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March 22, 2007

VIA ELECTRONIC MAIL

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

**Re: Compliance Letter of PürDigital Media, Inc.
WC Docket No. 05-196**

Dear Ms. Dortch:

PürDigital Media, Inc., a Georgia corporation (“PürDigital”) hereby respectfully submits the following updated Compliance Letter (“Updated Compliance Letter”), as required by Part 9 of the Commission’s Rules.¹

On or about October 25, 2005, PürDigital, a Georgia based provider of information, IPTV, and voice-over-IP (“VOIP”) services, filed the attached letter² for purposes of compliance with the Commission’s Public Notice released on September 27, 2005.³ PürDigital now wishes to update that filing – as it was made prior to the release of the Commission’s Public Notice, dated November 7, 2007⁴ – with this Updated Compliance Letter. PürDigital further

¹ 47 C.F.R. Part 9 (“E911 Rules”). See also, Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters, WC Docket Nos. 04-36 and 05-196, DA 05-2945 (rel. November 7, 2005) (“Public Notice”).

² Subscriber Acknowledgement Report, filed electronically with the Federal Communications Commission on October 25, 2005 (Confirmation No. 20051025625835) (“Original Compliance Letter”) (attached hereto at Exhibit “A”).

³ See Public Notice regarding Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement, WC Docket Nos. 04-36 and 05-196, DA 05-2530 (rel. September 27, 2005).

⁴ Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters, Public Notice, WC Docket Nos. 04-36 and 05-196, DA 05-2495 (released November 7, 2005).

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respectively requests that the Commission accept this late filed update as if it were timely filed on or before November 28, 2005 as required by 47 C.F.R. Part 9.5(f).

I. Overview of PürDigital's Service.

PürDigital is a provider of voice, data, Internet, and video services, some of which may arguably be "Interconnected VOIP services" within the meaning of the E911 Rules.⁵

Specifically, subscribers may purchase these services, labeled "PürDigital Voice", as part of a package that PürDigital offers to customers, together with Internet access, IPTV, and WiFi services. PürDigital Voice (the "Service") includes broadband access connections that PürDigital obtains from one or more third parties.⁶ PürDigital currently offers Service to subscribers only in Atlanta, Georgia, Nashville, Tennessee and Orlando, Florida. PürDigital anticipates offering Service in the Cities of Tampa and West Palm Beach, Florida in April.

Typically, the Service is provided to subscribers as part of a private network within a building or other campus environment (hereinafter, "Campus"). The large majority of subscribers using PürDigital's Service may not move their Service from one location to another. Stated otherwise, for most subscribers, the Service is provided to a fixed location and may not be used "nomadically." For those "fixed Service" subscribers, the E911 capabilities provided therewith are functionally identical to those provided to traditional wireline telephone customers.

There are a small number of subscribers, however, who purchase the Services in conjunction with a terminal adapter that permits them to move their Service location to another location within the Campus. The "relocation" cannot be made to an "off Campus" location outside of the PürDigital supplied private network. Since those subscribers conceivably, in some circumstances, could move their adapter without advising PürDigital of the new location, PürDigital, in compliance with the E911 Rules, has taken precautions to ensure that those subscribers are aware of the Service limitations.

⁵ 47 C.F.R. § 9.3 (defining "interconnected Voice over Internet protocol (VoIP) service" as one "that (1) Enables real-time, two-way voice communications; (2) Requires a broadband connection from the user's location; (3) Requires Internet protocol-compatible customer premises equipment (CPE); and (4) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.")

⁶ See generally www.purdigital.net/ (Description of PürDigital Voice). PürDigital does not provide telecommunications services and uses telecommunications and other facilities of third party carriers to support the Service.

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Subscribers may sign up for the Service through direct telephone contact with customer service, as well as requesting via a Web form that a customer service representative contact them. PürDigital gives its PürDigital Voice subscribers notice of potential E911 limitations at the time that they sign up for service. The E911 limitations are expressly and conspicuously noted as part of the terms and conditions of service, together with PürDigital's notice to subscribers regarding its E911, all as set forth at PürDigital's Website at <http://www.purdigital.net/Terms>.

II. Compliance with E911 Rules as Prescribed by the Public Notice.

The following is PürDigital's statement of compliance with the E911 Rules, as required by the Commission's Public Notice.

- A. **911 Solution.** PürDigital ensures, through its underlying provider, that the E911 capabilities for its Service are in compliance with the E911 Rules, including the delivery of subscribers' 911 calls to the Selective Router, connectivity to the public landline E911 network, and transmission of ANI and ALI/Registered Location Information to the appropriate PSAP. PürDigital forwards all 911 calls to its underlying provider, who then arranges for the delivery of the call to the appropriate PSAP through Intrado, Inc. ("Intrado"). PürDigital also obtains the Registered Location for each subscriber's ANI prior to setting up a new Service account and requires that the subscriber update that location information as a condition of continued provision of the Service. As required by E911 Rules, all 911 calls are routed (via Intrado) through the use of ANI and, if necessary, pseudo-ANI,⁷ via the dedicated Wireline E911 Network.
- B. **911 Coverage:** As indicated, PürDigital provides its Services only through a private network within a limited geographic area, and does not market (or accept new subscribers of the Service) in any areas where 911 Service is unavailable.
- C. **Registered Location Requirement.** PürDigital requires all subscribers to provide the physical location at which the Service will be used.⁸ PürDigital will not commence Service for subscribers who fail to provide that information. To PürDigital's knowledge, one hundred percent (100%) of its Service subscribers

⁷ 47 C.F.R. § 9.3 (defining "Pseudo Automatic Number Identification (Pseudo-ANI)" as "[a] number, consisting of the same number of digits as ANI, that is not a North American Numbering Plan telephone directory number and may be used in place of an ANI to convey special meaning. The special meaning assigned to the pseudo-ANI is determined by agreements, as necessary, between the system originating the call, intermediate systems handling and routing the call, and the destination system.")

⁸ See Original Compliance Letter at Exhibit "A" (describing efforts to obtain this information as of that date).

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have provided PürDigital with 911 Registered Location information. Subscribers may update their Registered Location via an email to support services or by calling customer service. Further, PürDigital, as indicated, includes an E911 limitations' warning in its terms and conditions that are posted on its Website, and are included in the subscriber's service agreement. All new subscribers must either sign a paper acknowledgement prior to receiving service, or agree through an electronic form on PürDigital's Website.

PürDigital has also kept a record of affirmative acknowledgement by every subscriber, both new and existing, of having received and understood this warning. As described in its Original Compliance Letter, PürDigital initially sought this information from its entire subscriber base. PürDigital currently does not permit a subscriber to sign up for service unless he or she acknowledges and accepts the E911 limitations associated with the Service. For the above described subscribers using a terminal adapter with their Service (and hence capable of moving their Service to a new location on the PürDigital Campus), PürDigital provides E911 warning labels along with the adapter. Subscribers may update their location information by telephone contact with a customer service representative, or through a request via the PürDigital Website that a customer service representative contact the subscriber.

- D. **Technical Solution for Nomadic Subscribers:** As indicated, the Service is a private network and may not be used nomadically outside of the subscriber's Campus. In certain limited circumstances, a small number of subscribers who use the Service in conjunction with a terminal adapter may move their Service from one location on the Campus to another. However, PürDigital, through its above described efforts, requires those subscribers to update their Registered Location information should they do so.

Please do not hesitate to contact us with any questions that you may have.

Very truly yours,

SAPRONOV & ASSOCIATES, P.C.



Walt Saprnov

Attorneys for PürDigital Media, Inc.

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cc: Ms. Kathy Berthot, Deputy Chief
Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission

Ms. Janice Myles
Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission

Dana Shaffer, Esq., Deputy Chief
Public Safety & Homeland Security Bureau
Federal Communications Commission

Best Copy and Printing, Inc.

PurDigital Media, Inc.

(all via Electronic Mail)

EXHIBIT "A"

Original Compliance Letter



The FCC Acknowledges Receipt of Comments From ...
Jeff Levy and Lynn Hall
...and Thank You for Your Comments

Your Confirmation Number is: 20051025625835
Date Received: Oct 25 2005
Docket: 05-196
Number of Files Transmitted: 1

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updated 1/2/11/05

Subscriber Acknowledgement Report – 10/25/05

WC Docket No. 05-196

PürDigital Media, Inc.
817 West Peachtree Street NE
Suite A-110
Atlanta, GA 30308
404-961-7000

As of October 25th, 2005, PürDigital Media, Inc. has achieved 68% compliance from its residential subscriber base of 176 individual homes passed within the metro-Atlanta area. The commercial subscriber base has achieved 94% compliance as of October 25th, 2005.

PürDigital Media, Inc. has attempted to collect Subscriber Acknowledgement compliance by employing the following methods:

On July 8, 2005, a project was initiated to collect retroactive E911 compliance for all VoIP commercial and residential subscribers that initiated service prior to this date, per E911 and VoIP Client Alert.

The week of July 22, 2005, PürDigital Media began drafting a formal letter to all VoIP subscribers containing official notification of E911 features and limitations.

On July 26, 2005, PürDigital Media launched www.purdigital.net/911 to provide a webform to capture compliance from all residential and commercial VoIP subscribers who had not been exposed to E911 verbiage. This webform was referenced in the aforementioned letter drafted to all non-compliant subscribers.

On July 27, 2005, the first compliance was documented via traffic to the www.purdigital.net/911 webform.

On August 1st, PürDigital documented the receipt of **45 of 176** webform submissions from residential VoIP subscriber accounts. During this week, the first USPS mailing was completed and sent to non-compliant residential VoIP subscribers identified as initiating service prior to July 8, 2005. An identical mailing was distributed via e-mail to these subscribers. An e-mail was also sent to all non-compliant commercial accounts.

Beginning August 3, 2005, PürDigital Media Customer Care began to print work orders manually so that all outgoing work orders would contain language regarding E911 features and limitations.

On August 17, 2005, PürDigital Media rolled out a custom 2-ply carbon VoIP Acknowledgement Form to be signed by subscribers at the time of all VoIP installations going forward. As of this date, 75 of 176 needed webform

submissions from residential VoIP subscriber accounts initiated prior to this date were documented.

The week of August 22, 2005, Customer Care called each subscriber not yet cleared from the non-compliant list to request their compliance via the E911 webform.

On August 31, 2005, the E911 deadline was extended to 9/28/05 by FCC. This same day, PürDigital Media documented that **96 of 176** Subscriber Acknowledgement signatures had been received via the E911 webform.

On September 5, 2005, Customer Care revisited the list of non-compliant VoIP subscribers and began to call them to remind them to submit their compliance via the on-line webform.

On September 22, 2005, a second e-mail was sent to non-compliant VoIP subscribers. The contents of this e-mail were identical to the original Subscriber Acknowledgement USPS and e-mail correspondence.

The weeks of October 10 and October 17, 2005, Customer Care completed follow-up calls to each subscriber not yet cleared from non-compliant list.

As of October 25, 2005, **120 of 176** residential VoIP subscribers have successfully complied by providing a signature for the Subscriber Acknowledgement Requirement.

Despite best efforts, there are still residential subscribers who require additional coaxing to provide their electronic signature to the Subscriber Acknowledgement webform.

Upon issuance of an extension by the FCC, PürDigital will attempt a final contact with the remaining 32% of residential subscribers and remaining 6% of commercial subscribers that have not yet complied by providing their Subscriber Acknowledgement via the on-line webform.

As of August 17th, 2005, all new residential and commercial VoIP installations performed by PürDigital Media representatives require onsite signature by the subscriber acknowledging the features and limitations of VoIP service provided by PürDigital. This policy is in full effect and hard copies of the executed agreement are stored in a separate filing system.