

**STATE OF IOWA
DEPARTMENT OF COMMERCE
IOWA UTILITIES BOARD**

IN RE:)	
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AMENDMENTS TO TELECOMMUNICATIONS SERVICE REGULATIONS [199 IAC 22])	Docket No. RMU-2015-0002
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COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (“VON”)¹ hereby submits its comments pursuant to the Iowa Utilities Board’s (“Board”) May 18, 2016, Order Commencing Rule Making, and June 8, 2016, Order Requesting Comments.

Discussion

The Board’s above-referenced orders request comments on proposed rule revisions to 199 IAC 22. VON does not support the Board’s proposal to maintain regulatory authority over VoIP because it conflicts with federal law.² The proposal would subject VoIP to traditional telephone regulations that the FCC has not authorized the states to apply to VoIP. Instead of

¹ The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP enabled communications. VON Coalition members are developing and delivering voice and other communications applications that may be used over the Internet. For more information, see www.von.org.

² Two versions of the proposal were offered. See *Order Commencing Rule Making, Notice of Intended Action Attachment*, Docket No. RMU-2015-0002 p.12 (rel. May 18, 2016) (Adding the following to the list of services deregulated by the Board: “[t]elecommunications services provided by Voice over Internet Protocol. Docket No. RMU-2015-0002. Effective ____, 2016.”; *Order Requesting Comments*, Docket No. RMU-2015-0002 p.2 (rel. June 8, 2016) (Adding the following to the list of services deregulated by the Board: “[t]elecommunications retail services provided by Voice over Internet Protocol technology. The deregulation of these services is not intended to affect the Board’s authority over customer complaints and intercarrier disputes, nor is it intended to relieve providers of Voice over Internet Protocol services from their Dual Party Relay assessment obligations or their reporting obligations to the Board.”)

adopting either version of the proposal, VON reasserts its suggestion that the Board adopt AT&T's changes to the definition of "telephone utility."³

AT&T's Proposed Changes to the Definition of "Telephone Utility" Should be Implemented Instead of the Board's Current Proposal

Under its current proposal, the Board would maintain regulatory authority over VoIP. Both versions of 199 IAC 22.1(6)(a)(15) proposed by the Board would add VoIP to the list of services that have been deregulated by the Board. However, VoIP would still be considered a "telephone utility" under Iowa law. As a result, it would be subject to a number of the Board's traditional telephone regulations that the FCC has not authorized the states to apply to VoIP.⁴

VON therefore reasserts its support of the changes to the definition of "telephone utility" proposed by AT&T in this docket. Implementation of such changes would align with federal law and the actions taken by at least 31 other states. Under federal law, information services are exempt from state regulation. While the FCC has asserted limited jurisdiction over interconnected VoIP services, it has not classified interconnected VoIP as a telecommunications service. The FCC has imposed a number of specific obligations, including, requirements to provide Enhanced 911, assist with law enforcement access, contribute to the Federal Universal Service Fund, protect customer proprietary network information, and provide customers notice before discontinuing service.⁵ In none of these actions, however, has the FCC granted the states authority to impose any other specific obligations on interconnected VoIP providers, other than

³ Comments of the Voice on the Net Coalition, Docket No. RMU-2015-0002 (filed February 29, 2016).

⁴ These Board regulations include, but are not limited to, annual reports, assessment fees, and several record keeping requirements.

⁵ First Report and Order and Notice of Proposed Rulemaking, WC Docket No. 04-36, FCC 05-116, (rel. Jun. 3, 2005) ("*VoIP 911 Order*"); Report and Order and Notice of Proposed Rulemaking, WC Docket No. 06-122, FCC 06-94 (rel. Jun. 27, 2006) (imposing USF requirements); Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 04-36, FCC 07-22 (rel. Apr. 2, 2007) (imposing CPNI requirements); Report and Order, WC Docket No. 04-36, FCC 09-40 (May 13, 2009) (imposing discontinuance requirements).

state USF contributions where such contributions are not inconsistent with federal USF obligations and the payment of state and local fees to support the 911 network.⁶

At least 31 other states and the District of Columbia have already codified regulatory “safe harbors” for VoIP or IP-enabled communications.⁷ These states have recognized that there is no benefit to imposing legacy telephone regulations on VoIP, and that investment will be lost if regulatory ambiguities are allowed to remain in place. The Board should consider the actions of these states during this rulemaking proceeding.

Conclusion

For the foregoing reasons, VON does not support the Board’s proposal to maintain regulatory authority over VoIP because it does not align with federal law. Instead, VON suggests that the Board adopt AT&T’s proposed changes to the definition of “telephone utility.”

Respectfully submitted,

VOICE ON THE NET COALITION

_____/s/_____
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⁶ See VoIP 911 Order, *supra* note 2 ¶ 52.

⁷ Alabama, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Massachusetts, Maryland, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin and Wyoming.