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March 7, 2011

Ms. Joan Conrad, Executive Secretary  
Iowa Utilities Board  
1375 E. Court Avenue, Room 69  
Des Moines, Iowa 50319

Dear Secretary Conrad:

This letter is submitted jointly by Verizon and the Voice on the Net Coalition ("VON"), which represents the nation's leading companies developing and delivering voice innovations over the Internet.<sup>1</sup> Verizon and VON are not parties to this complaint proceeding, and they take no substantive position on the issues Mediacom's complaint raises with respect to the conduct of Primecast and Conexion. Verizon and VON, however, are concerned that statements in the Office of Consumer Advocate's briefs may be construed to urge the Board to impose utility-type regulation on all "fixed" VoIP providers.

Leaving aside our vigorous disagreement with OCA's legal analysis, it would be procedurally improper for the Board to issue general statements or rulings about the regulatory treatment of VoIP services in the context of this complaint proceeding, nor is there any need for the Board to do so in order to resolve the complaint. Verizon and VON, therefore, request that any final order in this docket explicitly state that it applies only to the parties to the complaint and is based on the specific facts presented and arguments made by these parties. This language will help to avoid any potentially harmful (and unintended) consequences of a broader opinion on controversial issues that could not be fully addressed in the context of the narrow dispute among the parties here, and that are of keen interest to the entire industry .

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<sup>1</sup>The Voice on the Net or VON Coalition consists of leading Voice over Internet Protocol ("VoIP") companies on the cutting edge of developing and delivering voice innovations over the Internet. The coalition works to advance regulatory policies that enable Americans to take advantage of the full promise and potential of VoIP. The Coalition believes that with the right public policies, Internet-based voice advances can make talking more affordable, businesses more productive, jobs more plentiful, the Internet more valuable, and Americans more safe and secure. Since its inception, the VON Coalition has promoted pragmatic policy choices for unleashing VoIP's potential. <http://www.von.org>.

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Among other things, a narrow resolution of this particular dispute is essential to avoid chilling investment in advanced services in Iowa and preserving the full range of options available to the Board in potential future cases. The language we seek would recognize that the Board's analysis and policy choices in other cases, when presented with different options or involving different or broader considerations, may differ from the choices it makes in this complaint proceeding, on this particular record.

In sum, Verizon and VON understand that the ruling in this complaint case will apply only to the parties to the complaint and will not create a rule of general applicability. Nevertheless, to make the record absolutely clear on this point, Verizon and VON respectfully request that any final order explicitly recognize that the conclusions reached in its order apply only to the parties to the complaint and are based on the specific facts presented and the arguments made by these parties.

Respectfully submitted,



Timothy J. McCallion  
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