



February 8, 2006

ELECTRONIC SUBMISSION

Thomas Navin
Bureau Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196*

Dear Mr. Navin:

Since the FCC adopted its *VoIP E911 Order*,¹ the industry has made enormous progress rolling out emergency services to consumers who subscribe to "interconnected VoIP" services as defined by the Commission's rules. When judged against historical precedents, no other industry has made as much progress as quickly as the VoIP industry. The November 28th compliance deadline has come and gone; but the Commission's Order and subsequent actions continue to push compliance efforts forward. Even for services such as Skype's that do not fit the definition of "interconnected VoIP" services, this Commission's efforts to protect public safety interests has sparked Skype to continually assess the way we are interacting with our users, particularly in the area of emergency services. I write to update you on Skype's continuing efforts to provide complete information to consumers with respect to emergency calling.

As Skype gains greater market acceptance, we bear a concomitant greater obligation to ensure that our users understand our software as well as any limitations. To that end, Skype has put in place a "best practice" to ensure that consumers do not develop an expectation that they will be able to access emergency calling services using Skype. This best practice ensures that consumers have information concerning emergency service before they download the software or purchase Skype services or devices. Skype does this at

¹ *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers, WC Docket Nos. 04-36 & 05-196, FCC 05-116 (rel. June 3, 2005).*

the point of sale and throughout the process of purchasing Skype's paid offerings or Skype-certified products.

After initial notification, Skype continues to take steps to make sure its users are informed of any limitations to our services. In this way, users can make fully informed choices to utilize other access services when dialing 911. When a user visits Skype's website or attempts to download Skype software, he or she sees a prominent disclaimer that states that Skype is not a telephony replacement service and cannot be used for emergency dialing. Both Skype's Terms of Service and its End User License Agreement make clear that Skype software does not support emergency calling. Moreover, as Skype has partnered with manufacturers and retailers, it has made sure that its partners understand Skype's limitations with respect to emergency calling and that information about such limitations is communicated explicitly to consumers. To this end, Skype has developed a graphical mark that informs potential buyers, prior to purchase of the device, of the limitations in Skype's ability to call emergency services and that Skype is not a replacement for a user's ordinary telephone. After purchase, but before initial use, the user is provided with the same information. To ensure compliance, Skype approves all packaging designs and user interfaces prior to the launch by partners of Skype-related products or services.

In its comments and reply comments before the Commission, Skype distinguished between VoIP services that act as replacements for traditional telephone service and those that do not. Market experience since that time confirms that Skype does not act as a replacement for traditional telephone service. The financial analyst community has also identified this evolving market segmentation. Forrester Research analyst Maribel Lopez has noted: "Vonage focuses on replacing consumer phone lines and charges between \$15 and \$30 to do that. That's not Skype's primary business They're different products, they can end up in the same store and they can still appeal to different people."² Similarly, a recent BusinessWeek Online product profile noted: "Skype is different from your traditional phone service."³

Of course, Skype will be fully compliant with any emergency service rules regarding such Internet voice services that the Commission may adopt in the future; for now, however, the FCC can be assured that Skype is making every effort to be assiduous and responsible in informing consumers regarding Skype's limitations with respect to emergency calling capabilities.

² Denise Lugo, *Skype Pursues U.S. Consumer Mainstream Via RadioShack*, Comm. Bus. Daily, Nov. 22, 2005.

³ Olga Kharif, *Skype Has People Talking*, BusinessWeek Online, Nov. 28, 2005.

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If you have any questions or concerns about Skype, please do not hesitate to contact me.

Respectfully submitted,

SKYPE COMMUNICATIONS, S.A.

/s/

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SKYPE COMMUNICATIONS, S.A.