Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Wireless E911 Location Accuracy Requirements	)	PS Docket No. 07-114
	)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems	)	CC Docket No. 94-102
	)	
Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling	)	
	)	
911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196

REPLY COMMENTS OF YMAX CORPORATION

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REPLY COMMENTS OF YMAX CORPORATION

YMax Corporation ("YMax"), through its attorneys, hereby respectfully submits its Reply Comments responding to Comments filed in the above-captioned proceeding[1] that address issues applicable to interconnected VoIP services. YMax specifically addresses the Comments that encourage the Commission not to adopt ALI (Automatic Location Identification) requirements on interconnected VoIP providers at this time.

The vast majority of Commenters do not dispute that the Commission is correct to be concerned that ALI is not provided now for E911 calls from nomadic VoIP customers. Indeed,

[1] *See In re Wireless E911 Location Accuracy Requirements, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling, Requirements for IP-Enabled Service Providers*, Notice of Proposed Rulemaking, PS Docket 07-114, CC Docket No. 94-102, 911, WC Docket No. 05-196, FCC 07-108 (rel. Jun. 1, 2007) ("NPRM"). All Comments referenced in these Reply Comments were filed in this proceeding in response to the NPRM.

the public safety community (and others) have emphasized just how important having such information is to their ability to save lives and property.[2] The Commission properly viewed registration and reregistration-based systems as a flawed but necessary interim step in 2005, and told providers they would move to an ALI requirement. But a number of Commenters contend that there is no technological solution available today or on the immediate horizon that would permit interconnected VoIP providers to provide ALI for their nomadic VoIP customers. These Commenters thus assert that interconnected VoIP providers should not be subject to location accuracy requirements similar to or the same as CMRS providers, or even be required to begin to implement technology now to meet such standards in the future. Others urge the Commission not to impose such a mandate by claiming that adoption of ALI requirements at this juncture would effectively stifle development of new technology solutions for nomadic VoIP customers.

A Technology Solution for Nomadic VoIP Services Is At Hand

Contrary to the claims of many Commenters regarding the absence of viable technology solutions, YMax has developed an E911 solution -- available in the marketplace on a commercial basis in the coming months -- which enables providers of interconnected VoIP services to ensure that ALI can be provided to PSAPs for 911 calls made by nomadic VoIP customers. As described in its Comments filed in this proceeding on August 20, 2007, YMax has developed a magicJack™ device, which can be plugged into the USB port of a purchaser's desktop or laptop computer, and then connected to any standard telephone to allow customers to initiate telephone calls and receive telephone calls as long as they have some type of broadband connection. The

[2] *See, e.g.*, Comments of the Association of Public-Safety Communications Officials-International, Inc., *passim* (filed Aug. 20, 2007); Comments of Intrado Inc. at 2, 13-14 (filed August. 20, 2007); Comments of the Alliance for Telecommunications Industry Solutions' Emergency Services Interconnection Forum at 1 (filed August 20, 2007).

new YMax offering which will be included in the second generation magicJack device will provide ALI for its nomadic VoIP users. The second generation magicJack device will incorporate a cellular transceiver within the device, which will normally lie idle and unpowered for all VoIP calls made over the customer's broadband connection. For all such normal calls, the second generation magicJack device will operate in all respects just like the first generation device. However, if the customer dials 911, the call (and power) will be routed to the cellular transceiver rather than to the broadband connection. The 911 call will be sent directly from the radio transceiver in the magicJack device and will be perceived by a local CMRS system as any other 911 call. The CMRS provider would then route the call, along with the location information it routinely acquires for all other 911 calls, to the appropriate PSAP. The phone number transmitted by the transceiver with the 911 call will be the normal phone number associated with the magicJack device, enabling the PSAP to return the emergency call through the customer's VoIP broadband connection if interrupted or if follow-up is required.[3] And, because PSAPs already have or are acquiring the capability to receive and process ALI from cellular and wireless devices, the 911 capabilities that YMax has developed for nomadic VoIP callers will not impose any additional burdens on PSAPs.[4]

The capabilities of the second generation magicJack device undercut those Commenters that state that there is no technology solution available which will allow VoIP providers timely to offer ALI for their nomadic customers' 911 calls. Other providers of nomadic VoIP services can implement similar technology in USB plug-in devices of their own under license from YMax.

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[3] Comments of YMax Corporation at 5-6 (filed Aug. 20, 2007).

[4] *See* Comments of Intrado Inc. at 6 (filed Aug. 20, 2007) (cautioning against unduly burdening PSAPs with requirements to support display and interpretation of automatic location technology before service providers ensure delivery capabilities exist).

Or they can implement this technology by building it into VoIP handsets, cordless base units, analog telephone adaptors (ATAs), laptops or otherwise, again under license from YMax. In light of the importance to the public safety of having this ALI capability as widely available as possible for nomadic VoIP customers, YMax has committed to license this technology to other providers on reasonable and nondiscriminatory terms, in accordance with the Commission's patent policy and previous decisions with respect to the use of patented technologies.[5] While YMax anticipates that others within the industry will continue pursuing alternative technology solutions, just as YMax will continue with its research and development, the record demonstrates that there is at least one commercially viable technology solution to allow the Commission to move forward with appropriate ALI regulations at this time and bring the added safety and security of ALI to nomadic VoIP customers in a timely manner.

Implementing ALI Requirements Will Encourage, Not Discourage, the Development of ALI Solutions

Assertions that the Commission should forestall imposing ALI requirements so as not to discourage technological development of a variety of ALI solutions are not consistent with the Commission's public safety obligations or its past practices in this area.

In the Commission's First Report and Order in this docket, the Commission explained that it "is committed to allowing these [IP-based] services to evolve without undue regulation in accord with our nation's policies for Internet services" while acknowledging its "obligation to promote 'safety of life and property' and to 'encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure' for

[5] See Comments of YMax Corporation at 5-6 (filed Aug. 20, 2007).

public safety."[6] Based on this balance of interests, the Commission adopted certain E911 requirements for interconnected VoIP providers, including the Registered Location scheme which was the best technological approach suggested at the time. The Commission did not adopt a particular technological solution as part of the rules and left the decision to each provider on how best to implement the Registered Location requirements.[7] Shortly after these new requirements became effective, the Commission's Enforcement Bureau commended the steps taken by AT&T Corp., MCI, Inc. and Verizon Communications, Inc. to implement the Commission's E911 requirements and "strongly encourage[d] other providers to adopt similar measures."[8] The Commission did not tell VoIP providers this was all they could do then, let alone that this was all they would be expected to do in the future. Rather, providers were told they had to provide E911 location information at least to this threshold level.[9] The Commission made clear throughout that providers would be expected to develop automatic, rather than reregistration-based, location identifying systems as technology improvements would allow.[10]

A similar approach should be taken in this proceeding and would appropriately balance the interests of the VoIP and public safety communities. Consistent with past practices, the Commission should adopt technology-neutral rules for providers of interconnected VoIP services mandating that they implement ALI requirements. Although the Commission should recognize

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[6] *See IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, ¶ 4 (2005), *aff'd*, *Nuvio Corp. v. FCC*, 473 F.3d 302 (D.C. Cir. 2006) ("*VOIP 911 Order*") (internal citations omitted).

[7] *See VOIP 911 Order*, ¶¶ 36-46.

[8] "Enforcement Bureau Outlines Requirements of November 28, 2005, Interconnected Voice Over Internet Protocol 911 Compliance Letters," Public Notice, WC Docket No. 04-36, WC Docket No. 05-196, DA 05-2945 (Nov. 7, 2005).

[9] *Id*. at 5.

[10] *VOIP 911 Order*, ¶ 36.

the capabilities that YMax has developed and described as part of the record in this proceeding -- and might even encourage others to implement this technology as one potential solution, much as they did in 2005 -- this would not prevent individual VoIP providers from adopting new and viable technology solutions of their own today. And it would in no way suggest that providers could not explore and develop alternative approaches in the future. Quite the contrary. Parties have suggested that over time VoIP technology may develop to the point of providing E911 capabilities far exceeding those of current wireless, and even wireline, systems. Indeed, several other Commenters described significant progress they have made with developing effective ALI capabilities, and it is reasonable to expect that many of these providers will continue to explore alternative solutions, individually or as part of industry working groups or a working group that many Commenters encouraged the Commission to initiate. But nomadic VoIP customers, who today have no ALI sent to PSAPs trying to help them, need not wait for the perfect before having the good -- especially since the good has been proven to save lives in the wireless context.

In sum, the Comments and Reply Comments of YMax provide record evidence in this proceeding that there is a viable technological solution to allow interconnected VoIP providers serving nomadic customers to comply in a reasonable time frame with ALI requirements the Commission can adopt now. Recognizing this advancement in technology, the Commission should adopt technology-neutral ALI requirements that interconnected VoIP providers could

meet as they choose for their nomadic customers, whether by implementing the YMax solution or by any other similarly effective means.

Respectfully submitted,

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