

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.² 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 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.³ The Board's proposed changes acknowledge these FCC actions.

The Board's proposals are also consistent with the actions of at least 31 other states and the District of Columbia, which have already codified regulatory "safe harbors" for VoIP or IP-enabled communications.⁴ These states have recognized that there is no benefit to imposing legacy telephone regulations on VoIP, and that investment in broadband facilities may be lost if regulatory ambiguities are allowed to remain in place.

² 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).

³ See VoIP 911 Order, *supra* note 2 ¶ 52.

⁴ 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.

Conclusion

For the foregoing reasons, VON supports the Board's proposed changes.

Respectfully submitted,

VOICE ON THE NET COALITION

_____/s/_____
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