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April 19, 2006

VIA ELECTRONIC SUBMISSION

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

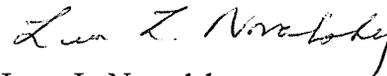
RE: E911 Requirements for IP-Enabled Service Providers
WC Docket No. 05-196

Dear Ms. Dortch:

Enclosed please find a letter from Zingo Telecom detailing their compliance efforts to provide E11 services to its customers, as required by the First Report and Order in the above captioned proceeding.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Leon L. Nowalsky

LLN/rph
Enclosure

ZINGO TELECOM
2929 E. Commercial Blvd., Suite 610
Ft. Lauderdale, FL 33308

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

RE: E-911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196; IP - Enabled Services, WC Docket No. 05-196

Dear Ms. Dortch:

I am writing on behalf of Zingo Telecom (“Zingo”), a provider of managed Voice over Internet Protocol (“VoIP”) services on a retail basis to end-user subscribers. The purpose of this letter is to provide a compliance report on the status of Zingo’s implementation of E-911 service, as required by the First Report and Order in the above-captioned proceedings, FCC 05-116, 20 FCC Rcd 10245 (released June 3, 2005) (“*Order*”); Public Notice, “Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters”, WC Docket Nos. 04-36, 05-196, DA 05-2945 (released Nov. 7, 2005) (“*Public Notice*”). This letter provides background information about ZINGO, and then responds to each of the specific information requests outlined in the *Public Notice*.

Background on ZINGO

Zingo provides interconnected VoIP services to residential and enterprise end-users. Zingo has provided communications and information services since December of 2004. In September 2005, Zingo launched its VoIP offering under the brand name “Zingo Telecom.” Customers that buy Zingo’s Zingo Telecom services have the option of purchasing packages ranging from basic dial tone to feature-rich bundles that include hunt groups, selective call handling, unified messaging, remote call features, web calling interface, hosted PBX features and voicemail service. The services allow for nomadic ability (*i.e.*, enabling end-users to access their VoIP service when they are traveling away from their primary place of use) as well as non-native telephone numbers (*i.e.*, enabling end-users to use phone numbers that are associated with locations other than their primary place of use).

Zingo has provided notice of the limitations of its 911-type services to all of its customers, both new and existing, pursuant to ¶ 48 of the *Order*. ^{1/} Zingo has received affirmative acknowledgements

^{1/} These limitations include the unavailability of 911 services to end-user subscribers whose assigned telephone numbers are outside of the geographic rate center associated with such telephone number, to end-user subscribers that relocate their VoIP calling devices locations away from the registered subscriber location associated with such telephone number; and to subscribers that fail to provide timely updates to their location information as required to enable that information to be registered in the relevant databases. In addition, the 911 services supported by Zingo’s platform are not available in the event of (i) an outage, degradation or other disruption of electric power

from the majority of its customers on or before September 30th, 2005, and therefore did not file for an extension with the FCC. Zingo also requested and received acknowledgement from the majority of its customers of such providers' duty: (i) to inform its subscribers of the 911 limitations of the VoIP services provided over Zingo's Zingo Telecom platform; (ii) to obtain and retain acknowledgements of receiving and understanding this information; and (iii) to distribute warning stickers or other appropriate labels warning subscribers of the 911 limitations.

Zingo is committed to implementing the *Order's* requirements, since having a fully functional E-911 service in the United States is essential not only for commercial reasons, but to promote public safety.

1. Description of ZINGO 's Basic 911 & E-911 Solution.

Zingo's E-911 Service" primarily utilizes 911 Services, LLC ("911 Services") for all its 911 services servicing United States and Canada. 911 Services utilizes Level 3's network capabilities for E-911, and other Emergency Service Gateway Providers (ESGWs) to provide a compliant E-911 service for VoIP 911 calls. Zingo will be able to provide its customers with E-911 services to facilitate fully compliant E-911 connectivity to those PSAPs where Zingo via its underlying providers have the necessary access to the PSAPs. The Public Notice includes several bulletpoints specifying the information that the VoIP providers must submit in their Compliance Letters. *Public Notice* at 3-4. The first of these bulletpoints requires information regarding the percentage of the provider's end-user subscribers to whom the provider is able to provide 911 service in compliance with the rules established in the *Order*. As of April 15th, 2006, ZINGO expects to have its fully compliant E-911 service available for approximately 50% of current VoIP end-users. For the remaining 50% of users, ZINGO is able to deliver basic 911 and plans to have 100% coverage by the end of summer 2006.

a. 911 Routing Information/Connectivity to Wireline E-911 Network.

The first sub-bullet under the first main bulletpoint in the *Public Notice* requires a statement as to whether the provider is transmitting 911 calls to the appropriate PSAP (or other appropriate destinations) using 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. Zingo will be able to provide its customers with E-911 services to facilitate fully compliant E-911 connectivity to those PSAPs where ZINGO via its underlying providers has the necessary access to the PSAPs.

Zingo expects that the majority of the VoIP-originated 911 calls over Zingo's E-911 Service within Zingo's E-911 coverage area ("Coverage Area") are transmitted via the appropriate Selective Routers and other components of the Wireline E-911 Network (the remaining VoIP-originated 911 calls are transmitted via the PSTN using Operator Assisted 911 Service due to limitations in PSAP capabilities). The rate centers and MSA comprising Zingo's initial Coverage Area, as of December 31,

at the subscriber location (ii) an outage, degradation or other disruption of the subscriber broadband Internet connection (iii) a suspension of an account as a result of nonpayment or other material breaches. In addition, pending the development of E-911 services as discussed below, the limitations include a disclosure that some 911 calls will terminate to a general or administrative line, that such calls may or may not be answered by operators specifically designated to receive the incoming 911 call, and that there may be a greater possibility that the general or administration line may produce a busy signal or will take longer to answer or not be answered at all.

2005 will be provided as a supplement to this letter. Zingo's efforts with regard to geographic areas outside its initial Coverage Area are discussed below.

b. Transmission of ANI and Registered Location Information.

The second sub-bullet point in the *Public Notice* requires detailed information on whether the provider is transmitting the 911 callers' ANI and Registered Locations to all answering points that are capable of receiving and processing this information. In order to implement E-911 Service, Zingo and its customers are making the utmost effort to obtain and validate Registered Locations for every existing end-user VoIP subscriber. Zingo has notified customers of its VoIP services that have Registered Locations within the Initial E-911 Coverage Area and that they have access to E-911. As required by the *Order*, all 911 calls from those subscribers will then be routed either via Selective Routers over dedicated lines or via the PSTN directly (for those PSAPs not utilizing 911 Selective Routers) to the appropriate PSAP for the subscriber's Registered Location along with the call-back number and location information (to the extent that the PSAP is capable of receiving and utilizing location information). Zingo's efforts to obtain Registered Location information are discussed below.

The second sub-bullet also requested the following: (i) the percentage of PSAPs capable of receiving and processing ANI and Registered Location information; (ii) the percentage of end-user subscribers whose ANI and Registered Location are being transmitted when they place E-911 calls; and (iii) an explanation of why the provider is not transmitting the 911 caller's ANI and Registered Location to all PSAPs that are capable of receiving and utilizing location information, to the extent it is not able to do so. In response, Zingo submits as follows:

- Item (i): Zingo respectfully submits that it lacks the information needed to respond because, as noted above, Zingo depends on ESGWs for connectivity to Selective Routers, and does not have direct information regarding the percentage of PSAPs that are capable of receiving and processing ANI and Registered Location information.
- Item (ii): Zingo respectfully submits that it lacks the information needed to respond because Zingo depends ESGWs for connectivity to Selective Routers, and does not have direct information regarding the percentage of PSAPs that are capable of receiving and processing ANI and Registered Location information. However, as stated above, as of April 15th, 2006, Zingo expects to have fully compliant E-911 service available for the majority of its customers' current VoIP end-user subscribers and Zingo expects that over 99% of the VoIP-originated 911 calls over Zingo's E-911 Service within the Coverage Area are transmitted via the appropriate Selective Routers and other components of the Wireline E-911 Network (the remaining VoIP-originated 911 calls are transmitted via the PSTN using Operator Assisted 911 Service due to limitations in PSAP capabilities).
- Item (iii): As of April 15th, 2006, Zingo's E-911 Service is transmitting the 911 caller's ANI and Registered Location to all PSAPs in its Coverage Area that are capable of receiving and utilizing location information. Zingo's efforts to expand its Coverage Area are discussed above.

c. 911 Coverage.

The third sub-bullet in the *Public Notice* requires the submission of information regarding the areas in which the provider is in full compliance with the *Order* and where it is not, as well as its plans for coming into full compliance, including its anticipated timeframes.

In terms of population, Zingo will be able to make available fully compliant E-911 Service in areas covering the majority of the population as of August 30th, 2006. The remaining locations where the PSAPs either do not support E-911, making unavailable in these locations (Zingo will support basic or other 911 processes that these locations offer) or are in areas currently not scheduled for E-911 coverage until after December 2006 and where Zingo will refrain from providing VoIP services until such E-911 coverage is available.

Zingo fully realizes the importance and necessity to expand the Coverage Area for its E-911 Service. Zingo is working diligently to increase the coverage area for E-911 services. Zingo is working with ESGW providers to provide additional coverage. However, as the Commission is aware, adding additional network providers is a difficult and time-consuming process. Some network providers are wary of contracting to terminate E-911 calls from telephone numbers that are not directly provisioned by them, especially without legislated liability relief. While some network providers are willing to provide this, there are many operational, commercial, testing and technical issues that need to be resolved. Issues outside of Zingo's control have been the most difficult to manage, whether it is managing work activities between vendors; waiting to acquire appropriate routing information, or waiting for PSAP testing (which requires coordination from at least four (4) entities). All have taken far longer than expected. A number of these issues have required multiple meetings per week for months just to understand the issues and to get to a viable solution. However, through these detailed and dedicated efforts, we expect that every month hereafter we will have significant growth in our incremental areas of coverage for E-911.

2. Obtaining Initial Registered Location Information.

The second main bullet point in the *Public Notice* requests detailed information on actions the provider has taken to obtain existing subscribers' current Registered Location and new subscribers' initial Registered Location, including dates, methods of contact, and percentages of subscribers from whom such information has been obtained. In September 2005, Zingo sent notices to all of existing interconnected VoIP customers notifying them of the limitations of ZINGO's 911 and E911 service and requesting each customer's Registered Location. To date, 60% of Zingo's subscribers have provided the requested information. In addition, in Sep, 2005, stickers to be placed on each interconnected VoIP customer's VoIP customer premise equipment were transmitted to all interconnected VoIP customers in order to create additional awareness of the limitations of 911 and E911 service (a copy of the stickers is attached hereto and incorporated herein as Exhibit A).

3. Obtaining Updated Registered Location Information.

The third main bullet point requires information on methods by which end-user subscribers can update their Registered Locations. Zingo's E-911 Service enables our customers' nomadic update capability via a web portal and to dial an 800 number into a call center in order to update their Registered Location to a valid postal address within ZINGO's Coverage Area. If an updated Registered Location is within Zingo's coverage area for E-911, the subscriber will be notified in real time in most instances that the Registered Location was updated and validated and the subscriber will have VoIP service at this location, including E-911 Service. In the event that the subscriber attempts to update the Registered

Location to a location that is outside of Zingo's Coverage Area for E-911 Service, the subscriber will be notified in real time in most instances that VoIP service is unavailable at that location and service will not be available (although an alternative form of 911 service, described below, will continue to be available) and will be reinstated when the address is subsequently updated back to a Registered Location within ZINGO's coverage area for E911. ^{2/}

4. Technical Solution for Nomadic Subscribers.

The fourth bullet in the *Public Notice* seeks a detailed description of the provider's technical solutions to ensure that subscribers have access to 911 service whenever they use their service nomadically. As noted above, the end-user subscribers to Zingo's customers have the ability to update their Registered Locations, and if they provide new Registered Locations within the Coverage Area for Zingo's E-911 Service, they will have access to E-911 functionality that is fully compliant with the *Order*. However, if end-user subscribers update their Registered Locations to domestic U.S. locations outside Zingo's Coverage Area, Zingo will refrain from making services available in these locations.

Additional Information Regarding ZINGO's Compliance Plan.

As required by the *Order*, prior to November, 2005 Zingo plans to refrain from making available Voice Services for *new* end-user subscribers in areas outside the Coverage Area in which Zingo provides fully compliant E-911 services. However, consistent with the AT&T, MCI, and Verizon compliance plans that the *Public Notice* "applauds" (at 5), Zingo will continue providing service to *pre-existing* end-user subscribers with initial Registered Locations outside of ZINGO's Initial E-911 Coverage Area. Zingo will grandfather only these existing subscribers in these specific locations so that they can continue to use the Voice Services from their initial registered location while Zingo diligently works to expand E-911 coverage into these areas. For these existing customers, Zingo will provide Operator Assisted 911 Service for the initial Registered Location that is outside of Zingo's initial E-911 Coverage Area. This operator-assisted 911 service, while not equivalent to fully-compliant E-911 service, is a far better approach for subscribers than simply cutting off VoIP service, sending a call to the correct PSAP without Registered Location information or routing 911 calls to the wrong PSAP.

We note that the *Order* specifically notes that there is no requirement that VoIP providers provide an automatic detection mechanism to enable the providers to identify when a customer may have moved to a new location. *Order*, ¶ 46 & n.146. 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 mechanisms, *Public Notice* at 4, Zingo has no plans at this time to implement such a capability, but will continue to review technologies and features to enhance its service offering. We also note that, while AT&T, MCI, and Verizon made commitments to make certain contributions to public safety oriented organizations, there is no requirement in the *Order*, and no statement in the *Public Notice*, regarding VoIP providers' obligation to make such payments. Zingo has no plans to make such contributions at this time.

Conclusion.

^{2/} Zingo also intends to provide its customers with a means to check the availability of VoIP Services and E-911. A subscriber will be able to check an address prior to updating the Registered Location to validate the availability of Voice Services.

In sum, Zingo is making good progress toward full compliance with the E-911 requirements of the *Order*, and is working diligently to complete its efforts by the imposed deadline to the extent possible, and in all events as soon thereafter as possible.

If you have any questions or need any further information, please contact the undersigned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Babusik".

Name: Frank Babusik

Title: President

BWB/bb
Enclosures

EXHIBIT "A"

IMPORTANT:

911 Services are not available from this phone.

For emergencies dial your local FIRE or POLICE.

Police: _____

Fire: _____

