the deployment of E911 services. Further, access to pseudo-ANI, testing and deploying solutions reliant on pseudo-ANI depend on the activities by this Commission and the entities appointed to be responsible for assigning these resources. NGT cannot predict with certainty as to when it will have a fully compliant E911 solution in place for all of CTC's customers but based on the information currently available to NGT, it expects to deploy a nationwide solution that will cover all CTC customers in the next 9 months. However, there are certain areas in the country where NGT will not have a VoIP E911 solution in place within this timeframe.

For nomadic VoIP services, to be in compliance with the Commission's *Order*, CTC, through NGT, would have to have a solution deployed throughout the United States and its territories. As detailed above, CTC is currently accepting and processing Registered Location information from its customers.

11) A detailed description of all actions the Company has taken to obtain each existing subscriber's current Registered Location and each new subscriber's initial Registered Location (including, but 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 Company has obtained the Registered Location).

CTC has taken several steps to obtain Registered Location information from its customers. In July 2005, CTC completed upgrades to its website that allows customers to provide and update their Registered Location Information with the Company. This system is also used for billing, notification and affirmative acknowledgement procedures, and other account status information. Further, the Company implemented a signup procedure that captures customer location information that is used as Registered Location information by the Company and its vendors. CTC believes that it has obtained Registered Location information on 85% of its customer through these systems and procedures.

12) A detailed description of the method(s) the Company has offered its subscribers to update their Registered Locations. This information should include a statement as to whether the Company 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.

As noted above, the Company has updated its website and has provided customers with the ability to update their Registered Location information from any location where they have access to an Internet connection. Further, CTC's customers can provide updated address information by contacting CTC's support staff via toll free telephone numbers 24 hours a day, 7 days a week.

13) A detailed description of any technical solutions the Company is implementing or has implemented to ensure that subscribers have access to 911 service whenever they use their service nomadically.

CTC will not have a nomadic solution in place if the customer takes the VoIP service to a location in some markets within the top 20 MSAs and virtually any location outside of the top 20 MSAs in the continental United States. CTC is unaware of any third party provider that is offering a solution that will cover the entire United States (including Alaska and Hawaii), the territories and possessions. As noted above, CTC subscribers have the ability to update their Registered Location information with the Company. If they provide new a Registered Location within CTC's VoIP E911 footprint, they will have access to E911 functionality in compliance with the *Order*. CTC is currently exploring what the Company will do (and what is technically feasible) to cover customers that provide a location outside of CTC's E911 footprint.

14) A description of any automatic detection mechanism that enables the Company to identify when a customer may have moved his or her interconnected VoIP service to a new location and ensure that the customer continues to receive 911 service even when using the interconnected VoIP service nomadically.

CTC notes that the *Order* specifically states that there is no requirement that VoIP providers provide an automatic location detection capabilities that allow VoIP providers to identify when a subscriber moves to a new location.[4] Thus, although the *Public Notice* mentions that the plans submitted by AT&T, MCI, and Verizon claim that those companies are developing such automatic detection systems, CTC has no plans at this time to independently develop such a capability. CTC is, however, reviewing the AT&T licensing agreement and considering other solutions that would provide the Company information concerning customer location. Although CTC has significant concerns regarding the AT&T Heartbeat proposal, the Company is reviewing these and other technologies, and will actively work towards implementing a solution that the Company and the industry determines is in the best interest of public safety.

Respectfully submitted,

/s/
Paul O. Gagnier
Ronald W. Del Sesto

Counsel for Constant Touch Communications, LLC

cc: Byron McCoy (FCC)
Kathy Berthot (FCC)
Janice Myles (FCC)
Best Copy and Printing, Inc.

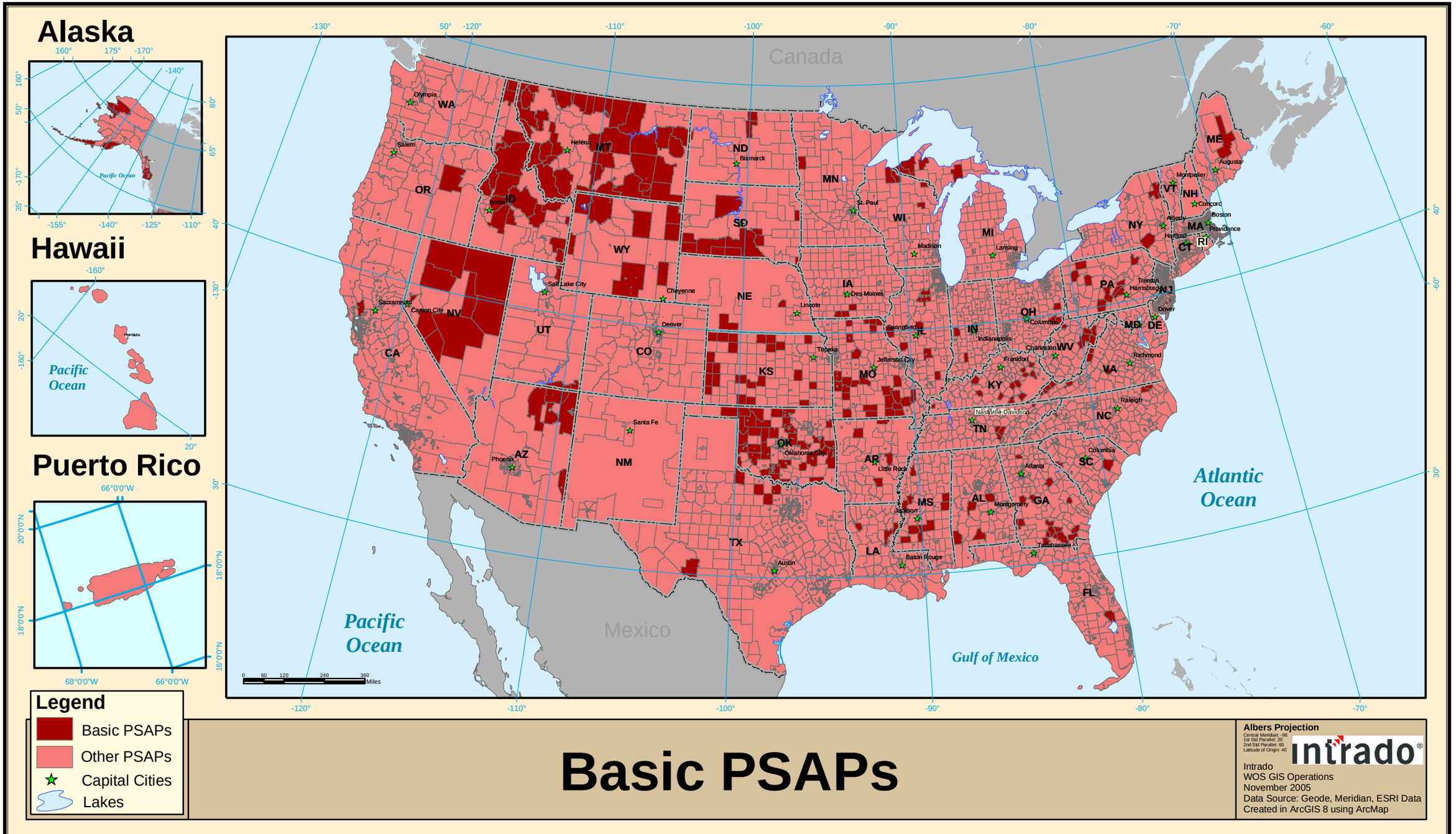
[4] *See Order*, ¶ 46 & n.146.

I, Carl Maybin, state that I am President and CEO of Constant Touch Communications, LLC; that I am authorized to submit the forgoing *VoIP E911 Compliance Report* ("*Report*") on behalf of Constant Touch Communications, LLC; that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that the *Report* is true and correct to the best of my knowledge, information, and belief.

Name: Carl Maybin
Title: President and CEO
Constant Touch Communications, LLC

Attachment A

Intrado Basic PSAPs Map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Hawaii
Puerto Rico
Canada
Mexico
Pacific Ocean
Atlantic Ocean
Gulf of Mexico
Olympia
Salem
Helena
Bismarck
Boise
Salt Lake City
Cheyenne
Sacramento
Carson City
Denver
Lincoln
Des Moines
Madison
St. Paul
Lansing
Columbus
Springfield
Indianapolis
Charleston
Frankfort
Jefferson City
Topeka
Santa Fe
Oklahoma City
Phoenix
Little Rock
Jackson
Atlanta
Montgomery
Baton Rouge
Austin
Tallahassee
Columbia
Raleigh
Richmond
Nashville-Davidson
Harrisburg
Trenton
Dover
Albany
Hartford
Boston
Providence
Concord
Montpelier
Augusta
Honolulu
WA
OR
CA
ID
NV
MT
WY
UT
AZ
CO
NM
ND
SD
NE
KS
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MN
IA
MO
AR
LA
WI
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CT
RI
MA
VT
NH
ME
0 60 120 240 360 Miles
Legend
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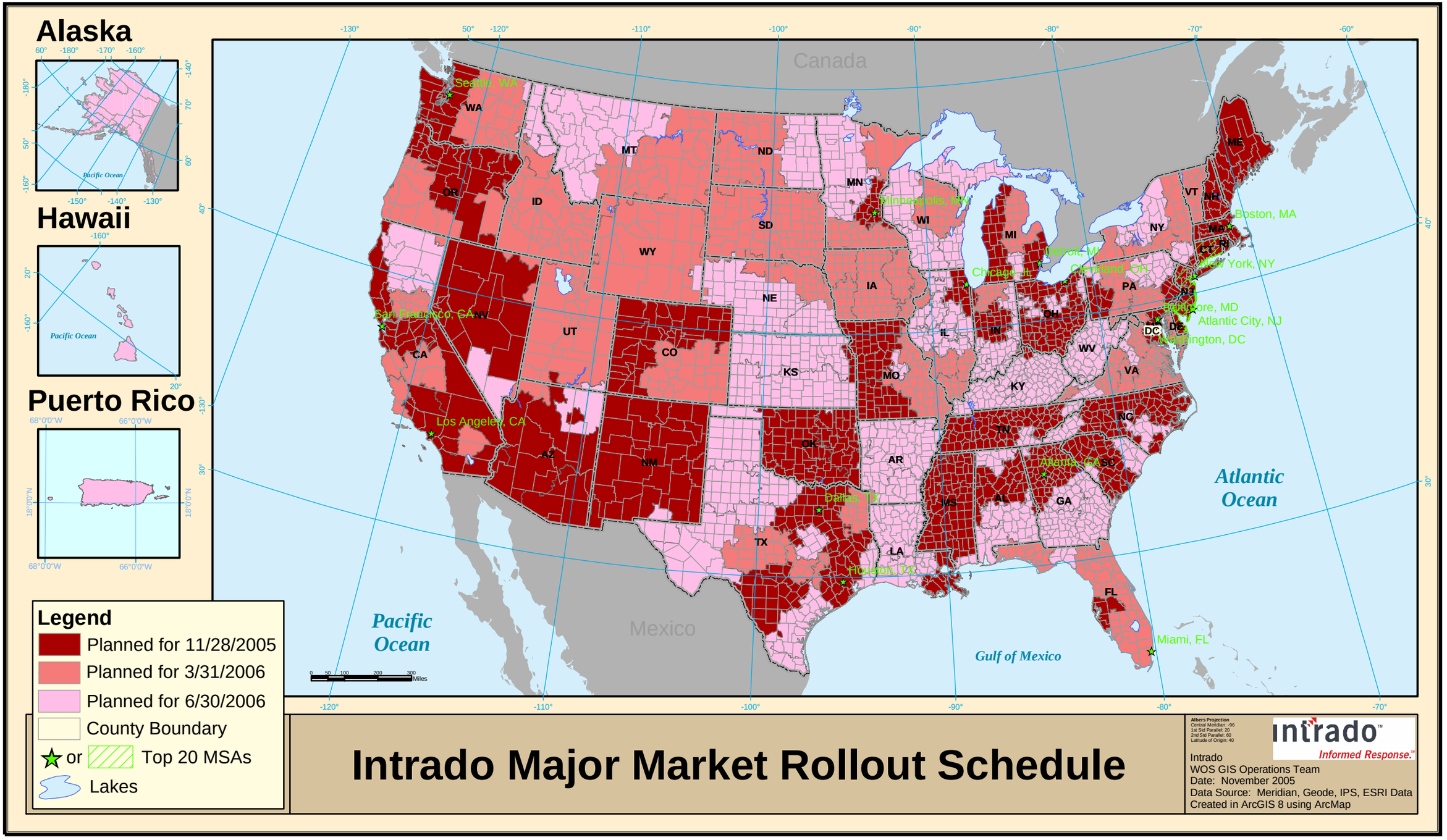
Other PSAPs
Capital Cities
Lakes
Albers Projection
Central Meridian: -96
1st Std Parallel: 20
2nd Std Parallel: 60
Latitude of Origin: 40
Intrado
WOS GIS Operations
November 2005
Data Source: Geode, Meridian, ESRI Data
Created in ArcGIS 8 using ArcMap

Basic PSAPs

Attachment B

Intrado Major Market VoIP E911 Rollout Map



Intrado Major Market Rollout Schedule