EXHIBIT 18

Greenwald, Eliot

From: Finn, Tamar
Sent: Friday, November 18, 2005 12:17 PM
To: Sharon O'Leary
Cc: Wilhelm, William
Subject: FW: CITY of CHICAGO ON HOLD -- SEE CORRESPONDENCE FW: Vonage E911 Deployment
Importance: High

From: JAMES G. ARGIROPOULOS [mailto:jargiropoulos@cityofchicago.org]
Sent: Thursday, November 17, 2005 7:25 PM
To: Chris Mizera
Subject: Re: Vonage E911 Deployment

Chris,

I am working with the Intergovernmental Affairs office of the City regarding VOIP service. As of this mail we have not agreed to allow any VOIP provider access to our 9-1-1 system. Until I receive an official ruling we are on hold.

Thank you,

Jim

EXHIBIT 19

Greenwald, Eliot

From: Finn, Tamar
Sent: Saturday, November 19, 2005 8:13 PM
To: Greenwald, Eliot
Subject: Fw: Compliance report example, FW: Pennsylvania Vonage deployment

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Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Stephen Seitz <Stephen.Seitz@vonage.com>
To: Finn, Tamar <TEFinn@SWIDLAW.com>
Sent: Sat Nov 19 15:33:37 2005
Subject: Compliance report example, FW: Pennsylvania Vonage deployment

On example for the PSAP process list. We have filled out Philadelphia's questionnaire and have not heard back from Mr. James.

Steve

Stephen Seitz | Vice President 9-1-1 Regulatory Affairs | Vonage | t:848.248.1809 |

From: Joseph.James@phila.gov [mailto:Joseph.James@phila.gov]
Sent: Friday, November 11, 2005 12:24 PM
To: Angel Arocho; Michael Athay; Robert Sutton; Frank Punzo
Cc: Stephen Seitz; John Cummings
Subject: Re: Pennsylvania Vonage deployment

Mr. Arocho,
You should not proceed with any deployment or testing in the city/county of Philadelphia. The certification for providing E911 process requires all service providers, especially Vonage, complete the city questionnaire for approval before any testing is schedule by Philadelphia Police Department.
Joseph James
Deputy Commissioner
Department of Public Property
(tn) 215-686-4444

----- Original Message -----
From: "Angel Arocho" [Angel.Arocho@vonage.com]
Sent: 11/11/2005 11:10 AM
To: Joseph James
Cc: Stephen Seitz" <Stephen.Seitz@vonage.com>; John Cummings" <John.Cummings@vonage.com>
Subject: RE: Pennsylvania Vonage deployment

Mr. James,

Below is additional information regarding the Level 3 circuits Vonage will utilize to deliver E911 calls. I believe all the information you needed has been provided. Based on our previous communication Vonage will continue to move forward with deployment, testing and turn up. Please contact me if you have any questions.

CLLI

TGID

TSC

Signaling

DS0 QUANTITY

PHLAPALODS1

14402

91114402

SS7

2

PHLAPAMKDS0

14393

91114393

SS7

2

Thanks for your help,

Angel A. Arocho

Director of Regional 911

Office: 732.231.6741

Fax: 732.231.6155

angel.arocho@vonage.com

-----Original Message-----
From: Angel Arocho
Sent: Thursday, November 03, 2005 4:30 PM
To: Joseph.James@phila.gov
Cc: Stephen Seitz; John Cummings
Subject: RE: Pennsylvania Vonage deployment
Importance: High

Mr. James,

I have not heard back from you regarding my voice messages. In an attempt to be responsive to your information request, I've included our support contact information and network solution layout for your PSAP's use. I believe this material answers the questions posed by your questionnaire. Please contact me to discuss any further questions. Vonage is open to meeting with you if you feel that would better address any PSAP concerns.

We would like to move forward with our deployment for the citizens of Philadelphia, and your feedback and assistance would be appreciated.

Thanks,

Angel A. Arocho

Director of Regional 911

Office: 732.231.6741

Fax: 732.231.6155

angel.arocho@vonage.com

-----Original Message-----

From: Joseph.James@phila.gov [mailto:Joseph.James@phila.gov]

Sent: Monday, October 17, 2005 3:42 PM

To: Angel Arocho

Subject: RE: Pennsylvania Vonage deployment

Mr Arocho,

Thanks for your response as well but I don't need you to contact me just

submit the information so that proper testing
can be done to ensure your network is in compliance before offering service
in our county.

Joseph James
Deputy Commissioner
Department of Public Property
(tn) 215-686-4444
(fax) 215-686-4583

"Angel Arocho"
<Angel.Arocho@von
age.com>

To: <Joseph.James@phila.gov>
cc:
Subject: RE: Pennsylvania Vonage deployment

10/17/2005 03:36
PM

Mr. James,

Thanks for your response. We've also created a website specifically for PSAPs to share vital information. You can learn more about our E9-1-1 plans as well as obtain contact information and additional resources.

http://vonage.com/PSAPcenter/

I will contact you to discuss more.

Regards,

Angel Arocho

-----Original Message-----

From: Joseph.James@phila.gov [mailto:Joseph.James@phila.gov]

Sent: Monday, October 17, 2005 10:24 AM

To: Angel Arocho

Subject: Re: Pennsylvania Vonage deployment

Mr. Arocho,

If your company is really interested in fulfilling its E911 obligations please comply with the city/counties certification

(See attached file: 911 Surcharge Guidelines.doc)(See attached file: 911 Questionnaire9.7.99.doc)(See attached file: Service Provider E9-1-1 Protocols.doc)

Joseph James

Deputy Commissioner

Department of Public Property

(tn) 215-686-4444

(fax) 215-686-4583

"Angel Arocho"

<Angel.Arocho@von To: "Angel Arocho"
<Angel.Arocho@vonage.com>
age.com> cc:

Subject: Pennsylvania
Vonage deployment
10/12/2005 12:21
AM

Dear 9-1-1 Coordinator,

Vonage has been moving quickly to bring Enhanced 9-1-1 service to our VoIP
subscribers. From the "Welcome Kits" mailed to the data gathering and the
provisioning things are progressing well. Vonage wants to make sure open
lines of communication are maintained with to the Pennsylvania Public
Safety Community. Please don't hesitate to contact me should you have any
questions regarding our VoIP deployment.

Regards,

Angel A. Arocho

Director of Regional 911

Office: 732.231.6741

Fax: 732.231.6155

angel.arocho@vonage.com

EXHIBIT 20

VONAGE
THE BROADBAND PHONE COMPANY

November 10, 2005

VIA CERTIFIED MAIL

Mr. Steven Makky
9-1-1 Coordinator
St. Charles County Dispatch
301 N. Second Street, Room 280
St. Charles, MO 63301

Re: Vonage VoIP E911 Implementation Efforts

Dear Mr. Makky:

On behalf of Vonage America Inc. ("Vonage"), I am writing to you concerning Vonage's efforts to implement E911 service for Vonage customers in St. Charles County (including St. Charles County Dispatch, O'Fallon Police Dept., Wentzville Police Dept., St. Peters City Police Dept. and St. Charles Police Dept.). As you know, the FCC's *VoIP E911 Order*[1] imposes extensive E9-1-1 connectivity requirements on providers of "interconnected" VoIP services such as Vonage. Specifically, Vonage and other interconnected VoIP providers must route customer 9-1-1 calls to appropriate PSAPs using the traditional 9-1-1 infrastructure, and provide PSAPs with customer callback number and registered location information by November 28, 2005.

On September 20, 2005, Vonage sent a PSAP kit to St. Charles County Dispatch. This kit was designed to inform PSAPs of the technical issues involved with VoIP E9-1-1 interconnection, and to demonstrate Vonage's willingness to work with PSAPs to implement the FCC's VoIP E9-1-1 requirements for its customers.[2] On October 4 and November 9, 2005, Vonage representatives followed up with St. Charles County Dispatch to discuss the information provided in the kit and to discuss working with St. Charles County Dispatch to implement the FCC's VoIP E9-1-1 requirements. Unfortunately, on November 9, Vonage learned that St. Charles County Dispatch refuses to work with Vonage to implement E9-1-1 routing, database access, and emergency calling support for Vonage customers until Vonage pays jurisdiction specific 9-1-1 fees.

[1] *See IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, WC Docket Nos. 04-36 & 05-196, FCC 05-116 (rel. June 3, 2005) ("*VoIP E911 Order*").

[2] The "PSAP kit" is available on Vonage's website at: http://www.vonage.com/psapcenter/.

2147 Route 27 • Edison, New Jersey 08817
Tel: 732-528-2600 • Fax: 732-287-9119

In the *VoIP E911 Order*, the FCC recognized that some states did not have 9-1-1 fee collection mechanisms in place that would apply to VoIP providers.[3] Nevertheless, it required interconnected VoIP service providers to implement E9-1-1 without mandating PSAP or carrier cost recovery as a prerequisite to implementation.[4] Recognizing that "120 days is an aggressively short amount of time" to implement VoIP E9-1-1, the FCC found that "the threat to public safety if we delay further is too great and demands near immediate action."[5] This need for immediate action supports the FCC's determination to mandate E9-1-1 implementation prior to establishment of a direct cost recovery mechanism for PSAPs.

While we are willing to work with the appropriate state officials and representatives to resolve issues regarding appropriate funding mechanisms for VoIP E9-1-1, we do not believe that such discussions should derail the substantial progress Vonage is making to meet the FCC's mandate and deny customers in St. Charles County the E9-1-1 service they deserve. As such, Vonage, again, respectfully requests the cooperation of St. Charles County Dispatch (and other PSAPs in the county) in implementing a VoIP E9-1-1 solution for the citizens in St. Charles County. Simply putting a halt to implementation while we resolve specific differences over fee structures, mechanisms and collection points puts the welfare of your local citizens at risk, and directly contravenes the requirements of and the purposes behind the *FCC's VoIP E911 Order*. In light of the aforementioned, we hope that St. Charles County Dispatch reconsiders its position on VoIP E9-1-1 implementation. Vonage wants to work cooperatively with St. Charles County Dispatch to give our customers, and your citizens, ubiquitous E9-1-1 access. Please contact us as soon as possible to discuss these matters, so that we can develop an implementation schedule that meets the FCC's requirements, and our respective technological needs.

Sincerely,

Chris Ternet
Director, 9-1-1 Fees
VONAGE

cc: R.D. Porter, ENP, State of Missouri-Office of Administration

[3] *See VoIP E911 Order*, ¶ 52.

[4] As opposed to wireless E9-1-1 implementation, where the FCC specifically required PSAP cost recovery as a pre-condition of 9-1-1 implementation, no such prerequisite has been made for VoIP E9-1-1 implementation. *See, e.g., Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 94-102, ¶ 34 (rel. July 26, 1996).

[5] *See VoIP E911 Order*, ¶ 37.

EXHIBIT 21

NATIONAL EMERGENCY NUMBER ASSOCIATION

P. O. Box 82236
Lafayette, LA 70598-2236
Telephone: (337) 291-5060 Fax: (337) 291-5080

NOVEMBER 10, 2005

Sherri Griffith Powell
Vonage – Regional Director, E9-1-1
2147 Route 27
Edison, NJ 08817

Re: Vonage VoIP E911 Implementation Efforts

Dear Sherri;

Thank you for your inquiry on behalf of Vonage America Inc. regarding the Enhanced 9-1-1 services our agency provides. As you are aware, we remain highly committed to preserving public safety and look forward to working with companies such as Vonage and other interconnected Voice over Internet Protocol ("VoIP") service providers to meet the E9-1-1 obligations imposed by the Federal Communications Commission for VoIP services as rapidly as possible. Accordingly, we appreciate Vonage's efforts to meet with our Staff and are encouraged by Vonage's Public Safety Answering Point outreach program.

Despite our interest in deploying VoIP E9-1-1 Service as soon as possible, we are currently working on disaster recovery efforts in response to the extreme conditions created by Hurricane's Katrina and Rita. The hurricane's caused significant damage to our emergency response systems and capabilities. While we are working to rebuild necessary infrastructure and bring public safety systems back into full operational status rapidly, we expect that it will take at least an additional **180** days before those processes will be complete, after which time we would welcome additional discussions with Vonage.

We look forward to working with Vonage and other VoIP providers to complete E9-1-1 service deployment as soon as possible once our recovery efforts have been completed. In the meantime, if you have questions regarding deployment or wish to discuss these issues further, please do not hesitate to contact me at 1-800-820-7138.

Yours Truly,

Don W. Smith

Don W. Smith, La NENA President

EXHIBIT 22

National Emergency Number Association

Mississippi Chapter of NENA
217 BROAD ST
COLUMBIA MS 34929

November 21, 2005

Sherri Griffith Powell
Vonage – Regional Director, E9-1-1
2147 Route 27
Edison, NJ 08817

Re: Vonage VoIP E911 Implementation Efforts

Dear Sherri;

Thank you for your inquiry on behalf of Vonage America Inc. regarding the Enhanced 9-1-1 services our agency provides. As you are aware, we remain highly committed to preserving public safety and look forward to working with companies such as Vonage and other interconnected Voice over Internet Protocol ("VoIP") service providers to meet the E9-1-1 obligations imposed by the Federal Communications Commission for VoIP services as rapidly as possible. Accordingly, we appreciate Vonage's efforts to meet with our Staff and are encouraged by Vonage's Public Safety Answering Point outreach program.

Despite our interest in deploying VoIP E9-1-1 Service as soon as possible, we are currently working on disaster recovery efforts in response to the extreme conditions created by Hurricane Katrina]. The hurricane caused significant damage to our emergency response systems and capabilities. While we are working to rebuild necessary infrastructure and bring public safety systems back into full operational status rapidly, we expect that it will take at least an additional 180 days before those processes will be complete, after which time we would welcome additional discussions with Vonage.

We look forward to working with Vonage and other VoIP providers to complete E9-1-1 service deployment as soon as possible once our recovery efforts have been completed. In the meantime, if you have questions regarding deployment or wish to discuss these issues further, please do not hesitate to contact me at 601-736-6466.

Yours Truly,

Donna McKenzie
Mississippi Chapter President

EXHIBIT 23

AK Associates Inc.

9-1-1 Specialists
7 Independence Ave
Derry, New Hampshire 03038

November 22, 2005

Sherri Griffith Powell
Vonage – Regional Director, E9-1-1
2147 Route 27
Edison, NJ 08817

Re: Vonage VoIP E911 Implementation Efforts

Dear Sherri,

Thank you for your inquiry on behalf of Vonage America Inc. regarding the Enhanced 9-1-1 services our agency provides. As you are aware, we remain highly committed to preserving the public safety and look forward to working with companies such as Vonage and other interconnected Voice over Internet Protocol ("VoIP") service providers to meet the E9-1-1 obligations imposed by the Federal Communications Commission for VoIP services as rapidly as possible. Accordingly, we appreciate Vonage's efforts to meet with our Staff and are encouraged by Vonage's Public Safety Answering Point outreach program.

Despite our interest in deploying VoIP E9-1-1 Service as soon as possible, the Baker County Emergency Operations Center (which serves a county of about 22,500) is in the process of installing a new on-site selective router. Therefore, we are requesting that Vonage extends the initial deployment from the November 28th deadline to December 31, 2005. Baker County has completed the installation of our on-site 9-1-1 selective router by then and be ready to deploy Vonage VoIP. AK Associates Inc. is Baker County's 9-1-1 equipment maintenance provider and will be configuring the VoIP implementation as we have in other areas throughout the country.

We look forward to working with Vonage and other VoIP providers to complete E9-1-1 service deployment as soon as possible after our system modification activities have been completed. In the meantime, if you have questions regarding deployment or wish to discuss these issues further, please do not hesitate to contact me at 603-434-4217.

Yours Truly,

Arthur E. Kraus

Arthur E. Kraus, Executive VP
AK Associates Inc.

EXHIBIT 24

IMPLEMENTATION EFFORTS IN SPECIFIC ILEC TERRITORIES

A. Verizon Territory

Verizon has exhibited remarkable leadership and initiative in working with Vonage to implement E911. Verizon has been Vonage's most engaged and proactive partner in developing and deploying VoIP E911 systems, products and procedures. As a result, Vonage has achieved far broader success in deploying E911 service in Verizon territories than in other ILEC areas, and VoIP users in Verizon territory enjoy far greater access to E911 emergency services as a result of those efforts.

Vonage began working with Verizon well before the FCC released its order. Verizon dedicated senior management resources and has taken other significant steps to satisfy the Commission's clear expectation that parties – including competitors – would work cooperatively to develop and deploy VoIP E911 solutions. In support of those efforts, Verizon also: (1) provided a single point of contact for E911 provisioning; (2) proactively contacted each of the primary PSAPs to obtain emergency service numbers ("ESNs") and gain concurrence on shell record creation; (3) activated selective router access at the time of shell record creation (allowing for more rapid testing); (4) promptly provisioned the necessary p-ANIs to Vonage and utilized the p-ANI requests to trigger the process for building shell records; (5) quickly activated ALI steering upon request via a consistent and well-established process; and (6) permitted Vonage to place orders using existing tariffs thereby significantly streamlining the ordering process for E911 trunk lines. In short, Verizon implemented efforts to treat the VoIP E911 deployment as a project to be managed with appropriate resources, leadership and guidance as a 911 System Service Provider.

With respect to p-ANI in particular, Verizon has assigned p-ANI elements critical for deploying a nomadic VoIP E911 solution in every state and location where Vonage has requested p-ANIs and Verizon controls such assignments. Indeed, the only Verizon areas in which Vonage has not been able to obtain p-ANIs are Texas and California, where Verizon does not control the p-ANIs.[1] The Verizon ILEC service territory covers approximately 34 percent of Vonage's subscriber lines. Due in large part to Verizon's cooperation as well as leadership from public safety officials, nearly all of the VoIP E911 capable and ready PSAPs ("Capable PSAPs") receiving ANI and Registered Location for Vonage's customers' E911 calls as of November 28th are located within Verizon's ILEC service territory.

As of November 28, 2005, there are 520 Capable PSAPs in Verizon's territory that are ready to receive the ANI and Registered Location information Vonage is capable of providing for 90% of its subscriber lines. Vonage expects 328 more PSAPs to become Capable by the end of 2005, with 338 more by March 31, 2006, and the remaining 111 by June 30, 2006.

Despite these successes, in some areas, necessary inputs remain unavailable or have only recently become available. In California, Vonage and Verizon have been working closely in cooperation with the California Department of General Services ("DGS"). Deployment of E911 service in that area, however, must be done in compliance with guidelines that were not issued by DGS until October 30, 2005.[2] Since that time, Vonage has been pressing forward as rapidly as possible, including submission of the required Acceptance Test Application Form on November 2, 2005 and testing on November 22, 2005. Vonage recognizes the valuable efforts of the DGS in coordinating the VoIP E911 deployment process and that creation of the guidelines

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[1] SBC, not Verizon, is responsible for assigning p-ANIs in Texas, and the state is responsible for assigning them in California.

[2] *See* www.td.dgs.ca.gov/Services/911/VoIP.htm.

was difficult due to the highly complex California E911 system. For those same reasons, Vonage anticipates that the implementation process may take up to 90 days following final sign off from the DGS.

B. BellSouth Territory

Vonage's ability to deploy E911 in BellSouth territory stands in sharp contrast to Verizon. Vonage opened negotiations with BellSouth on May 20, 2005 when Vonage presented BellSouth with a diagram of how it envisioned the parties could structure a successful E911 network. Since that time, BellSouth and Vonage have engaged in a series of weekly technical and operational calls to discuss implementation of the E911 network. On May 26, 2005, BellSouth advised Vonage that the requested services needed to implement Vonage's E911 network would not be made available to Vonage through BellSouth's existing state or federal tariff provisions, but that a new FCC tariff filing would be required for the offering of such services. BellSouth indicated that it expected the tariff to be filed with the Commission and effective as of late June 2005.

Despite further discussions and assurances from BellSouth and the Commission's understanding as stated in the *Order* that "BellSouth ***currently offers tariffed services*** ... equivalent to that which it offers to CMRS carriers,"[3] the four page tariff was ultimately not filed until August 2, 2005.[4] BellSouth's tariff did not become effective (and Vonage was prevented from initiating all technical trials and trunk orders) until August 5, 2005 – more than two months after the effective date of the *Order*. As a result, despite BellSouth's July 5, 2005 statement that

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[3] *Order* at ¶ 39.

[4] After months of delay in providing Vonage with the draft FCC tariff filing, BellSouth's proposal simply provided references to existing FCC tariff rate elements, and did not include any provisioning intervals for services or the ability to obtain p-ANI.

"[i]t is BellSouth's expectation that the necessary tariff will be ready in a timely fashion allowing interconnected VoIP providers enough time to order, install, and test circuits,"[5] BellSouth's tariffing processes caused Vonage to suffer substantial delay in deploying its E911 network.

In order to attempt to shortcut this delay while BellSouth was drafting this tariff, Vonage repeatedly asked permission to place trunk orders pending tariff completion. Vonage also proposed technical trials with BellSouth in the Miami, Florida region to begin in early June. BellSouth was unwilling to participate in any such trial until the VoIP E911 service description was finalized. Indeed, BellSouth demanded that if it allowed Vonage to purchase facilities to engage in such a trial, Vonage would have to return all such facilities once the FCC tariff became effective, and new facilities would have to be purchased via the FCC tariff at additional non-recurring charges -- despite the fact that the exact same physical network facilities would remain in place. To date, BellSouth has consistently rebuffed Vonage's effort to conduct technical trials.

Similarly, in response to Vonage's requests for p-ANI, BellSouth made clear that such numbering resources could only be made available subject to a "professional services agreement" for p-ANI assignments. Although p-ANI terms could easily have been included within the E911 service description under the new FCC tariff filing, BellSouth's proposed professional services agreement did not become available until August 1, 2005. Even then, the agreement contained a number of onerous and one-sided terms (such as, among other things, a $15,000 non-refundable "Set-up Fee"[6] and a monthly recurring "Database Maintenance" fee[7] of

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5 *See* Email from Elliott Bryant of BellSouth to Ed Mulligan, dated July 5, 2005.

6 *See* Draft BellSouth Professional Services Agreement, at Section 5.1.1.1.

7 *See* Draft BellSouth Professional Services Agreement, at Section 5.1.1.2.

$250 per 1000 p-ANIs assigned to Vonage by BellSouth). BellSouth further represented to Vonage that the "Set-up Fee" would not be refundable and would apply to Vonage even if other VoIP providers requested the same service. BellSouth also refused to agree to a partial refund if the FCC subsequently appointed a p-ANI administrator and BellSouth had not spent the full $15,000. Recently, BellSouth advised Vonage that it could not assign p-ANI at the individual PSAP level, and instead would assign p-ANI only at the full tandem level regardless of whether Vonage requested or needed p-ANI for all PSAPs subtending the selective router.

To date, the professional services agreement remains under negotiation. While Vonage may well have moved forward with executing that agreement (despite its onerous and unreasonable terms), obtaining the required p-ANI would not have allowed deployment of E911 within BellSouth territory in light of BellSouth's further steadfast refusal to participate in any way in the shell record provisioning process. Instead, BellSouth has required that Vonage must individually contact the thousands of PSAPs in BellSouth territory, on an individual PSAP by PSAP basis, in order to coordinate the creation of the shell records to be used within BellSouth's own E911 network. Through its PSAP outreach, Vonage has become aware that BellSouth has performed relatively little outreach to PSAPs within its territory. Indeed, a surprisingly large number of PSAPs were unaware that they were expected to participate in shell record creation.

Approximately 15 percent of Vonage's subscriber lines are in BellSouth's nine state territory and BellSouth maintains connectivity within its footprint to approximately 66 selective routers. BellSouth's introduction of unnecessary delays into the ordering and provisioning process, the p-ANI assignment process and the shell record creation process have greatly impaired the capability of PSAPs to receive the ANI and Registered Location information that Vonage is capable of transmitting for 90% of its subscriber lines. As a direct result, in BellSouth

territory as of November 28, 2005, there will be only nine Capable PSAPs that will be ready to receive the ANI and Registered Location information that Vonage is capable of providing. Vonage expects six more PSAPs to become Capable by the end of 2005, 14 more by March 31, 2006, and the remaining 678 by June 30, 2006.

C. SBC Territory

Vonage's efforts to deploy service in SBC territory have also been significantly impaired by lack of ILEC readiness. On May 13, 2005, SBC presented various written questions to Vonage related to Vonage's proposed E911 network. On May 20, 2005, Vonage responded with a diagram of how it envisioned the parties could structure a successful E911 network. As the discussions turned to ordering and provisioning, Vonage provided SBC with a proposed E911 element access form designed to facilitate bulk trunk ordering and provisioning. In response, SBC informed Vonage that Vonage would have to enter into a "Commercial Agreement" with SBC before SBC would accept any orders, and that furthermore, Vonage would have to first negotiate and enter into a "Trial MOU" and conduct a series of trials before SBC would even discuss the terms of the Commercial Agreement.

Discussions on the Trial MOU document to be used for the Texas trial commenced on May 31, 2005. SBC initially demanded that Vonage perform one trial in each State in SBC's territory before it would take orders from Vonage for that State. Eventually, after delay and negotiations, a Trial MOU was executed on June 20, 2005 which involved only two trials - an initial technical trial in a designated Texas market and second trial in California. Vonage subsequently tested two separate E911 solutions with the designated Texas PSAP (and passed both trials). However, Vonage was not able to obtain a Commercial Agreement with SBC until the end of July 2005, two months after the date of the *Order*. It was only at that time that

Vonage had the ability to begin placing trunk orders, and even then, SBC would not agree to use Vonage's E911 element access form but rather required Vonage to use a complicated ordering system which requires Vonage to submit two different forms, each containing the same information.

Under the terms of the Commercial Agreement, SBC was to provide Vonage with dedicated p-ANIs. When Vonage advised SBC on September 2, 2005 of its p-ANI assignment needs, SBC did not provision the p-ANIs. Instead, in contravention of the Commercial Agreement, on September 9, 2005, SBC advised Vonage that p-ANIs would be assigned by SBC to Vonage's VPC as a pooled resource by direction of the Texas PSAP community, and not directly to Vonage on a dedicated basis. That decision had the effect of substantially delaying the p-ANI assignment process and causing a number of previously submitted p-ANI requests to be rejected mid-process.

SBC further delayed p-ANI deployment for a period of about three weeks, during which time SBC required that Vonage obtain written permission from each individual PSAP in SBC's territory before SBC would provide p-ANIs to Vonage's VPC to be used for call routing to those PSAPs. Despite repeated arguments from Vonage that PSAPs are not required to certify Vonage's entitlement and that the requirement imposes undue delay, SBC refused to abandon the requirement until late September 2005.

Next, SBC changed its guidance to PSAPs in the middle of the implementation process causing further delay. In early October 2005, SBC communicated to PSAPs in its territory that it would employ an i2 wireline multi-emergency service number ("ESN") solution,[8] without disclosing that there were alternative solutions available such as VoIP ESN. Then in the

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[8] "i2" is a particular E911 solution defined by NENA.

beginning of November, SBC informed the PSAPs that it would instead employ a VoIP ESN solution, thereby again delaying the implementation process and causing substantial PSAP confusion across the PSAPs in SBC territory.

Finally, SBC has not been forthcoming in communicating key information to Vonage. For instance, SBC initially refused Vonage's request that SBC notify Vonage when a PSAP's shell record has been fulfilled. (Whereas Verizon, on the other hand, has freely communicated this information to Vonage as part of the E911 implementation process). SBC also has refused to provide implementation information in a trackable form to provide Vonage realtime information regarding the status of two critical touchpoints: (1) when a PSAP has conveyed to SBC the shape of the ESN it requires to accept ANI and ALI for Vonage customers; and, (2) when that shape has been implemented. SBC insists, instead, on sending disconnected emails reporting completion of each touchpoint for each particular request it is processing. Finally, as of this date, SBC still has not provided to Vonage's vendor critical information regarding the process the vendor must follow to upload p-ANIs.

Approximately 28 percent of Vonage subscriber lines are in SBC's 13 state ILEC territory. SBC maintains connectivity within its footprint to approximately 105 selective routers. Yet as a consequence of the obstacles and delays identified above, as well as delays resulting from Texas not publishing its state requirements until October, Indiana not making the state connectivity requirements known until mid-November, and the California delays discussed earlier, as of November 28, 2005, there are 62 Capable PSAPs in SBC's territory that will be ready to receive the ANI and Registered Location information Vonage is capable of providing for 90% of its subscriber lines. Vonage expects 310 more PSAPs to become Capable by the end of 2005, 987 more by March 31, 2006, and the remaining 173 by June 30, 2006.

D. Qwest Territory

Vonage's negotiations with Qwest also started on May 20, 2005, when Vonage presented Qwest with a diagram of how it envisioned the parties could structure a successful E911 network. Vonage later also provided Qwest with its 911 element bulk ordering and provisioning form.

At the outset, Qwest indicated that the services required to implement Vonage's E911 network were all available under existing access tariffs on file with the state commissions. However, before it would do business with Vonage, Qwest insisted that Vonage enter into a "Private Switch/Automatic Location Information" service (PS/ALI) "Acknowledgement" agreement, which contained a significant number of additional terms not present in the tariffs which unduly shifted legal risks and responsibilities onto Vonage. Despite these adverse terms, Vonage signed the Agreement on July 29, 2005, in order to move its E911 efforts forward.

Qwest has steadfastly refused to provide Vonage with p-ANIs so that the 911 calls of Vonage customers can be processed through Qwest's selective routers. Qwest instead stated that it did not have a process to assign p-ANI and that it would not create such a process. After further negotiations, Qwest agreed that, while Qwest would not provide access to the p-ANI that it uses for its own services, it would under certain conditions provide Vonage with dialable numbers for use in E911 call routing under a separate "Acknowledgement" agreement. Although Vonage understands that use of dialable numbers is disfavored by the public safety community and that the use of such numbers may ultimately not be permitted for use with E911 systems for security reasons, as an interim measure Vonage has nonetheless proceeded to obtain and use such numbers. On November 14, 2005, Qwest finally provided the last of the shell records necessary for its territory.

Approximately 10 percent of Vonage's subscriber lines are in Qwest's 14 state ILEC territory and Qwest maintains connectivity within its footprint to approximately 51 Selective Routers. As a consequence of Qwest's delays and refusal to provide p-ANI, as well as delays resulting from Arizona not granting approval to proceed until October 21, 2005, as of November 28, 2005, there are 138 Capable PSAPs in Qwest's territory that will be ready to receive the ANI and Registered Location information Vonage is capable of providing for 90% of its subscriber lines. Vonage expects 78 PSAPs to become Capable by the end of 2005, 72 more by March 31, 2006, and the remaining 344 by June 30, 2006.

E. Sprint Territory

Once negotiations with the RBOCs had been initiated, on June 3, 2005, Vonage opened negotiations with Sprint using its diagram of how it envisioned the parties could structure a successful E911 network. Since that time, Sprint and Vonage have engaged in a series of regularly scheduled technical and operational calls to discuss implementation of the E911 network. Throughout the months of June and July, Sprint remained unwilling to allow Vonage to purchase services from existing state access tariffs for the E911 network. Finally, in mid-July, after six weeks of negotiations, Sprint informed Vonage that it would have to enter into an "E911 Services Agreement." Sprint did not make the form of agreement available for another two weeks. Although Sprint committed to efforts "to ensure that all interested VoIP providers have ample time to meet the FCC's deadlines," Sprint did not allow ordering, installation or implementation activities to proceed until a completed agreement was put into place.

Despite extensive negotiations, final agreement could not be reached until September 27, 2005. Vonage's efforts in its contract and technical discussions with Sprint were often frustrated by Sprint's constantly changing personnel. After significant negotiations, Sprint representatives

informed Vonage on multiple occasions that they were not the appropriate personnel to handle Vonage's issues, and, as a result, Vonage was forced to restart the discussions with different Sprint employees. Indeed, last minute reassignment of the Sprint primary account representative nearly forced Vonage to re-start negotiations just before the deal was finally concluded.

From early in the negotiations with Sprint, Vonage advised Sprint that it needed correlation information between Sprint's selective routers to the PSAPs, for general network planning and provisioning purposes, and to ensure that ANI and Registered Location information will be properly transmitted. On June 3, 2005, Sprint stated that the selective router to PSAP correlation information that Vonage requested could be easily provided. However, after repeated requests for the information, a Sprint representative informed Vonage on June 10, 2005 that Sprint had decided not to dedicate any resources towards providing that information to Vonage for competitive reasons. Sprint ultimately did provide the information, but only after nearly a month long delay. Further Sprint remained unable to commit to a market or timeframe for an initial technical trial of the proposed E911 solution.

Despite the finalization of E911 Services Agreement in late September, Vonage has still been unable to procure p-ANI resources in Sprint territory. Sprint had initially informed Vonage that Vonage could not obtain assignments of p-ANI from the 211 numbering range because the assignments had been frozen by NANPA. Sprint thereafter sought to secure traditional telephone numbers it could assign as p-ANI from other carriers, and recently informed Vonage that it could begin assigning p-ANIs to Vonage in this manner in the near future. However, Sprint only began to provision p-ANI as of November 23, 2005 and Sprint has only made such p-ANI resources available where Vonage has ordered direct connectivity to Sprint's selective routers, even though that connectivity has not yet been provisioned. Sprint has still not provided Vonage p-ANI for

the selective routers to which Vonage is interconnected indirectly through its third party CLEC solution. In short, where Vonage is ready and able to deliver ANI and Registered Location to Sprint's selective routers, Sprint has failed to provide Vonage p-ANI.

Sprint local companies operate as an ILEC providing services in 14 states covering approximately 5 percent of Vonage's customer base. Sprint maintains connectivity within its footprint to 28 selective routers. As a result of the obstacles and delays described above, as well as delays resulting from Indiana not making the state connectivity requirements known until mid-November, there presently appears to be only three PSAPs within Sprint's area that, as of November 28, 2005, will be capable of receiving the ANI and Registered Location information that Vonage is capable of transmitting for 90% of its subscriber lines. Vonage projects to have three more Capable PSAPs operational by the end of 2005, 144 more by March 31, 2006, and the remaining 111 by June 30, 2006.

F. Citizens Territory

Vonage opened negotiations with Citizens Telecommunications Services Company, LLC ("Citizens") on June 1, 2005, when it presented Citizens with its network diagram. Citizens's initial view was that the required services could be purchased from existing state access tariffs, and that it would assign p-ANI at no charge. Even pursuant to its normal provisioning intervals, Citizens advised that it saw no reason why Vonage should not be able to complete E911 network deployment in Citizens's region well in advance of the FCC's compliance deadline.

Despite those initial assurances, as soon as negotiations began, Citizens became non-responsive. During the course of its weekly implementation conference calls with Citizens, Vonage repeatedly requested pinpoint tariff section references to better understand the required service elements that Vonage would have to purchase for the E911 network. The Citizens account representative repeatedly advised that the company's lawyers were preoccupied with

another matter, and that Citizens would provide the list of rate elements and tariff references as soon as it was able. Citizens finally provided its list of tariff references on July 12, 2005. At the same time, Citizens required Vonage to sign an Operational Agreement, the first draft of which did not become available in final form until July 26, 2005. Vonage's attempts to engage in further meaningful discussions over the summer regarding the Operational Agreement and p-ANI administration were frustrated by unavailability of key Citizens personnel who were apparently preoccupied on an important matter in Washington, DC. As a result, the Operational Agreement was not executed until October 7, 2005 and, as late as September 6, 2005, Citizens was still working on a rate for p-ANI administration.

Subsequently, on October 2, 2005, Citizens informed Vonage that, due to system limitations of its ALI database and related systems that serve certain Citizens markets, Citizens would not be able to perform ALI steering for VoIP calls at all (which effectively means that PSAPs would not be able to receive location information or call back numbers for VoIP callers in those markets).

Less than one percent of Vonage's subscriber lines are in Citizens' four state ILEC territory. Citizens maintains connectivity within its footprint to approximately seven selective routers. Barring further contractual problems, Vonage has eight Capable PSAPs in Citizens's territory operational as of November 28, 2005, and expects to have 11 more by the end of 2005, five more by March 31, 2006, and an additional 15 by June 30, 2006.

G. Other ILEC Territories

Although Vonage's current interconnection to selective routers covers more than 90 percent of its subscriber lines, and Vonage has ordered direct connectivity to additional selective routers in the RBOC territories to increase that coverage, in order to serve all of its customers,

Vonage must connect to selective routers served by numerous other independent ILECs. For example, Vonage has begun discussions with Hawaiian Telcom, Puerto Rico Telephone Company ("PRTC"), Alltel, Gallatin River and various rural ILECs located in Minnesota. Hawaiian Telcom has informed Vonage that it will provide services via tariff. Vonage has exchanged non-disclosure agreements with PRTC, which may also offer services via tariff. Vonage has received a draft contract from, and commenced negotiations with, Gallatin River.

Vonage recognizes the importance of expanding its coverage area to less densely populated areas and is therefore pressing forward to expand its E911 coverage area as quickly as possible. As shown in Appendices B, C, and D, Vonage intends to turn up PSAPs located within the territories of many other rural and independent ILECs. However, because Vonage has focused its resources primarily on deploying E911 to the vast majority of its customers, it has not been able to complete this phase of its deployment within the 120 day deadline.

EXHIBIT 25

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November 2, 2005

Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Room TW B-204
Washington, D.C. 20554

RE: *Ex Parte*, WC Docket Nos. 04-36, 05-196

Dear Chairman Martin:

On behalf of the Alliance for Telecommunications Solutions' (ATIS) Emergency Service Interconnection Forum (ESIF), ATIS hereby asks the Federal Communications Commission (Commission) to quickly approve the North American Numbering Council's (NANC) recommendations regarding the establishment of an Interim pseudo-Automatic Number Identification (pANI) Routing Number Authority (RNA) and the associated interim guidelines. The RNA is the single designated entity with the responsibility and authority to distribute ranges of numbers to network operators for the purposes of call routing and query steering – the entity with the responsibility and authority to administer pANIs. The RNA will facilitate Voice over Internet Protocol (VoIP) deployments and help conserve both dialable and non-dialable numbering resources.

For over two years, ESIF Subcommittee H has been addressing the need for a pANI administrator, and pANI guidelines, due to a widely-shared belief among industry stakeholders that a formally recognized centralized administrative authority is necessary. The urgency for establishing such an authority and adopting pANI guidelines has significantly increased since the release of the Commission's Order requiring interconnected VoIP service providers to offer E9-1-1 service. The absence of an Interim RNA is negatively affecting all companies attempting to deploy VoIP E9-1-1 solutions and is potentially affecting public safety.

On July 25, 2005, ESIF submitted to the industry and the NANC a document entitled "Routing Number Authority (RNA) for pANIs Used for Routing Emergency Calls – pANI Assignment Guidelines and Procedures." On August 5, 2005, the NANC's Future of Numbering Working Group established the pANI Issue Management Group (IMG) to address the request by ESIF and provide a recommendation to the NANC. With the help of numerous industry experts, the IMG took the ESIF draft guidelines and further refined

them into "pANI Interim Assignment Guidelines for ESQK," a set of actionable guidelines for a temporary administrator for these VoIP-specific routing numbers (ESQKs).

On September 8, 2005, the NANC submitted these recommendations to the Chief of the Wireline Competition Bureau for approval. Included in this submission was a timeframe indicating that pANI administration for VoIP needed to commence by October 3, 2005, in order for all involved parties to meet the Commission's November 28, 2005, deadline for VoIP E9-1-1 solutions. However, as of the date of this letter, the Interim Routing Number Authority has not been established.

ESIF's concerns in this matter are two-fold:

- In the absence of a centralized pANI administrator and guidelines, VoIP Service Providers (VSPs) and other parties developing VoIP E9-1-1 solutions may not be able to meet the November 28, 2005, deadline for E9-1-1 service. This is contrary to ESIF's mission to advance emergency communications technology, and does not serve the public interest. In a significant part of the U.S., there is no mechanism for pANI administration. Without this administration, a VSP would need to use dialable numbers, an ineffective solution. Further, a VSP may not have access to these numbers on a nationwide basis, which could lead to additional delays in meeting the Commission's November 28, 2005, deadline.

- The lack of an Interim RNA has already led to the use of dialable numbering resources. Use of dialable numbers as pANIs creates significant issues for the providers and the public safety community. Future conversion from dialable to non-dialable numbers will create significant re-work and risks at multiple levels of 9-1-1 service delivery. Further, as the Commission is well aware, numbering resources – both dialable and non-dialable – need cohesive administration to avoid exhaustion.

ESIF respectfully asks the Commission to approve the guidelines as submitted by the NANC (and endorsed by ESIF). ESIF recognizes that, even if the Commission were to approve the NANC recommendations quickly, a number of requests for extension of the November 28, 2005, deadline likely will still be filed. However, a delay in Commission action would likely further frustrate the implementation of VoIP E-9-1-1 solutions. The anticipated Interim RNA has indicated that it will need 30 days after the Commission's decision to begin pANI allocation. Further, based on feedback from VSPs and VoIP Positioning Center companies, the deployment and testing of these ESQKs will take another 60 to 90 days.

In accordance with Commission Rule 1.49(f), this letter is being filed electronically via the Commission's Electronic Comment Filing System for inclusion in the public record of the above-referenced proceedings, pursuant to Commission Rule 1.1206(b)(2).

Sincerely,

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