



October 28, 2010

(Filed electronically)

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

Re: **Ex Parte Notice**
CC Docket No. 96-45
CC Docket No. 01-92
WC Docket 04-36
WC Docket 05-196
WC Docket No. 05-337
WC Docket No. 06-122
PS Docket 07-114
GN Docket No. 10-127

Dear Ms. Dortch:

On October 26, 2010, the Voice on the Net Coalition (VON) represented by Brendan Kasper of Vonage, Paula Boyd and Kevin Minsky of Microsoft, Rick Whitt of Google, Amy Wolverton of T-Mobile and Glenn Richards, Executive Director and Counsel for VON, met with Zac Katz, Legal Advisor for Chairman Genachowski, General Counsel Austin Schlick, and Patrick Halley, Rebekah Goodheart and Jennifer Prime, of the Wireline Bureau to discuss a number of issues raised in the above-referenced dockets.

In particular, VON discussed how the 2004 Vonage Preemption Order had inspired tremendous growth, investment and innovation in the VoIP industry, including most recently mobile VoIP applications. However, VON raised concerns that recent actions by state public service commissions in Illinois, Maine and Wisconsin attempting to assert jurisdiction over VoIP have created regulatory uncertainty that could slow further investment and innovation. VON asked that the Commission within the context of an open proceeding declare that all forms of VoIP are interstate, information services, and that the Commission preempt state regulation as was intended by the Vonage Preemption Order.

VON also reiterated its opposition to the Kansas/Nebraska petition asking the FCC to approve the application of state USF fees to nomadic, VoIP services. VON noted that approval of the petition will lead to an increase in rates for all VoIP customers



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and adversely impact VoIP providers who will bear significant administrative expenses to comply with multiple, varying state USF rules, and payment obligations. If the FCC moves forward, it should expressly reaffirm the Vonage Preemption Order and clarify that the states' authority to impose regulation is solely limited to USF.

In addition, VON stated that it strongly supports a transition to all IP, next generation networks, where all users have broadband connections. To that end, VON advocated that high cost support be directed toward broadband and not be used by local phone companies to expand legacy TDM networks. In addition, VON recommends that broadband be added as a supported service for eligible Lifeline and Link-up recipients. VON also recommended a shift from the existing access charge regime that rewards terminating monopolies, to a bill and keep regime. If a bill and keep regime is not achievable then imposing a more reasonable switched access rate of .0007 or the reciprocal compensation rate would be appropriate.

Finally, VON stated its intention to work with Commission staff with regard to the Commission's recent NOI seeking information on VoIP 911 issues. VON noted that certain services and devices may not be technically capable of providing 911, may not be expected by consumers to provide 911 and may be information services, or may otherwise be outside of the FCC's jurisdiction to require 911 solutions.

Please contact me directly if you have any questions.

Sincerely,

/s/

Glenn S. Richards
Executive Director

cc: Zac Katz (by email)
Austin Schlick (by email)
Patrick Halley (by email)
Rebekah Goodheart (by email)
Jennifer Prime (by email)