

THE LOKT NEWSLETTER

LOKT NEWSLETTER

SEPTEMBER 2005

THIS MONTH'S TOP STORIES:

HURRICANE KATRINA-RELATED NEWS.....1

FCC Investigates Katrina Telecom Failures; Provides Aid

Wireless ISPs Coordinate with FCC to Provide Communications

Services to Katrina Victims

THE FEDERAL PAGES.....3

FCC NEWS

FCC Issues Order on Major DSL Deregulation

CONGRESSIONAL NEWS

Draft Revision to Telecom Act Released

OTHER NATIONAL NEWS

Australian Court Outlaws File-Sharing Applications

THE STATE PAGES..... 6

Summary of State News

Qwest Attempts to Block Portland Municipal Network

INDUSTRY NEWS.....9

ISP Mistake leads to False Child-Porn Accusation

LOKT FIRM NEWS.....10

Kris to Speak at Upcoming Industry Conferences

THE CALENDAR: UPCOMING FILING AND OTHER DEADLINES.....11



Law Office
1725 I Street, NW, Suite 300
Washington, DC 20006
Phone: 202.250.3413
Fax: 202.517-9175

TELECOM/INTERNET LAW

LOKT

REGULATORY CONSULTING



LoKT Consulting
1519 East 14th Street, Suite A
San Leandro, CA 94577
Phone: 510.903.1304
Fax: 510.868.8418

Hurricane Katrina

The Effect of the Hurricane on the Telecommunications World

FCC INVESTIGATES KATRINA TELECOM FAILURES; PROVIDES AID

The FCC has announced that it will be offering \$200 million in relief funds and to create a new FCC bureau to address the immediate and long-term effects that hurricane Katrina had on communications.

FCC Chairman Kevin Martin announced that the money will be taken out of the Universal Service Fund to

support consumers, schools, libraries, health-care providers, and telecommunications carriers affected by Hurricane Katrina through the FCC's Low Income, Rural Health Care, E-rate and High Cost programs. The FCC also

plans to create a "Blue Ribbon" panel composed of experts from the public safety and communications industry to perform an independent review of the impact of Hurricane Katrina. Chairman Martin also announced his intention to create a new Public Safety/



FCC Chairman Martin at the Atlanta FCC meeting. (Photo by John Bazemore -- Associated Press)

Homeland Security Bureau within the Commission. The bureau would have responsibility for coordinating public safety, national security, and disaster management activities within the FCC. Earlier in the month, the FCC met in Atlanta to assess how telecommunications networks collapsed as a result of Hurricane Katrina and to find ways to

prevent such failures from happening in the future. The group included telecom industry executives, communications workers, broadcasters and industry groups in a rare monthly open meetings outside of the nation's capital. The FCC is among the many government agencies receiving criticism for their handling of the disaster, as many reports at the time of the meeting indicated that many local Internet networks in the region remained offline. This criticism comes in the wake of 9/11 Commission findings that emergency communications are a key priority in ensuring that future national emergencies are handled optimally. The Commission further stated that inoperable communications across the Gulf region after the storm amounted to a "scandal."

WIRELESS ISPS COORDINATE WITH FCC TO PROVIDE COMMUNICATIONS SERVICES TO KATRINA VICTIMS

The FCC met earlier this month via a teleconference with the leadership of Part-15.org, as well as with executives from Cisco, Intel, Vonage and others, to explore how the wireless networks could be used to rapidly restore communication services to the shelters popping up around the country to house victims of Hurricane Katrina. Kris Twomey will be acting as legal counsel for the Katrina relief efforts of Part-15.org, an organization of spectrum-exempt wireless operators. As a result of the meeting, about 8000 wireless ISPs are prepared to provide VoIP service to relief shelters around the country. Part-15, as well as WISPA, are working with its members to determine the availability of their equipment personnel, while awaiting the call to deploy the services. Cisco, Intel, SBC Dell and others have also donated laptops and wireless access points. Vonage has reportedly donated 500 dual-port ATAs and, with Cisco, hundreds of SIP phones, as well as free VoIP service.



A Part-15 volunteer at work in Louisiana

SATELLITE PHONES IN DEMAND ON GULF COAST

While almost all landline and cell phone networks were inoperable in New Orleans and along the Gulf Coast for days and weeks after Hurricane Katrina hit, satellite phones are up and running. Residents and others in the area have been flocking to purchase the service, which has remained uninterrupted in the days since the hurricane plowed into the region. "Our phones are ringing off the hook," said Liz DeCastro, a spokeswoman for Iridium Satellite. "We've just shipped 10,000 phones and we're ready to ship another 6,000." There has been a 3,000 percent increase in traffic in the region since the hurricane landed in the area, DeCastro added. Satellite phones, although relatively expensive, are increasingly becoming affordable. Iridium says that satellite phones' prices have dropped from \$3,000 to between

\$1,000 and \$1500. De Castro said usage costs are becoming somewhat affordable, too, with prices as low as \$1 to \$1.25 a minute. The Defense Information Systems Agency has also deployed satellite equipment to its Camp Shelby facility in Mississippi and has sent satellite phones for use on the USS Bataan, a Navy ship conducting rescue operations off the coast of Louisiana. It is estimated that approximately 1.8 million landline, cellular and other phones are inoperable. In addition to the hundreds of thousands of residential and business phone subscribers without service in the Gulf Coast region, most emergency organizations have been without telephone service, even after some government officials have urged the creation of failsafe backup communications service.

The Federal Pages

News and Updates in Federal Telecommunications Law

FCC News

FCC ISSUES ORDER ON MAJOR DSL DEREGULATION

The FCC has just released the full text of its much-anticipated Order, placing what the FCC has dubbed, “a lighter regulatory touch” on wireline broadband Internet access services. Generally, the FCC has put into effect its steadily-developing policy that less regulation will lead to more competition, and more competition means better prices, quality of service, choices and value for consumers. At least, this is the theory. Specifically, the Order states:

- Facilities-based wireline broadband Internet access service shall be classified as an information service.

- Facilities-based wireline broadband Internet access service providers (“providers”) are no longer required to separate out and offer the wireline broadband transmission component.
- Providers can offer access via their own arrangements/contracts.
- Providers must provide existing wireline broadband Internet access transmission offerings, on a grandfathered basis, to unaffiliated ISPs for a one-year transition period.
- The use of the transmission component as part of a provider’s offering of wireline broadband Internet access service to end-users

using its own transmission facilities is defined as “telecommunications” and not a “telecommunication service” under the Act.

Although the abolition of a wholesale (or any other) access requirement will not take actual effect for one year, the Order clearly will cause serious problems for independent ISPs relying solely on ILEC facilities. The FCC explicitly stated that their Order was at least partially a reaction to the U.S. Supreme Court’s holding in the recent NCTA v. Brand X case, in which the court stated that the Communications Act does not require cable providers resell their services to other carriers. In fact, as the FCC

stated, “the Communications Act does not address directly how broadband Internet access service should be classified or regulated.” The FCC has chosen, at least so far, to address this ambiguity by moving towards deregulation, except in cases where it deems public safety is at stake. The story below regarding E911 is an example of this. This recent Order, however, is the FCC’s most significant action yet deregulating broadband. A copy of the Order is available on LoKT’s website under the “FCC News Alert”:

<http://lokt.net/news/index.html>

VOIP E911 ACKNOWLEDGEMENT DEADLINE EXTENDED.....AGAIN.....SORT OF

In a Public Notice released this past Tuesday (WC Docket Nos. 04-36, 05-196), the FCC’s Enforcement Bureau once again relaxed the deadline for VoIP providers to receive acknowledgements from customers regarding the limitations of 911 using VoIP. The Bureau commended the overall response of the industry, stating that significant resources had been committed to notifying customers of the issue and attempting to obtain acknowledgements. The 53 providers who have obtained acknowledgements from at least 90% of their subscribers are free and clear until they are required to be fully 911-capable by (as of now) November 28, 2005. Any provider who has not yet received acknowledgements from at least 90% of its subscribers now must reach the 90% mark by October 31, 2005, but first must submit a status report by October 25, 2005. This report must explain the efforts undertaken to obtain acknowledgements, explain why the provider has not been able to obtain closer to 100% of the acknowledgements and provide the current percentage of acknowledgements obtained at filing of the report. There was no indication in the Public Notice that the November 28, 2005 deadline would be extended, however, based on the many extensions in this preliminary “acknowledgement” stage, the Thanksgiving deadline could be pushed to the end of the year, or perhaps beyond particularly for more rural areas.

FCC REQUIRES VOIP PROVIDERS TO ALLOW FOR WIRETAPS

Although originally announced in August, the FCC finally released the Order declaring VoIP providers subject to the Communications Assistance for Law Enforcement Act (“CALEA”), and therefore, must accommodate law enforcement wiretaps. Up until this Order, VoIP providers were not classified as a

conventional telecommunications service providers for the purpose of CALEA. In other words, as VoIP technology has become more commonly used, the FCC has decided to require providers to be capable of providing the same types of emergency and other “public interest” services as traditional telecommunications providers are required to make

available. The requirement still only applies to facilities-based broadband Internet access service providers and interconnected VoIP providers. These providers must be in full compliance with the Order within approximately 18 months. The order can be found at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-153A1.pdf.

FCC RELEASES 4TH QUARTER USF CONTRIBUTION INFORMATION

In CC Docket No. 96-45, the FCC’s Wireline Competition Bureau announced that the proposed universal service contribution factor for the fourth quarter of 2005 will remain at virtually the same rate as it

was in the 3rd quarter: .102 or 10.2 percent. The Commission calculates the quarterly contribution factor based on the ratio of total projected quarterly costs of the universal service support mechanisms to contributors’ total projected

collected end-user interstate and international telecommunications revenues, net of projected contributions. Accordingly, the projected demand and expenses are as follows:

(\$ millions)

Program	Projected Program Support	Admin. Expenses	Application Of Interest Income	Application of Periodic True-Ups	Total Program Collection
Schools and Libraries	555.431	7.069	(29.857)	(2.320)	530.323
Rural Health Care	11.638	.411	(0.363)	(.710)	10.976
High-Cost	1,012.883	(8.701)	(2.419)	(112.494)	889.269
Low Income	203.357	(0.752)	(0.544)	0.294	202.355
TOTAL	1,783.309	(1.973)	(33.183)	(115.230)	1,632.923

The Public Notice in this Docket is available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-05-2454A1.pdf.

Congressional News

DRAFT REVISION TO TELECOM ACT RELEASED

As reported in previous issues of the LoKT Newsletter, the Telecom Act of 1996 is in the early stages of what promises to be a significant revision. Senator Ensign's bill has been followed by a draft House bill. The draft categorizes all IP-based services as "broadband Internet transmission services ("BITS"), which would put services such as cable, DSL, satellite, and wireless broadband services in the same regulatory category. Other interesting pieces of the draft legislation include:

- Language on "network neutrality," in which broadband pro-

viders are restricted from blocking or degrading subscriber access to competing content streams.

- FCC would be given authority to determine that VOIP can be required to contribute to the Universal Service Fund.
- Creation of a national franchise for broadband video providers, but applies many of the current requirements of cable video providers.
- Allowance for municipalities to develop and deploy BITS, VOIP, and broadband video services (municipalities can't provide preferen-

tial treatment for these services and must comply with all regulations governing private-sector providers).

The bill also piles on with 911 requiring that VOIP subscribers have access to 911 services. Although the various interested parties to the revision have voiced concern over certain portions, the reaction has been generally positive. Many believe that this draft is a good compromise with a reasonable chance of acting as the starting point for future negotiations.

Click [here](#) for the full text of the draft bill.

Other National News

AUSTRALIAN COURT OUTLAWES FILE-SHARING APPLICATIONS



Niklas Zennstrom
founder of Kazaa

Napster and Grokster, two of the most-used file-sharing software, have had a rough time in recent court rulings in the U.S. Now, a third and the biggest name in the "industry" has met a similar fate overseas. Earlier this month, an Australian court ordered Kazaa, the world's largest file-sharing service, to filter out copyrighted material from its network. As a result of the ruling, they will be forced to include copyright filters in future editions of its software and to put pressure on current users to upgrade to the new version. It is estimated that Kazaa is used for 4 out of 5 internet file-swaps, and more than 317 million people have downloaded the software, which allows users to swap music, film and other digital information over the web. The ruling by Australia's federal court broadly found that file-sharing copyrighted material over the network was illegal. Both the user who makes the file available and the user who downloads a copy infringes the owner's copyright according to the court. Although the ruling will not have a binding effect on American courts, the ruling will probably influence the development of law in other commonwealth countries (such as England) and could be an influence on American courts. Kazaa, based in Sydney, Australia, said it will appeal the ruling.

The State Pages

News and Updates in State Telecommunications Law

STATE BRIEFS:

Listed below are briefs of this month's important news from state utility commissions, legislatures, courts, and other noteworthy state news:

Arizona: Corporation Commission staff proposed 3-year regulation plan for Qwest that would let it increase AZ rates for a variety of optional, discretionary and competitive services by \$31.3 million the first year and \$12 million the 2nd. The proposed plan (Case T-0105- 1B-03- 0454) will continue the price capping program for retail services adopted 3 years ago, which freezes rates for basic exchange, allows semicompetitive services to rise up to 25% per year and gives broad pricing flexibility for competitive services.

Arkansas: PSC approved network element rate settlement involving SBC, Alltel, PSC staff and the Attorney General's office for unbundled analog and 2-wire digital loops. The 2 incumbents' Ark. rates for 2-wire analog loops will be 16.00 monthly in urban zones, 18.70 in suburban and 22.02 rural. Four-wire analog loops will be 35.25 urban, 32.75 suburban and 40.37 rural. Another section sets rates for 2-wire digital loops -- with speeds up to 160 kbps -- at 24.09 urban, 22.71 suburban and 26.68 rural. The rates are fixed for 3 years. The PSC said the negotiated rates are within the range expected if the TELRIC cost model were applied, and at or below levels its staff recommended. A new report containing all state UNE rates can be found on the firm's website at <http://www.lokt.net/publications/publications.html>.

California: PUC ceased decade-long fight to spare the 310 area code in Beverly Hills and W. Los Angeles from relief measures, ordering an all-service overlay with 11-digit local dialing next year. This will be CA's first all- service overlay. The PUC conceded that number conservation measures no longer can keep up with number demand. Also, the PUC let SureWest Communications (formerly Roseville Telephone) keep receiving an annual 11.5 million interim subsidy from the Cal. high-cost fund, but the commission gave SureWest until Aug. 2006 to complete a cost study for setting a permanent draw. SureWest began receiving the state subsidy in 2001, after the PUC authorized SBC to end 11.5 million in extended area service payments to SureWest. The interim draw from the high-cost fund was to last until a future PUC regulatory proceeding (Case 101-04-026) reviewed the draw amount and the underlying cost data that were its basis.

Colorado: PUC hearing officer urged sanctions against Western Wireless for not offering certain services required of it as a recipient of CO universal service subsidies late 2002-early 2004. The ALJ (Case 04F- 474T) said Western, which does business as Cellular One, failed to advertise and promote a \$14.99 basic monthly service plan.

Connecticut: State regulators tentatively reaffirmed their July ruling disclaiming jurisdiction over the SBC-AT&T and Verizon-MCI mergers. The Dept. of Public Utility Control ("DPUC") denied motions by the CT Attorney General and the Office of Consumer Counsel ("OCC") to reconsider. The DPUC (Case 05-04-11) disclaimed jurisdiction on grounds that the merger is at the holding company level and that Conn. operating companies would remain distinct entities.

Illinois: On September 7, the Illinois Commerce Commission (Docket 05-0204) amended the requirements for its "Digital Divide Elimination Infrastructure Fund." The amendments list specific guidelines and requirements for grant proposals by entities who wish to receive a grant out of the fund. A copy of the Order and Appendix is available by searching under the docket number at <http://eweb.icc.state.il.us/e-docket/>. Ill. Gov. Rod Blagojevich (D) also signed an act requiring wireless carriers to provide a contact number and brief service description for 3rd-party services included on a customer's bill. The law (HB-2853) applies where the wireless carrier is only the billing agent, and so can't provide adjustments, refunds or credits.

Iowa: A federal court dismissed IA rural carriers' challenge of a Utilities Board ("IUB") 2003 ruling that wireless carriers weren't liable for access charges to landline telcos that relayed or terminated wireless calls originating and terminating within a major trading area (MTA). This is the 2nd time a court rejected the telcos' suit. The first was in late 2003, but the telcos appealed the dismissal to the 8th U.S. Court of Appeals, St. Louis. That court remanded the case to the district court with instructions to decide if the state agency correctly interpreted federal law.

Kansas: Corporation Commission ("KCC") rejected SBC's request to reconsider parts of its June order for retail rate deregulation in Kansas City, Wichita and Topeka. The order allowed rate deregulation of bundled services in the 3 markets and of multiline business services in Wichita, but SBC sought reconsideration of the definition of "bundle" and of the decision against rate deregulation for optional vertical services for consumers and small businesses. The commission (Case 05-SWBT-997-PDR) said SBC's proposed definition of a bundle would cover any purchase with an access line of an optional vertical service at tariffed list price. The KCC also fined SBC for violating timely-repair standards the 2nd half of 2004, but made the fine relatively tiny, after finding extenuating circumstances. The commission (Case 95-GIMT-047-GIT) acted on a staff memo noting SBC had violated a KS state standard requiring completion of repairs within 30 hours, on average. SBC was fined \$100 for each of 4 listed violations instead of the \$3,000 each the staff had recommended.

STATE BRIEFS (CONTINUED)

Kentucky: The PSC set testimony filings and autumn hearings in a proceeding to decide if BellSouth's network unbundling obligations under Sec. 271 require it to provide Ky. CLECs with certain unbundled network elements ("UNEs") delisted from Sec. 251 by FCC Triennial Review actions.

Louisiana: PSC staff decided to drop highly contentious provisions from proposed rules to ensure fair competition between the Lafayette Utilities System's ("LUS") new broadband telecom venture and private broadband providers and prevent improper cross-subsidies between the city's electric and telecom businesses. The staff revised the proposal after reviewing comments.

Michigan: Attorney General Mike Cox (R) asked a state court to overturn an Aug. PSC ruling that deregulated all retail telecom service rates in the state's 30 largest cities, including Detroit, Grand Rapids, Lansing and Flint. The suit in the MI Court of Appeals claims the PSC lacked enough evidence to act and that SBC had failed to show effective competition throughout the deregulated areas. Also in Michigan, a contractor installing signs at a high school severed an SBC fiber cable, knocking out phone service to thousands of customers in Jackson, Albion, Hillsdale and Jonesville one afternoon and evening last week. The outage killed phone service throughout downtown Albion, including the 911 dispatch center and police dept. SBC said the contractor didn't ask utilities to mark the work site before breaking ground. That failure, SBC indicated, could expose the contractor to legal action.

New Hampshire: PUC will hold a technical conference Oct. 5 in a competition proceeding to decide if any wire centers in the state meet FCC criteria for continuing mandatory cost-based provision of high-capacity digital loops and transport facilities (Case DT 05-083). Under the FCC Triennial Review Remand Order, Verizon must provide CLECs with cost-based DS-1 and DS-3 loops and dedicated high-capacity transport in wire centers with insufficient alternative sources of supply. Parties have until Sept. 20 to respond to discovery questions.

New Mexico: Valor Telecom asked the Public Regulation Commission ("PRC") to change the state price-cap system, which expires March 2006. Valor proposed a revised system that would let it move basic service rates anywhere between current rates and a cost floor without prior regulatory approval. Also, the PRC set a Sept. 14 hearing on major incumbent telcos' proposals to impose local service surcharges to offset revenue impacts of state-mandated cuts in intrastate access charges. Qwest proposed a 1.50 monthly surcharge, Valor Telecom 2.73 and a coalition of rural telephone cooperatives proposed a uniform 5.00 for members. The surcharges would begin April 2006, to coincide with the access charge cuts to interstate levels.

New York: A federal court in N.Y. threw out all but one claim in a suit by prison inmate families against the state Dept. of Correctional Services and MCI that challenged the state's exclusive contract with MCI for collect call services at inmate payphones. The court dismissed all claims against MCI, saying they amounted to a rate discrimination claim and not a constitutional violation. Also, Governor George Pataki (R) signed an act to eliminate an exemption in the state's no-call telemarketing law permitting calls to consumers to schedule appointments for face-to-face sales pitches.

Ohio: Municipal interests urged the PUC to approve the proposed SBC-AT&T merger, saying it will bring more low-income people onto Ohio's phone network while spurring competition, innovation and customer service. Expressions of municipal support for the merger came in comments filed with the PUC (Case 05-0269-TP-ACO) by the Dayton Urban League, Brecksville Mayor Jarry Hruby, Summit County Mayors' Assn. and Grove City Mayor Cheryl Grossman.

South Carolina: Time Warner asked a SC court to overturn a May PSC order denying Time Warner Cable Information Services intervenor status in an interconnection dispute between MCI and 4 rural incumbent telcos. In March, MCI petitioned the PSC to arbitrate a dispute with Farmers Telephone Co-op, Home Telephone, PBT Telecom and Hargray Telephone, alleging that the 4 telcos refused to interconnect with MCI for completion of VoIP calls originating with Time Warner customers. Time Warner sought to intervene on grounds it's a state-authorized competitive carrier providing IP-based phone services in Hargray territory and plans to extend its services into markets the other 3 telcos serve. The PSC, MCI and the 4 telcos in Case 2005-67-C agreed to work through this week on an attempt to negotiate a settlement.

Washington: Regulators denied a motion by Verizon to dismiss an interconnection complaint by Integra Telecom alleging Verizon provided wholesale facilities and services inferior to retail equivalents it provided its own customers. Verizon sought dismissal by the Utilities & Transportation Commission ("WUTC") on grounds that federal law preempts state jurisdiction over Integra's claims. The WUTC disagreed. It said state action isn't preempted in this case ((UT-053038) because Integra alleges violations of state law independent of provisions in the interconnection agreement, and that the agreement doesn't specifically prohibit the parties from seeking state as well as federal relief. The WUTC set a settlement conference Nov. 29 and hearings Dec. 20.

CALIFORNIA AND GEORGIA COME TO OPPOSITE CONCLUSIONS ON NAKED DSL

The California PUC recently adopted a resolution stating that DSL carrier policies requiring customers to purchase voice service in order to get DSL will stifle competition in the state for voice and DSL, while discouraging adoption of VoIP and other broadband service applications. The PUC policy resolution directed its staff to oppose mandatory tying of voice and DSL in federal and state policymaking forums. The resolution makes clear that it is not advocating restrictions on optional service bundling, or advocating wholesale unbundling of DSL as a separate network element. Since the PUC has little power over broadband, the resolution simply expresses the agency's preference. On the other end of the spectrum, the Georgia PSC let up on BellSouth by eliminating a state requirement that it offer "naked" DSL to consumers who don't subscribe to its local phone service. BellSouth agreed to withdraw its federal and state court appeals of the naked DSL order. The PSC said recent federal rulings made its Oct. 2003 requirement for stand-alone DSL unsustainable. The PSC's original orders (Cases 11901-U & 16583-U) found BellSouth had violated state law and its interconnection contracts with MCI and ITC DeltaCom by refusing to offer DSL by itself to CLEC customers, but in light of recent federal policy declarations on DSL, the PSC said its policy must be rescinded. That means BellSouth can resume mandatory tie-ins of its DSL and voice services. The PSC established a transition that requires BellSouth to continue providing stand-alone DSL to current customers until March 11, 2006, the end of the FCC's transition for existing UNE-P customers. The PSC told BellSouth it must notify stand-alone DSL customers of the policy change.

QWEST ATTEMPTS TO BLOCK PORTLAND MUNICIPAL NETWORK

Qwest Communications and the city of Portland, Oregon have been embroiled in a vicious legal battle over the last several years, over Portland's internal communications system. Portland launched its internal network in 2002 to avoid paying the rates Qwest and other telecom companies charge for phone lines and high-speed Internet connections. The \$14 million system links several city offices, and a few government agencies outside the city,

to a network of fiber-optic cable that carries city phone calls and Internet traffic. The Integrated Regional Network Enterprise ("IRNE" or "Ernie"), according to city officials, provides extremely fast Internet connections the city could not otherwise afford. The only hurdle to this seemingly flawless system appears to be Qwest and other telcos, not happy that they are losing business. The city estimates it has already spent \$150,000 on legal fees defending the system against earlier chal-

lenges from Qwest and others. Now, Qwest has filed suit again in U.S. District Court, claiming that Ernie is an illegal government-sponsored competitor. Qwest complains that the city is abusing its regulatory authority by forcing telecom companies to connect Ernie to their networks in exchange for permission to use city-owned rights of way for the companies'



Portland, Oregon

private networks. Instead of seeking an order to force Portland to remove the network or even to extract damages from the city, Qwest is asking the court to stop Portland from forcing them to connect to Ernie, and in the future, to require other governments to seek competitive bids before connecting to Portland's network.

Industry News

Telecommunications Industry News and Notes

DSLEXTREME FILES FORMAL COMPLAINT AGAINST VERIZON IN CALIFORNIA

On Thursday, September 8, Extreme Telecom, Inc. dba DSLExtreme filed a formal Complaint at the California Public Utilities Commission ("CPUC") against Verizon California for anti-competitive and discriminatory practices and unreasonable services. The Complaint alleges that, for a period of over 6 years

and currently, Verizon has violated Section 451 of the California Public Utilities Code, by failing to provide reasonable service to DSLExtreme (a wholesale purchaser of DSL Transport from Verizon). It also alleges that Verizon discriminated against DSLExtreme and in favor of its affiliate ISP, Verizon Online, in violation of Section 453 of the Code. The

Complaint seeks various corrective measures as well as penalties against Verizon. This firm is representing DSLExtreme in this matter. If you would like a copy of the Complaint (Docket C05-09-008) or have any questions about the case, feel free to contact us: kris@lokt.net andrew@lokt.net

ISP MISTAKE LEADS TO FALSE CHILD-PORN ACCUSATION

More and more, law enforcement agencies around the world are using the virtual fingerprints left by Internet users to track down and capture criminals. Unlike actual fingerprints, however, these virtual traces can easily lead investigators in the wrong direction. This was the case in Kansas, where police sought a court order that would require ISP Cox Communications to provide a home address connected to an Internet address they suspected of receiving child porn. When a Cox employee typed in an Internet address different from the one provided by police, it led investigators to Brian and Sarah Doom, who were shocked when police showed up at their Wichita home accusing them of child pornography. The police had no idea that they had the wrong house, and allegedly aggressively interrogated the couple about the child porn accusations for hours, and confiscated the couple's computer. The couple is now suing Cox for invasion of privacy, breach of contract, defamation of character and "outrageous conduct." The suit was filed both in Kansas and in Georgia, where Cox maintains its headquarters. The Doods claim Cox should have been able to protect their privacy from an unwarranted raid by police. They are asking for unspecified damages, including lawyer's fees stemming from their dealings with police, and emotional distress.

LoKT Firm News

What's new at LoKT

KRIS TO SPEAK AT UPCOMING INDUSTRY CONFERENCES

Kris will be speaking at two conferences in October.

The first is WISPCON VIII in Dallas, Texas, on October 10th and 11th. Kris will give three presentations during the show. The first will address the 4.9 GHz public safety band and opportunities for WISPs. The second will describe the new spectrum being cleared by the FCC for WISPs and the regulatory conditions for such use.

The third and final presentation will update WISPs on the FCC's requirements for E911 and CALEA as they relate to providing

VoIP services. For more information, please go to <http://www.wispcon.info/US/WISPCON-VIII/center.htm>.

One week later, at ISPCON Fall 2005 in Santa Clara, California (October 19th) at 8:45 AM, Kris will lead a panel presentation entitled, "The 10 Biggest Policy Issues Facing Your Business and What to Do About Them." As currently planned, the panel will address the following ten issues:

1. BrandX Fall-out
2. DSL Transport Deregulation
3. Additional Unlicensed

Wireless Spectrum

4. Municipal wireless debate/opportunities
5. VoIP
6. E911/CALEA
7. Access Charges/Virtual NXX
8. Content Restrictions
9. Privacy Issues
10. Telecom Act revisions/new legislation

Also on the panel will be Jason Talley from Nuvio, and David Snead, an ISP lawyer in Washington, DC. For more information, please go to: <http://www.ispcon.com/Fall2005/>.



October 2005

THIS MONTH'S FILING DEADLINES AND OTHER DATES TO REMEMBER:

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 FCC Local Switching Support Projection	4	5	6	7	8
9 WISP-CON VII: October 9-11; Dallas..	10 ...Kris Twomey presents info. on legal	11 and regulatory issues for WISPs and CLECs	12	13	14	15
16	17 FCC Form 497	18 ISP-CON Santa Clara: Oct. 18-20; Kris leads	19 panel on legal and regulatory policy; Santa	20 Clara (CA) Convention Center	21	22
23	24	25 VoIP E911 insufficiency report due	26	27	28	29
30	31 VoIP E911 90% Acknowledgement	FCC Form 499Q: 11/1	E911 Compliance Letter: 11/28			

- FCC Local Switching Support Projection: Must be filed by all facilities-based CLECs by 10/3. For more info: www.universalservice.org/li/forms.
- Kris will be presenting information on regulatory issues for WISPs at WISP-CON VII in Dallas, October 9-11.
- FCC Form 497 Low Income Quarterly Reporting; must be filed by all ETCs for reimbursement of low income USF support claims.
- Kris will be leading a regulatory policy panel at ISPCON. ISPCON will be October 18-20 at the Santa Clara (CA) convention center.
- FCC Form 499Q Telecom. Reporting Worksheet (this form replaced Form 499-5); must be filed by all providers whose annual contribution to the federal universal service support mechanisms is expected to exceed \$10,000 for the year. For more info: www.universalservice.org/li/forms. Due Nov. 1.
- FCC E911 Customer acknowledgements "insufficiency" report due (10/25). 90% Acknowledgement required (10/31). Compliance Letter (all interconnected VoIP providers) due 11/28.

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1519 East 14th Street, Suite A
 San Leandro, CA 94577
 Phone: 510.903.1304
 Fax: 510.868.8418

Email: kris@lokt.net
andrew@lokt.net
www.lokt.net

1725 I Street, N.W., Suite 300
 Washington, DC 20006
 Phone: 202.250.3413
 Fax: 202.517.9175