



Before the  
 FEDERAL COMMUNICATIONS COMMISSION  
 Washington, DC 20554

In the Matters of	)	
	)	
IP-Enabled Services	)	WC Docket No. 04-36
	)	
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	
Nuvio Corporation	)	
Petition for Extension and Limited Waiver	)	

**UPDATE TO PETITION FOR EXTENSION OF TIME AND LIMITED WAIVER**

On November 28, 2005 Nuvio Corporation (“Nuvio”), pursuant to Section 1.3 of the Federal Communications Commission (“FCC” or “Commission”) Rules, 47 C.F.R. § 1.3, filed a Petition for Extension of Time and Limited Waiver (“Waiver Petition”) of Commission Rule 9.5(b) and (d)<sup>1</sup>. Nuvio files this update to advise the Commission of the current status of VoIP E911 readiness and to request an additional nine-month extension to comply with Rule 9.5(b).

Despite ongoing delays of a nationwide roll out of VoIP E911 services by Nuvio’s vendor, Intrado, Nuvio has made significant progress towards compliance with requirements of the VoIP E911 Order. Nuvio has required all new users to provide Registered Location information and has substantially met the affirmative acknowledgment requirements of 47 C.F.R. 9.5(b) and (c). Nuvio stands ready to

<sup>1</sup> 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 (released June 3, 2005)(“*VoIP E911 Order*”)

transmit Automatic Number Identification (“ANI”) and Registered Location information for all of its active subscriber lines.

As stated in the Waiver Petition, Nuvio determined that it would be impossible for a company the size of Nuvio to deploy on its own a full nationwide E911 infrastructure and service for all of its VoIP customers by the Commission’s deadline. Based upon extensive evaluation of available products and technologies, coordination with Nuvio’s other vendors, and discussions with key industry sources, including Commissioners and staff, Nuvio concluded that Intrado’s VoIP E911 product offered the best hope of meeting the requirements of the VoIP E911 Order in a timely manner. Intrado’s product was presented as the only product that would comply with the Order and Intrado was represented as the only company with the resources and experience to implement the service.

Based upon representations made by Intrado, including Intrado’s “Major Market Rollout Schedule” that was included as Exhibit A to the Nuvio’s Waiver Petition and still available from Intrado’s website<sup>2</sup>, Nuvio requested a nine month extension of time to comply with the obligations of the VoIP E911 Order. Intrado represented to Nuvio and others that it expected to have nationwide coverage, subject to certain conditions, in place by June 2006.

Intrado has provided Nuvio with the following statement regarding delays of the nationwide availability of the VoIP E911 product:

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<sup>2</sup> See <http://www.intrado.com/main/productservices/government/voipdeployment/voipdeploymentpage/>

The extensive coordination with a myriad of parties - including but not limited to the states, PSAPs, carriers - has created, and likely will continue to create, unforeseen delays in Intrado's deployment.

Intrado does provide periodic updates to the FCC.

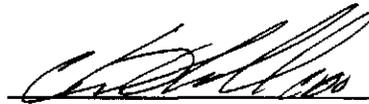
It is Nuvio's understanding that Intrado is in regular contact with the Commission regarding availability of their VoIP E911 product, as several VoIP service providers rely entirely on Intrado's product for compliance with the VoIP E911 Order.

Despite the progress made by Nuvio towards compliance with the Commission's VoIP E911 Order, Nuvio is not able to definitively state when it will be fully compliant with the Commission's Order because Nuvio is wholly dependent upon Intrado for indispensable elements of the VoIP E911 service.

Nuvio remains committed to doing everything feasible to meet the requirements of the Commission's VoIP E911 Order, and requests an additional nine-month extension of time and limited waiver for compliance.

Respectfully submitted,

NUVIO CORPORATION



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