



**Voice on the Net Coalition**

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May 26, 2011

(Filed electronically)

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

Re: **Ex Parte Notice**  
PS Docket No. 11-82  
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  
WC Docket No. 11-10  
WC Docket No. 07-38  
WC Docket No. 10-90  
WC Docket No. 10-132  
PS Docket No. 10-255  
GN Docket No. 09-51  
WC Docket No. 03-109  
WC Docket No. 07-135  
WC Docket No. 11-39  
CG Docket No. 10-213  
WT Docket No. 96-198  
CG Docket No. 10-145

Dear Ms. Dortch:

On May 24, 2011, members of the Voice on the Net Coalition (VON) held a series of meetings with Commission staff and legal advisors to discuss a number of issues raised in the above referenced dockets, as described more fully below.

1) VON, represented by Brendan Kasper of Vonage, Paula Boyd and Kevin Minsky of Microsoft, Rick Whitt of Google, Thomas Gorney of Nextiva, Staci Pies of Skype and Glenn Richards, Executive Director and Counsel for VON, met with Christine Kurth, Legal Advisor for Commissioner McDowell. During the meeting, VON provided a listing of proceedings since 2005 imposing new regulations on VoIP and pending



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proceedings proposing new regulations on interconnected VoIP and other IP-enabled services. A copy of the handout is attached. VON expressed concern that additional regulation of the IP communications industry could deter investment and innovation and asked that the Commission consider the broader impact of additional regulation. VON also discussed its filing in the intercarrier compensation proceeding, supporting bill and keep for VoIP traffic and to the extent regulated, supporting classification of VoIP and other IP enabled services as information services. VON stated that bill and keep would resolve carrier disputes around access for VoIP and that reclassification would eliminate uncertainty in the market about the potential for federal and state regulation. VON noted that with the passage of legislation last week in Texas and Wisconsin, that 19 states had now prohibited state regulation of VoIP or other IP-enabled services. VON also expressed its interest in working with other industry groups to provide a consensus position on USF/ICC reform. In addition, VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers; and expressed its opposition for requiring non-interconnected VoIP providers from filing FCC forms 477 or expanding truth in billing rules to VoIP. VON also discussed its filings concerning disabilities access and Caller ID, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of the various covered services. VON recommended that the FCC grant broad waivers of the new disabilities access rules and provide providers, developers and manufacturers sufficient lead time to implement the new rules. VON also referenced its filing in the VoIP 911 proceeding demonstrating that automatic location update technology was not currently available and suggesting that it would be premature to institute a rulemaking requiring E911 for mobile VoIP applications or requiring nomadic VoIP or Internet Protocol service providers to recognize that users have moved from registered addresses and requiring that the location be automatically updated in the 911 database.

2) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Whitt, Mr. Gorney, Ms. Pies and Mr. Richards met with Angela Kronenberg, Legal Advisor for Commissioner Clyburn. VON discussed its filing in the intercarrier compensation proceeding, supporting bill and keep for VoIP traffic and to the extent regulated, supporting classification of VoIP and other IP enabled services as information services. VON stated that bill and keep would resolve carrier disputes around access for VoIP and that reclassification would eliminate uncertainty in the market about the potential for federal and state regulation. VON noted that with the passage of legislation last week in Texas and Wisconsin, that 19 states had now prohibited state regulation of VoIP or other IP-enabled services. VON also expressed its interest in working with other industry groups to provide a consensus position on USF/ICC reform. In addition, VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers; and expressed its opposition for requiring non-interconnected VoIP providers from filing FCC forms 477 or expanding truth in billing rules to VoIP. VON also discussed its filings concerning disabilities access and Caller ID, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of



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the various covered services. VON recommended that the FCC grant broad waivers of the new disabilities access rules and provide service providers, application developers and manufacturers sufficient lead time to implement the new rules. VON also referenced its filing in the VoIP 911 proceeding demonstrating that automatic location update technology was not currently available and suggesting that it would be premature to institute a rulemaking requiring E911 for mobile VoIP applications or requiring nomadic VoIP or Internet Protocol services providers to recognize that users have moved from registered addresses and requiring that the location be automatically updated in the 911 database.

3) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Whitt, Mr. Gorney, Ms. Pies and Mr. Richards met with Margaret McCarthy, Legal Advisor for Commissioner Capps. VON discussed its filing in the intercarrier compensation proceeding, supporting bill and keep for VoIP traffic and to the extent regulated, supporting classification of VoIP and other IP enabled services as information services. VON stated that bill and keep would resolve carrier disputes around access for VoIP and that reclassification would eliminate uncertainty in the market about the potential for federal and state regulation. VON noted that with the passage of legislation last week in Texas and Wisconsin, that 19 states had now prohibited state regulation of VoIP or other IP-enabled services. VON also expressed its interest in working with other industry groups to provide a consensus position on USF/ICC reform. In addition, VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers; and expressed its opposition for requiring non interconnected VoIP providers from filing FCC forms 477 or expanding truth in billing rules to VoIP. VON also discussed its filings concerning disabilities access and Caller ID, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of the various covered services. VON recommended that the FCC grant broad waivers of the new disabilities access rules and provide service providers, application developers and manufacturers sufficient lead time to implement the new rules. VON also referenced its filing in the VoIP 911 proceeding demonstrating that automatic location update technology was not currently available and suggesting that it would be premature to institute a rulemaking requiring E911 for mobile VoIP applications or requiring nomadic VoIP or Internet Protocol service providers to recognize that users have moved from registered addresses and requiring that the location be automatically updated in the 911 database.

4) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Whitt, Mr. Gorney, Ms. Pies and Mr. Richards met with Zac Katz, Legal Advisor for Chairman Genachowski. During the meeting, VON provided a listing of proceedings since 2005 imposing new regulations on VoIP and pending proceedings proposing new regulations on interconnected VoIP and other IP-enabled services. A copy of the handout is attached. VON expressed concern that additional regulation of the IP communications industry could deter investment and innovation and asked that the Commission consider the broader impact of additional regulation. VON also discussed its filing in the



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intercarrier compensation proceeding, supporting bill and keep for VoIP traffic and to the extent regulated, supporting classification of VoIP and other IP enabled services as information services. VON stated that bill and keep would resolve carrier disputes around access for VoIP and that reclassification would eliminate uncertainty in the market about the potential for federal and state regulation. VON noted that with the passage of legislation last week in Texas and Wisconsin, that 19 states had now prohibited state regulation of VoIP or other IP-enabled services. VON also expressed its interest in working with other industry groups to provide a consensus position on USF/ICC reform.

5) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Gorney, Ms. Pies and Mr. Richards met with Amy Levine, Special Counsel for Chairman Genachowski. VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers; and expressed its opposition for requiring non interconnected VoIP providers from filing FCC forms 477 or expanding truth in billing rules to VoIP. VON also discussed its filings concerning disabilities access and Caller ID, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of the various covered services. VON recommended that the FCC grant broad waivers of the new disabilities access rules and provide service providers, application developers and manufacturers sufficient lead time to implement the new rules. VON also referenced its filing in the VoIP 911 proceeding demonstrating that automatic location update technology was not currently available and suggesting that it would be premature to institute a rulemaking requiring E911 for mobile VoIP applications or requiring nomadic VoIP or Internet Protocol service providers to recognize that users have moved from registered addresses and requiring that the location be automatically updated in the 911 database. VON also discussed its comments concerning Next Generation 911, recommending that the Commission not impose new requirements on service providers until the PSAPs are all technically capable of receiving emergency communications in forms other than voice. Finally, VON discussed its initial concerns with extending outage reporting requirements to providers of interconnected VoIP, suggesting that the new regulations were not addressing any demonstrated problem and that the filing of reports would not provide information to consumers since the reports are filed confidentially.

6) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Whitt, Mr. Gorney, Ms. Pies and Mr. Richards met Karen Peltz Strauss, Consumer and Government Affairs Bureau, Rosaline Crawford, Consumer and Government Affairs Bureau, Eliot Greenwald, Consumer and Government Affairs Bureau, Jane Jackson, Wireless Telecommunications Bureau, Jeffrey Tignor, Wireless Telecommunications Bureau, Janet Sievert, Enforcement Bureau, David Hu, Wireless Telecommunications Bureau, Brian Regan, Wireless Telecommunications Bureau, and Elizabeth Lyle, Wireless Telecommunications Bureau. VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers. VON also discussed its filings concerning disabilities



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access, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of the various covered services. In particular, VON recommended that machine-to-machine communications not be covered VON recommended that the FCC grant broad waivers of the new disabilities access rules and give providers, developers and manufacturers sufficient lead time to implement the new rules. VON also discussed the need to provide some relief from the rules for products in beta testing or already in the production pipeline.

Please contact me directly if you have any questions.

Sincerely,

/s/

Glenn S. Richards  
Executive Director

cc: Christine Kurth (by email)  
Angela Kronenberg (by email)  
Margaret McCarthy (by email)  
Zac Katz (by email)  
Amy Levine (by email)  
Karen Peltz Strauss (by email)  
Rosaline Crawford (by email)  
Eliot Greenwald (by email)  
Jane Jackson (by email)  
Jeffrey Tignor (by email)  
Janet Sievert (by email)  
David Hu (by email)  
Brian Regan (by email)  
Elizabeth Lyle (by email)

**REGULATORY PROCEEDINGS POTENTIALLY IMPACTING IP COMMUNICATIONS  
(As of May 23, 2011)**

Docket #	Origin of proceeding	Proposed or potential new requirement	Status
PS No. 11-82	FCC	NPRM proposing extension of Part 4 outage reporting rules to interconnected VoIP	NPRM released May 13; comment dates to be announced
CG No. 10-213	Twenty First Century Communications and Video Accessibility Act of 2010	NPRM proposing expansion of Disabilities Act rules to cover non-interconnected VoIP and other advanced comm services	Comments filed; replies due May 23
CG 11-47	Twenty First Century Communications and Video Accessibility Act of 2010	NPRM implementing requirement for TRS contributions from non-interconnected VoIP providers	Comments and reply comments filed
WC 11-39	Truth in Caller ID Act of 2009	NPRM requires interconnected VoIP providers to comply with rules concerning manipulation of Caller ID (DOJ proposing broader IP-Enabled Voice services)	Comments and reply comments filed
CC 01-92; WC 07-135	FCC	NPRM asks whether IP-enabled traffic should be subject to access charges or other inter-carrier compensation; seeking comments on VoIP classification	Comments and reply comments filed
WC 05-196	FCC	NOI asks whether FCC should require automatic location updates for 911 from nomadic VoIP providers	Comments and reply comments filed

WC 04-36; CC No. 98-170	FCC	NOI asks whether providers of interconnected VoIP should be subject to truth in billing rules	Comments and reply comments filed
WC 11-10	FCC	NPRM asking whether non-interconnected VoIP providers should file FCC Form 477	Comments and reply comments filed
Maine, Vermont and Wisconsin (court appeals pending in ME and VT); California	State PUCs	ME, VT and WI have found that "fixed VoIP" services are subject to regulation under state law; VT and WI have started proceedings to determine appropriate level of regulation; CaPUC staff has asked PUC to begin regulating all interconnected VoIP providers under telecom statutes	Wisconsin proceeding has been delayed pending legislation; Vermont proceeding has recently started. Comments have been filed in California

**REGULATORY PROCEEDINGS AFFECTING IP COMMUNICATIONS  
(As of May 23, 2011)**

FCC Docket # Release Date	Impact of Decision
WC Docket 03-45 February 19, 2004 Pulver Order	Holds that pulver.com's Free World Dialup offering is an unregulated information service ("We formalize the Commission's policy of nonregulation to ensure that Internet applications remain insulated from unnecessary and harmful economic regulation at both the federal and state levels.")
WC Docket 03-211 November 12, 2004 Vonage Order	Preempts state regulation of Vonage's DigitalVoice service, which provides VoIP service and other communications capabilities. ("...making clear that this Commission, not the state commissions, has the responsibility to decide whether certain regulations apply to DigitalVoice and other IP-enabled services having the same capabilities.")
WC Docket 05-196 June 3, 2005	Requires providers of interconnected VoIP to provide enhanced 911
ET Docket 04-295 September 23, 2005	Applies CALEA obligations to interconnected VoIP
WC Docket 06-122 June 27, 2006	Extends Universal Service Fund payment and Form 499 registration obligations to interconnected VoIP
CC Docket 96-115 April 2, 2007	Extends CPNI requirements to providers of interconnected VoIP
EB Docket 06-119 June 8, 2007	Requires interconnected VoIP providers to analyze and provide detailed reports on the redundancy, resiliency and dependability of their 911 and E911 networks and system
WT Docket 96-198 June 15, 2007	Extends disabilities access and TRS fund payment obligations to providers of interconnected VoIP
MD Docket 07-81 August 6, 2007	Requires interconnected VoIP providers to pay regulatory fees.
WC Docket 07-243 November 8, 2007	Extends local number portability obligations to interconnected VoIP providers



WC Docket 07-38 June 12, 2008	Extends Form 477 reporting obligations to interconnected VoIP
WC Docket 04-36 May 13, 2009	Extends service discontinuance obligations under Section 214 to providers of interconnected VoIP
WC Docket 06-122 November 5, 2010	Allows states to assess universal service obligations on the intrastate revenues of nomadic interconnected VoIP providers