

THE LOKT NEWSLETTER

LOKT NEWSLETTER

JUNE 2005

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The Federal Pages

News and Updates in Federal Telecommunications Law

FCC News:

FCC ADDRESSES 911 AND VOIP

The FCC recently adopted a landmark Order and Notice of Proposed Rulemaking concerning E911 requirements for IP-enabled services. The Order requires that interconnected VoIP telephone service providers to deliver 911 as a standard (not enhanced) service. VoIP providers have to meet this requirement by November 28, 2005. In the meantime, providers will be required to affirmatively notify current and new customers that they currently do not offer 911. Under the Order, ILECs are required to provide competing carriers access to their networks to provide the 911 service. While public safety officials are reacting uniformly positively to the Order, saying it's a reasonable and responsible response to an expectation that IP telephony services enable customers to call 911 in an emergency or life-threatening situation, many VoIP providers and advocates are not as thrilled. Some worry the order could slow adoption, limit choices and stifle innovation.



FCC Headquarters

Washington, D.C.

SUPREME COURT OVERTURNS BRAND X = NO TO OPEN ACCESS, DSL NEXT?

In a 6-3 decision, the Supreme Court has held that the Ninth Circuit Court of Appeals was wrong in finding that cable modem service contained an element of "telecommunications service." This spells the end to ISPs seeking "open access" to the cable broadband plant. Essentially, the Supreme Court found that the lower court did not give proper deference to the FCC's decision that cable modem service was an information service only. ISPs had been hoping that the Court would find in their favor which would have resulted in open access to cable. This decision should prove to be just be another in a string of problems for ISPs on the broadband front. The decision will likely spur the FCC now to extend the same type of protection to DSL transport currently being offered by incumbent local exchange carriers. The FCC has had an open docket on this precise issue for two years now. If that occurs, ISPs would only be able to provide DSL at the discretion and under contract terms with their local incumbent, or via a friendly CLEC with DSL facilities collocated. This decision may also force ISPs to consider installing their own DSLAMs in central offices or accelerate plans for wireless broadband deployment.

FCC BROADENS FORM 477 REPORTING REQUIREMENT; LARGE COMMON CARRIER REPORT ALSO (PAST) DUE

The FCC recently broadened its reporting requirements to include smaller telecommunication service providers. Qualifying entities must file the report (form 477) by September 1, 2005. The FCC recently released its Small Entity Compliance Guide, which is intended to assist these small entities to comply with changes made to the Commission's FCC Form 477 filing requirements. The guide can be found at: http://www.neca.org/wawatch/wwwpdf/061605_3.pdf



In addition, all common carrier licensees employing more than 15 people full-time were required to file Form 395, the Common Carrier Annual Employment Report, on or before May 31, 2005. Also due was the annual report of discrimination complaints, which can be filed by completing Section V of the form which is available at: www.fcc.gov/formpage.html (form 395). Even though the Report is past-due at this point, all applicable carriers are encouraged to submit the report as soon as possible to the FCC.

FCC CHAIRMAN EXPRESSES SYMPATHY TO LARGE TELECOM PROVIDERS AND DESIRE TO PRIORITIZE BROADBAND



FCC Chairman
Kevin Martin

FCC Chairman Kevin Martin has stated that he is "sympathetic" to the arguments of those large local telephone companies who want to reduce legal barriers to launching video services. These comments come on the heels of comments by the Verizon chairman stating that the company would not "redline," in other words dis-

criminate, against poorer customers to the advantage of wealthier ones, in the provision of its video service. Martin also recently told an interviewer that the continued development and rollout of high-speed Internet access will be his "number one priority."

FCC OUTLINES TELECOM CARRIER ELIGIBILITY REQUIREMENTS

The Commission (CC Docket No. 96-45, FCC 05-46) has published a notice in the Federal Register listing the minimum requirements for a telecommunications carrier to be designated as an eligible telecommunications carrier, i.e. capable of receiving universal service funding as an equivalent to an incumbent local exchange carrier. From now on, the Commission will require applicants to:

- 1) Provide a five-year plan demonstrating how high-cost universal service support will be used to improve its coverage in every wire center for which it seeks designation;
- 2) demonstrate its ability to remain functional in emergency situations;
- 3) demonstrate that it will satisfy consumer protection and service quality standards;
- 4) offer local usage plans comparable to those offered by the incumbent LEC in the areas for which it seeks designation; and
- 5) acknowledge that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations.

DEADLINE EXTENDED FOR INTERCARRIER COMPENSATION REFORM REPLY COMMENTS

The FCC (CC Docket No. 01-92, DA 05-1553) has extended the deadline for Reply Comments to its Further Notice of Proposed Rulemaking. The Commission is seeking comments on

specific proposals for comprehensive intercarrier compensation reform, alternative reform measures, and related issues. The original comment deadline was May 23, 2005, and the original

reply comment deadline was June 22, 2005. The due-date for revised reply comments is now July 20, 2005.

FCC TO GET PLENTY OF FUNDING TO KEEP UP THE GOOD WORK

A House Appropriations subcommittee has approved an appropriation in the amount of \$290 million for the FCC to cover the 2006 fiscal year

which commences on Oct. 1. The funding bumps up the FCC's 2005 by \$9 million, although, it is \$10 million short of what the Bush administration requested.



U.S. Capitol, Washington, D.C.

AT&T SEEKS EMERGENCY RELIEF FROM FCC CALLING CARD RULES

An emergency Petition (WC Docket No. 05-68) has been filed by AT&T for immediate interim relief, asking the Commission to adopt interim rules to advance universal service and establish regulatory neutrality for all prepaid calling services by May 17, 2005. In its Petition, AT&T argues that interim rules are necessary to level the regulatory playing field on which prepaid card services are provided, and that the current regime has caused regulatory uncertainty over whether and under what conditions prepaid card services will be classified in ways that subject the services to greatly increased costs.

Congressional News:

CONGRESS CONSIDERS TELECOM ACT REVISION AND OTHER LEGISLATION TO DEAL WITH RAPID CHANGES IN TELECOM TECHNOLOGY

Federal lawmakers are feeling compelled to rewrite the Telecommunications Act of 1996, as telecom technology speeds ahead of the current act's framework. Capitol Hill aides have agreed that such a revision is probably necessary, but there are many different opinions regarding the proper scope of new legislation. Rachel Welch, an aide to Senate Commerce Committee ranking Democrat Daniel Inouye of Hawaii, summed up the consensus opinion by saying, "The advent of Internet protocol technology is

really the motivation for taking a look at the Telecom Act."

Also recently, a bill was introduced in the Senate intended to encourage high-speed Internet deployment to rural and underserved areas by granting tax incentives to ISPs that offer current and next-generation broadband. The Broadband Internet Access Act (S-1147) was introduced by Senators Rockefeller (D-WV) and Snowe (R-ME). The measure would create a temporary "2-tiered incentive system" for ISPs providing DSL, cable modem service or next-generation technology

like broadband delivered by fiber. The bill would also allow businesses to write off 50% of investments on current-generation technology and 100% on next-generation technology. Credits would be earned only after a service provider achieves 10% market penetration. Recent FCC reports show that 20% of U.S. households do not have broadband providers in their areas. Of those that do, only 25% of households receive broadband services.

CONFLICTING INFORMATION ON USF

House members including Representative Terry (R-NE) and Representative Barton (R-TX) are proposing universal service reform. Terry's proposal would expand USF to include subsidies for broadband. Members of the Rural Caucus are also pressing for language in any Telecom Act re-write bill that would expand the pool of USF contributors, presumably to include VoIP providers. Meanwhile, the FCC has opened a docket to review the administration of USF. Despite all this activity, it is possible that we may finish 2005 without a legislative change. Congress has been increasingly focused on other telecom priorities, such as the DTV transition (which could free huge chunks of spectrum) and competing visions on the legality of municipalities deploying their own broadband networks.

CONGRESS RE-EXAMINES PATRIOT ACT SECTION ON ISPS/PRIVACY

A controversial part of the Patriot Act with major implications for ISPs is up for extension in Congress. A House panel has indicated that it may not recommend that the law, which allows ISPs to give e-mail messages and personal data



Bobby Scott (D-VA)

to federal law enforcement without a warrant or any notification to the person in question, be extended. While Department of Justice officials said Section 212 of the act has been used often and has saved lives, the House Judiciary Committee's Crime, Terrorism and Homeland Security subcommittee members voiced concern about the

lack of checks and balances in the provision, which specifically allows ISPs to voluntarily give information to the government in emergency situations where there is a risk of death or serious physical harm. Unless Congress votes to extend it, the Patriot Act will expire at the end of the year. "We can very easily, in good faith, trample on somebody's rights," said Rep. Bobby Scott.

CONGRESS MAY BAN MUNICIPALITIES FROM PROVIDING BROADBAND; NEW NEBRASKA LAW PROHIBITS IT ALREADY

United States Representative Pete Sessions (R-Texas) says that he wants to take state and local governments out of the broadband business. "It's for their own good," the former Southwestern Bell executive stated in the Preserving Innovation in Telecom Act (H.R. 2726), which he introduced. If passed the bill would prohibit state and local governments from offering telecommunications, telecommunications services, information services or cable service in any geographic area in which a private entity is already offering a substantially similar service.

In related news, Nebraska Governor Dave Heineman (R) has already signed legislation that will prevent local municipalities and other political entities (including public power utilities) from offering wireless broadband and Internet services. The bill, which was introduced by Senator Kermit Brashear (R), was originally intended to prevent power utilities from offering broadband-over-power lines ("BPL") services in the state. However, the bill (LB 645) was later amended to include a ban on all political subdivisions from offering broadband services.

Other Federal News:

AT&T CORP. V. FEDERAL COMMUNICATIONS COMMISSION; MAJOR TELCOS FILE OPPOSITION TO AT&T'S ATTEMPT TO DELAY PAYMENT OF OVERDUE USF PREPAID CALLING CARD FEES

Qwest, Verizon, Bellsouth & USTA ("Intervenors") have filed their Opposition to AT&T's Motion For Stay Pending Appeal, filed in the U.S. Court of Appeals For The D.C. Circuit. AT&T has asked the court to

stay the Order requiring AT&T to make retroactive access and USF payments pending the outcome of its appeal. The Intervenors argue that AT&T has not shown any irreparable harm if a stay is not granted. They indicate that it

would be the government and private carriers who would continue to suffer harm if AT&T is not required to make its "long- overdue" payments.

DOJ MAY PLACE RECORD-KEEPING REQUIREMENT ON ISPS

At a private meeting with Internet service providers and the National Center for Missing and Exploited Children, the U.S. Department of Justice suggested that they may seek to require Internet service providers to retain records of their customers' online activities. These data retention rules might allow law enforcement officials to obtain e-mail records, Web browsing data, or chat-room activity months after Internet providers typically would have deleted the logs (if logs were ever kept in the first place). There is no current requirement that such logs be kept, although a 1996 federal law called the Electronic Communication Transactional Records Act does require ISPs to retain any "record" in their possession for 90 days "upon the request of a governmental entity." Of course, the motives behind the potential law revolve around preventing and providing evidence against various criminal and terrorism suspects. And, of course, privacy concerns will be the greatest potential barrier to such requirements.



The State Pages

News and Updates in State Telecommunications Law

State Legislative News:

SUMMARY OF STATE LEGISLATIVE HAPPENINGS

The following is a summary of recent state legislative news:

- Maryland: Governor Robert Ehrlich signed HB-399, which exempts non-rate regulated carriers from PSC reporting requirements.
- California: A bill that seeks to codify portions of the California Telecom Consumer Bill of Rights (SB-1068) has advanced. These portions deal with billing, advertising, disclosures and contracts.
- Kansas: A bill pending in the Kansas legislature would unequivocally require VoIP providers to deliver and route 911/ emergency calls. Some providers, including Nuvo, argue that this bill would violate the FCC's Vonage and Pulver Orders, which preempt state VoIP regulation. Recent FCC activity could support Kansas' efforts, and/or could make the state's efforts unnecessary and moot, depending on whom you ask.



Maryland Governor Robert Ehrlich (R)

COLORADO PERMITS QWEST DEREGULATION

Colorado has approved deregulation that will allow Qwest to better compete. State law that caps charges for the first line into a home at a base price of \$15 a month, will remain in place, along with a similar base price limit of \$35 a month for each of the first five lines into a business. While the deregulation could help competition in the long-run, Qwest subscribers in Colorado may see price increases in the short-term that will allow Qwest to cope with the changes.

TEXAS BECOMES FIRST STATE TO ADDRESS DEPLOYMENT OF BPL

The Texas Senate Business and Commerce Committee has approved SB-1748, which would allow (but not require) electric utilities to implement Broadband over Power Lines ("BPL"). The utility could let affiliated

or unaffiliated entities own and operate the system on its lines. State Commissions have been working on rulemakings, but the relative regulatory instability and uncertainty over BPL is making it difficult to implement.

Some of the issues that have made regulation of BPL particularly difficult to this point include: franchise and pole attachment fees, cross-subsidization, and open access.

STATES CONTINUE MOVING TOWARD TELECOM DEREGULATION

Whether it be in anticipation of impending federal deregulation, in reaction to recent federal court rulings limiting states' activity, or a result of decreased opposition to ILEC lobbying, many states are seeking to deregulate bundled telecom services. In fact, many states have already approved deregulation measures. Legislation to deregulate bundled services is also pending in several others. While some of these bills seek to ease into deregulation over the course of about five years, most of these bills would immediately deregulate unbundled services. Most notably, South Carolina's proposed bill (HB-3633), if passed, would immediately deregulate ALL retail and wholesale telecom service rates and terms. At the state Commission level, several utility commissions are seeking some measure of deregulation (none as drastic as the above-mentioned South Carolina bill). One additional possible factor for this trend could be the potential rewriting of the federal Telecom Act, and the apparent desire of many in Congress to move towards deregulation. While some of these measures have indeed passed, not all have survived. In Minnesota, a sweeping deregulation bill died after the sponsor withdrew it. Senators there watered down the bill with amendments to the point where it no longer would implement significant deregulation. Nonetheless, the changes afoot could have a significant affect on the way ILECs and CLECs do business in the future. Listed below are the significant provisions of the deregulation proposals. Stay tuned for the status of these state proposals as well as new ones as they come up:

- Alabama (SB-114; pending): Would prohibit regulation of broadband and starting in 2006, deregulate bundle rates.
- Alaska (Case R-03-3; pending): Would deregulate ILEC rates in exchanges where there is a CLEC.
- California (Case R-05-04-005; pending): In early stages; potentially only basic local services rates would remain regulated.
- Colorado (Case 04A-411T; pending): Would keep some rate caps, and all other retail rates would be deregulated.
- Idaho (HB-224; passed): Rates capped for basic exchange service, and then deregulated in 2008; all other retail services deregulated.
- Illinois (SB-1700; pending): Would end rate regulation for bundles, other rated capped for 3 years and then deregulated.
- Iowa (HF-277; passed): Requires Commission to deregulate retail rates upon ILEC request, unless Board can prove deregulation is not satisfactorily constraining pricing.
- Kansas (Case 05-SWBT-907-PDR; pending): SBC-proposed deregulation of basic services.
- Michigan (Cases U-14323/24; approved — HB-4600; pending): One-year trial business rate deregulation in metro areas; bill would deregulate all retail services, leaving PSC to handle wholesale services and consumer issues.
- Missouri (SB-237; pending): Would end regulation of retail bundle rates; individual services still rate-regulated and must be offered.
- North Carolina (Case P-55, sub 1013; approved): Deregulated any new BellSouth services and will deregulate others by 12/1/06.
- Oklahoma (Case 2004-00605; pending): Commission studying state of competition before implementing sweeping deregulation.
- Oregon (SB-600; pending): Would allow PUC to deregulate ILEC rates.
- South Carolina (HB-2633; pending): Would end regulation of all retail and wholesale rates and PSC jurisdiction over facilities.
- Tennessee (SB-182; pending): Would deregulated bundled services.
- Texas (HB-789; pending): Bundle rates would be deregulated, stand-alone rates deregulated under certain conditions by 2008.
- Utah (SB-108; passed): All retail deregulated (basic exchange capped until 2007, then deregulated if certain conditions met).
- Wisconsin (Case 6720-TI-196; pending): SBC seeks residential rate deregulation in 17 largest cities.

MUNICIPALITIES FIGHT CITY-OWNED BROADBAND BANS

Municipalities are seeking support in their battle against state bans of their provision of broadband services. Groups like the Media Access Project and Consumer Federation of America have recently added their support to the cause, issuing reports in favor of the municipalities' argument, and against

those of the ILECs. The High Tech Broadband Coalition has also stated its opposition to the various state bills. There are ten states currently considering legislation that would create this ban, including Texas, Colorado and Nebraska.

State Utility Commission News:

SUMMARY OF STATE UTILITY COMMISSION NEWS AND OTHER STATE HAPPENINGS

The following is a summary of recent important news coming out of the various state public utility commissions and other relevant sources:

- **California:** After receiving hundreds of complaints from customers and non-customers, the California Public Utility Commission has begun an investigation into MCI's billing practices. Among the alleged violations; the PUC is looking into slamming and cramming by MCI, as well as continuing to bill customers after service was terminated, and adding improper charges to customer bills. The case (I-05-04-018) could be a painful thorn in the side of both MCI and Verizon, coming as the companies seek approval for their proposed merger.

Also in California, Governor Schwarzenegger has appointed John Bohn to fill a vacant Commissioner spot on the PUC. Bohn, a San Francisco business investment consultant, does raise potential conflict-of-interest issues, as his firm represents some energy companies. Ironically, the Governor's previous appointee, Steve Poizner, could not serve due to similar issues.
- **Illinois:** The Illinois Commerce Commission will continue to enforce laws that require ILECs to provide local switching and other unbundled network elements (UNEs). Some state Commissions, such as the Kentucky PSC, have determined that the FCC's Triennial Review Remand Order preempts such laws.
- **Kentucky:** A Kentucky federal court has issued an injunction against the implementation of a Kentucky PSC Order that would have required BellSouth to continue to fill new CLEC orders for UNEs until they were able to agree on amendments to their interconnection agreements with the various CLECs.
- **Maryland:** The Maryland PSC is currently considering a motion by Verizon asking to cancel plans to develop rules regarding batch hot cuts. Verizon wants Maryland to follow New York's model for such regulation.
- **Michigan:** Michigan Attorney General Mike Cox issued a Notice of Intended Action against Vonage, essentially a warning, urging them to make it clear that their VoIP service does not include "normal" 911 access.
- **Missouri:** The Missouri PSC has implemented a new surcharge on consumers' phone bills to cover a new universal service fund.
- **Nebraska:** The Nebraska PSC has approved a settlement between Qwest and rural ILECs regarding the rural ILEC's ownership of CLECs operating in the same service territory. The settlement will require the CLECs to become separate legal entities with separate interconnection agreements. Also, Qwest has asked the PSC to reconsider an earlier decision which requires VoIP Providers to pay to the state USF on the intrastate portion of their services, arguing that the decision conflicts with federal and state law.
- **New Hampshire:** In Case DT-05-083, the New Hampshire PUC is investigating whether Verizon should be required to provide high-cap loops, transport and dark fiber to CLECs. The Commission is also looking to decide which wire centers should be exempt from providing UNEs in light of the FCC Triennial Review Remand Order.
- **North Carolina:** The N.C. Utilities Commission has conceded that it went too far last year when it ordered competitive carriers who are part of a preferred provider arrangement to make UNEs available to ILECs and other rivals. The Commission did state that a CLEC who pays a developer to get tenants to sign up for its services can be required to offer subloop unbundling.

Industry News

Telecommunications Industry News and Notes

SBC/AT&T PARTNER WITH COVAD IN ANTICIPATION OF MERGER

Awaiting approval of their proposed merger, SBC and AT&T have agreed to use Covad Communications for extended broadband services. This could provide some support for SBC's argument before the federal government that it plans to compete for customers throughout the country. Many critics have argued that until now, there has been in place an implicit agreement among the

regional phone companies not to compete with each other. The companies will use Covad (if the merger is approved) to help expand IP services to subscribers, and add to their reach out of region. Covad possesses significant network assets for DSL and T1 in 24 states outside the SBC service region. According to Covad representatives, however, Covad will not sell AT&T's newly announced hosted IP service, as

Covad has its own, due to its acquisition of GoBeam. AT&T has actually been using Covad's services since January 2002, and Covad recently renegotiated its line-sharing agreement with SBC until May 2009. The companies would not disclose other terms of the agreements. SBC and AT&T say they expect to complete their merger by the beginning of 2006.

3 DOWN, 23 TO GO: VERIZON AND MCI SLOWLY OBTAIN MERGER APPROVALS

In order to finalize their merger from a regulatory standpoint, Verizon and MCI need the approval of 21 state utility commissions. So far, just Delaware, Maryland and Nevada have approved the deal, either actively or by not acting at all. Of the remaining states, Verizon says 13 require only notification of the proposed merger. This leaves 23 states in which Verizon is currently or will be seeking approval from the state public utility commission. Meanwhile, Florida has tentatively approved SBC's acquisition of AT&T.

SBC SEEKS SPECIAL TREATMENT FOR NEW VIDEO TELEVISION PROJECT

SBC is going ahead with plans to launch a video television service late this year without seeking local franchise agreements. The second-largest U.S. telecommunications company plans to offer video to 18 million homes over the next three years, using both new technology and existing telephone wires, in a plan it has named "Project Light-speed." SBC is running into problems with local and federal regulators, who control cable television franchises, setting rules for everything from where a company can offer service to how many public-access channels it has to offer. SBC is

arguing that because it is a new competitor with new technology, it should not face old rules and forcing it to obtain up to 2,000 franchise agreements with municipal governments would greatly slow its plans. SBC's system will send video as an Internet data stream, beaming one channel at a time to a customer's television. Local officials and cable executives are not buying the argument, saying the laws governing cable regulations apply to SBC regardless of what technology it uses, and that franchises are needed to protect consumers. Cable TV franchises usually require operators to pay up to 5 percent

of their revenues to the local government, in addition to parameters for programming and where the companies must offer service. Verizon is also seeking to get into the television game, and is moving forward with acquiring franchises. The process of obtaining franchises has been slow. Out of 10,000 communities in its service area, Verizon has franchises with six. SBC and Verizon plan to spend billions of dollars to build video systems to compete against cable companies moving into telephone services.

SBC HAS PLANS TO GO "NAKED"

SBC Communications announced that it will begin testing "naked" DSL in select locations this summer, and it plans to roll out the service more widely later in the year. The announcement was made by SBC's chief financial officer, Rich Lindner, at an investor conference. Lindner told those in attendance that he "expects [SBC] will do trials of naked DSL, especially bundled with wireless." Naked DSL, (DSL sold to customers without also requiring them to buy local telephone service) has become a hot topic recently, especially as SBC and fellow Baby Bell Verizon Communications move forward with their planned mergers with the nation's number one and number two long-distance providers, respectively. The issue of unbundling DSL from local phone service has been a factor in the debate over whether or not SBC and Verizon should get regulatory approval for their proposed mergers with AT&T and MCI. Consumer advocates have contended that these mergers will harm consumers because they limit choice and competition. As one possible option, naked DSL is being proposed as a condition to approval of the mergers. The Bells argue there is plenty of competition from cable operators and other companies offering VoIP services.

AT&T EXECUTIVE LOOKS INTO TELECOM CRYSTAL BALL

Hossein Eslambolchi, CTO/CIO of AT&T announced his "top 10 predictions" in a keynote address at the recent Interop conference. His predictions are:

- 1) IP will eat up everything;
- 2) Security is critical;
- 3) Convergence of "comms" and "apps" will become a reality, the network will be the computer;
- 4) Wireless Internet will be big;
- 5) Sensor networks will be everywhere;
- 6) E-Collaboration will dominate the workplace;
- 7) Broadband will be common, leading to the death of locality;
- 8) Wireless and wired lines will converge;
- 9) Knowledge mining will transform the way we do business;
- 10) Home LANs will proliferate.



AT&T's Hossein Eslambolchi

BELLSOUTH/VERIZON OFFER VOIP PROVIDERS A HAND WITH 911

BellSouth has announced that it will be opening up its 911 routers to all VoIP providers, and is nearing a deal to give Vonage access to its emergency calling infrastructure. A day before BellSouth made its announcement, Verizon, which also owns a significant portion of the 911 infrastructure, announced that it has signed a similar pact with Vonage. This should help allow Vonage and other VoIP providers to include a caller's address and phone number every time they call 911 over the Internet-based service. Recently, VoIP providers have come under fire for their failure to provide 911 service at the level of traditional land-line and even cellular providers. Earlier this year in Texas, a 17-year old girl

could not reach emergency personnel via 911 over a VoIP line when her parents after her parents had been shot by two armed robbers. The Federal Communications Commission is putting growing pressure on VoIP operators to offer the same kind of technology as land-line and cellular providers. As of now, VoIP emergency calls often do not reach a live operator, if they can be placed at all. In the case of the Texas robbery, the call placed to 911 was connected to the message, "Stop. You must dial 911 from another telephone. 911 is not available from this telephone line. No emergency personnel will be dispatched." The access that BellSouth and Verizon have pledged to provide should help VoIP providers avoid this limitation in the future.

UNITED STATES DROPS TO 12TH PLACE IN LATEST INT'L BROADBAND RANKING

A recent report reports shows that the United States has dropped from 10th place to 12th place in a per capita ranking of developed nations with high-speed Internet access. According to the statistics in the National Journal Telecom Update, released Wednesday by the Organization for Economic Cooperation and Development. South Korea tops the list, followed by the Netherlands, Denmark, Iceland and Canada.

QWEST (QUIETLY) ROLLS OUT VOIP PLAN

After more than a year of testing, Qwest quietly rolled out their VoIP plan, which they have named "OneFlex". Qwest will be offering a basic plan of \$30 a month (the same as Qwest's conventional residential home package) and relatively cheap long distance within the U.S. that caps out at an additional \$20 a month. This adds up to \$50 for "all-you-can call" long distance. OneFlex is more expensive than the \$25-a-month VoIP service from major rival Vonage. Despite lack of a price advantage, however, Qwest is counting on early adapters of new technologies like VoIP and people who trust Qwest for reliability and service to be attracted by features that only are available on Internet phones. Some of those VoIP features include getting voice messages forwarded to an e-mail address where they can be listened to via computer, or having calls automatically forwarded to up to five phone numbers or ring them either sequentially or all at once. Qwest has made the service available in the 48 contiguous states but had not announced it, except to include it in the menu of service on its Web site.

VERIZON TO PHASE OUT WI-FI IN NEW YORK

Verizon announced that it will be phasing out free Wi-Fi Internet access in New York City. Over the past two years, Verizon has provided the free service via transceivers mounted on phone booths in Manhattan

and Brooklyn. Initially, the service was used as a promotional tool to stoke the demand for high-speed DSL services. At this point, however, Verizon is more focused on its high-speed cellular

service. Although Verizon will begin by dismantling those transceivers in the least-used areas, the plan is for all of the facilities to be removed by July.



NYC as seen from the Empire State Building

Photograph by Scott Murphy

June 2005 Filing Deadlines

THIS MONTH'S FILINGS (WITH LINKS TO FORMS)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 FCC Form 395 PAST DUE!!! (5/31)	2	3	4
5	6	7	8	9	10	11
12	13	14	15 SD Gross Receipts Tax	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30 RI Annual Fee (due before 7/1)	(July 20) ICC Reform Reply Comments	(Sep. 1) FCC Form 477

- FCC Form 395, Common Carrier Annual Employment Report/report of discrimination complaints:
www.fcc.gov/formpage.html
- South Dakota: Gross Receipts Tax: 6/15
<http://www.state.sd.us/puc/consumer/GRT%20from%20oldweb/GRT-FORM01.pdf>
- Rhode Island: Annual Fee: Before July 1st (check for highest class of services offered ie. Class 1, 2 ,3....., to "State of Rhode Island "
- ICC Reform Reply Comments due in CC Docket No. 01-92, DA 05-1553; July 20.
- FCC Form 477. See the Small Entity Compliance Guide for details:
http://www.neca.org/wawatc/h/wwpdf/061605_3.pdf

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