

**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
)	
911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	

**REPLY COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA) hereby submits its reply comments in the above-captioned proceeding.¹ NCTA is the principal trade association representing the cable television industry in the United States. Its members include cable operators serving more than 90 percent of the nation's cable television subscribers, as well as more than 200 cable programming networks and services. The cable industry is the nation's largest provider of high-speed Internet access after investing over \$110 billion since 1996 to build out a two-way interactive network with fiber optic technology.

Cable operators also are providing voice services to their customers. The cable industry currently serves over 12 million voice subscribers and that number continues to grow rapidly. Cable operators consistently have made E911 service a component of their voice services and

¹ *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, et al., Notice of Proposed Rulemaking, FCC 07-108 (rel. June 1, 2007) (*Mobile E911 Notice*).

comply fully with the Commission's requirement to provide Registered Location information to the Public Safety Answering Point (PSAP) on 911 calls.²

In the *Mobile E911 Notice*, the Commission asks whether interconnected VoIP providers should be required to provide automatic location information (ALI) and whether they should be subject to the accuracy requirements adopted for commercial mobile radio service (CMRS) providers.³ The Commission tentatively concludes that interconnected VoIP service should employ an autolocation technology that meets the same accuracy requirements as CMRS providers "to the extent that [such] service may be used in more than one location."⁴

NCTA opposes the Commission's tentative conclusion to the extent it is intended to apply to VoIP services, such as those offered by cable operators, which are sold for use at a fixed location on a wireline network. The record demonstrates that imposing wireless autolocation requirements on any type of VoIP service is unnecessary and would do more harm than good at this point in time. Such an approach is particularly ill-advised with respect to cable VoIP offerings. In addition, the Commission should reject the suggestion by Vonage that further work on autolocation requirements for VoIP be focused solely on broadband Internet access providers, rather than "over-the-top" VoIP providers that provide voice service to end users. There is no basis for the Commission to assume that over-the-top providers should be relieved of responsibility for E911 compliance.

² See, e.g., Letter from Joseph J. Waz, Jr., Comcast Corp., to Marlene H. Dortch, WC Docket No. 05-196 (filed Nov. 28, 2005); Letter from Julie Y. Patterson, Vice President & Chief Counsel, Telephony, Time Warner Cable, to Marlene H. Dortch, WC Docket No. 05-196 (filed Nov. 28, 2005); Letter from J.G. Harrington, Dow, Lohnes & Albertson, Counsel to Cox Communications, to Marlene H. Dortch, WC Docket No. 05-196 (filed Nov. 28, 2005).

³ *Mobile E911 Notice* at ¶ 18.

⁴ *Id.*

I. THE RECORD CONFIRMS THAT THE COMMISSION SHOULD NOT ADOPT ADDITIONAL E911 REQUIREMENTS FOR INTERCONNECTED VOIP PROVIDERS.

The Commission first solicited comment on the imposition of automatic location requirements on interconnected VoIP providers in 2005.⁵ In response to the *VoIP E911 Notice*, NCTA and others argued that the imposition of any sort of technical requirement to provide automatic location capability would be premature and that setting any sort of arbitrary deadline for providing autolocation capability would risk forcing adoption of an inferior solution.⁶

The comments filed in response to the *Mobile E911 Notice* confirm that there has been no significant change since 2005. There is no autolocation technology for interconnected VoIP that will produce superior results to the current system. As the VON Coalition explains, “there have been no major technological breakthroughs in automatically determining an interconnected VoIP caller’s location, without relying on the user-provided location. . . . [A]ll existing autolocation technologies have drawbacks, even for CMRS, and those problems are magnified for interconnected VoIP service.”⁷

In the absence of a technically feasible approach to autolocation, imposing a mandate on any VoIP providers would do more harm than good. As ATIS explains, “[f]or technologies such as interconnected VoIP and associated location technologies, which are still evolving, additional work must be conducted before location accuracy requirements could be applied. This work includes: fundamental research and development, creation of standards and testing and

⁵ *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10276, ¶ 57 (2005) (*VoIP E911 Notice*).

⁶ See Reply Comments of the National Cable & Telecommunications Association, WC Docket No. 05-196 (filed Sept. 12, 2005) (NCTA 2005 Reply Comments) at 1-2; Comments of Time Warner, WC Docket No. 05-196 (filed Aug. 15, 2005) at 9-10.

⁷ VON Comments at 8.

deployment of those standards.”⁸ Imposing any new requirements now would interfere with this ongoing work.

Imposing wireless standards on services that are provided over wireline networks and intended to be used at a fixed location, like the services typically offered by cable operators, would be particularly ill-advised. A cable VoIP customer must register its location when the service is activated and use the service at that registered location.⁹ Given the current state of technology, there is no reason to impose autolocation requirements on this type of service, as the Commission appears to recognize in the *Mobile E911 Notice*.¹⁰

A number of parties call for the Commission to defer to industry processes that are considering VoIP location issues. ATIS describes a number of ongoing efforts to develop standards for locating VoIP callers and urges the Commission to create an open forum for further work in this area.¹¹ The approach described by ATIS, which is supported by numerous other commenters,¹² is a sound one and should be adopted by the Commission. The record demonstrates that industry efforts to develop location capabilities for VoIP services are in progress and the Commission should allow those efforts to proceed on their own, rather than attempting to focus them on any particular set of solutions.

⁸ ATIS Comments at 9.

⁹ Although it is theoretically possible that the equipment provided by a cable operator could be used at another location within a limited geographical area, that is highly unlikely to occur. Even apart from the technical limitations, cable operators do not market their services to be used at more than one location and they affirmatively prohibit customers from doing so in their subscriber agreements. This is very different from other services, like Vonage or Verizon VoiceWing, that are advertised as being nomadic in nature and in fact are used in that manner.

¹⁰ *Mobile E911 Notice* at ¶ 18, n.23 (noting the difference between “fixed” services, which can be used at only one location, and “portable” services, which can be used from any broadband connection).

¹¹ ATIS Comments at 9-10.

¹² VON Comments at 22-24; Verizon Comments at 5-6; Qwest Comments at 6.

II. BROADBAND INTERNET ACCESS PROVIDERS SHOULD NOT BE HELD RESPONSIBLE FOR THE E911 COMPLIANCE OF “OVER-THE-TOP” SERVICE PROVIDERS.

As explained above, the record demonstrates that there is no autolocation technology that currently will work with interconnected VoIP service and that any FCC requirements would be premature. Vonage suggests, however, that the Commission focus any future efforts to develop such technology on “network end-point” solutions.¹³ In other words, Vonage seeks to place responsibility for E911 compliance on broadband Internet access providers, rather than “over-the-top” providers (like Vonage) that provide voice service to their customers.

The Commission should reject Vonage’s attempt to shift responsibility for E911 compliance to the underlying network provider. For all the same reasons that it would be premature for the Commission to impose any sort of technology mandate on VoIP providers, it also would be premature for the Commission to assume that the ability to automatically locate a caller will rest solely with the broadband Internet provider.

For example, Vonage states that the “i2” network architecture developed by NENA “underscores the autolocation capabilities of broadband networks.”¹⁴ Vonage is reading too much into the NENA proposal. Under the proposal, broadband network providers would be required to pass location information in connection with 911 calls. With respect to wireline networks, that location information would consist of a civic location, *i.e.*, street address, rather than GPS coordinates or information obtained from some other location technology.¹⁵ But the

¹³ Vonage Comments at 18-19. We note that Vonage’s statement that it is “the leading United States provider of interconnected voice over Internet protocol service” is not accurate. Comcast provides digital voice service to over 3 million subscribers, substantially more than the 2.3 million served by Vonage.

¹⁴ Vonage Comments at 19.

¹⁵ Interim VoIP Architecture for Enhanced 9-1-1 Services (i2), NENA 08-001, Dec. 6, 2005, Issue 1 at 14, § 2.1.8 (“civic location [street address] is required for non-wireless fixed and nomadic types of service, with geodetic location optionally sent as supplemental information”).

question of “[h]ow the IP network actually determines the location [of the] . . . IP device is outside the scope of this document.”¹⁶ To the extent the IP device that serves as the end point is provided by an over-the-top provider, nothing in the NENA i2 architecture suggests that the over-the-top provider should be relieved of responsibility for providing location information regarding that device.

Vonage’s suggestion that broadband network providers should be held responsible for E911 compliance because they may have to provide location information under CALEA also does not withstand scrutiny.¹⁷ Entities subject to CALEA, including interconnected VoIP providers, generally are required to provide “call-identifying information” to law enforcement.¹⁸ With respect to traditional voice services, that term is defined as information identifying either a party or a place.¹⁹ The Commission has not yet defined the term “call-identifying information” in the broadband context, but instead it has deferred to industry to develop a definition.²⁰ Nothing in the Commission’s CALEA order suggests that the underlying broadband network provider, rather an over-the-top VoIP provider, would be responsible for providing location information if it were required.

¹⁶ *Id.* at 23, § 2.5.1.

¹⁷ Vonage Comments at 22.

¹⁸ 47 U.S.C. § 1002(a),

¹⁹ 47 C.F.R. § 22.1102.

²⁰ *See Communications Assistance for Law Enforcement Act and Broadband Access and Services*, Second Report and Order and Memorandum Opinion and Order, 21 FCC Rcd 5360, 5365-66, ¶ 14, n.28.

CONCLUSION

For all the reasons explained above, the Commission should not adopt its tentative conclusion to impose new E911 obligations on interconnected VoIP providers. The Commission also should reject Vonage's attempt to shift responsibility for E911 compliance from "over-the-top" providers to broadband Internet access providers.

Respectfully submitted,

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