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May 10, 2004

Electronic Submission

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket 04-36
Ex Parte

Dear Ms. Dortch:

On May 9, 2005, Skype Communications, S.A. ("Skype"), represented by Director of Operations Michael Jackson, undersigned counsel, and Brita D. Strandberg of this firm, met with Chairman Martin's Chief of Staff Daniel Gonzalez and Michelle Carey, Legal Advisor to Chairman Martin, and separately with Commissioner Copps and Jessica Rosenworcel, Legal Advisor to Commissioner Copps, to discuss the application of 911/e911 requirements to IP-enabled services.

Specifically, Skype explained its position that those providing IP-based replacements for fixed-line wireline telephone service should provide equivalent access to 911/e911 emergency response services as available to consumers using the telephone services for which they are seeking a replacement. In this way, consumers, who expect to have access to emergency response when they replace their fixed-line telephone service, will not be exposed to potentially dangerous situations if their reasonable expectations are not met.

Skype emphasized that the Commission should define IP-based replacements for fixed-line wireline telephone service as services that:

- Assign users NANPA/E.164 phone numbers;
- Offer as a package real-time, two-way service that is able to receive voice communications from the PSTN and terminate voice communications on the PSTN;
- Provide, or enable use of, traditional CPE or CPE that, like traditional CPE, is always on and has dial tone.

Use of this definition will ensure that consumers buying phone service that is marketed as, and intended to be used as, a replacement for fixed-line wireline telephone service will be able to reach emergency services.

Naturally, Skype itself will abide by this proposal and will offer access to emergency response whenever it offers services meeting these criteria. Indeed, Skype is planning to integrate its IP offerings with its own WiFi handsets and will support the provision of reliable user location information to emergency services when consumers buy those handsets.

In the interim, Skype is concerned that overbroad application of 911/e911 requirements will impede rather than facilitate the provision of emergency services. Skype does not have access to reliable real-time location information for its users – Skype may determine a user’s IP address, but IP addresses (in addition to being vulnerable to spoofing) offer only the most general sense of a user’s location. Of course, Skype could request location information from users, but any self-reported information is likely to be unreliable. Skype users typically use Skype from laptops or from several computers, logging into their Skype accounts from home, work, hotel rooms, airports, Internet cafes, and anywhere else they have access to a computer and a broadband connection. Consequently, any user-reported location information, even if initially correct, will accurately describe a user’s location only some of the time, and could be off by entire continents.

Because it does not have and cannot obtain reliable location information from its users, Skype currently is unable to deliver emergency calls to the proper PSAP. It is likewise unable to transmit location and callback information. A Skype call to emergency services would run a serious risk of being routed to the wrong PSAP and would contain unreliable information once connected. Adding capability for such calls to Skype would reduce user security by creating a false impression that Skype can and should be used to reach emergency services and would burden PSAPs with improperly routed calls and unreliable information. Skype has addressed this limitation by warning users that Skype should not be used as a telephone replacement service and cannot be used for emergency dialing

For the reasons discussed above, Skype urges the Commission to limit the immediate application of 911 and e911 requirements to IP-based replacements for fixed-line wireline telephone service as defined herein.

Respectfully submitted,

A handwritten signature in black ink that reads "Henry Goldberg". The signature is written in a cursive, slightly slanted style.

Henry Goldberg
Attorney for Skype
Communications, S.A.

cc: Commissioner Copps
Michelle Carey
Daniel Gonzalez
Jessica Rosenworcel