

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 ) WC Docket No. 25-288  
Tin Can Petition for Declaratory Ruling )

**COMMENTS OF THE VOICE ON THE NET COALITION**

The Voice on the Net (“VON”) Coalition<sup>1</sup> hereby submits these comments in response the Petition for Declaratory Ruling filed by Far Homes, Inc. d/b/a Tin Can asking the Commission to declare that Tin Can’s service does not constitute interconnected VoIP for purposes of federal regulatory obligations, or, in the alternative, if it is interconnected VoIP, waiving such obligations.<sup>2</sup> VON does not take a position on the Tin Can petition. VON would like to take the opportunity to share how the FCC’s careful regulation of both interconnected and non-interconnected VoIP has enabled the development of innovative services while protecting the essential interests of American businesses and consumers that use communications services.

The FCC first considered the regulation of voice over IP services in its 1998 report to Congress. The FCC acknowledged that the new services did not fit neatly into either telecommunications or information service classifications and chose a “wait-and-see” approach to regulation, effectively promoting innovation in the new technologies. In the 2004 *Vonage*

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<sup>1</sup> The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of internet communications. See [www.von.org](http://www.von.org).

<sup>2</sup> Public Notice, WC Docket No. 25-288, DA 25-856 (rel. Sept. 16, 2025) (establishing a comment date of October 16, 2025). The comment date was extended to November 18, 2025 as a result of the federal government shutdown. See, Public Notice, DA 25-937 (rel. November 13, 2025).

*Preemption Order*, the FCC acknowledged the unique nature of nomadic IP-enabled voice services that effectively substitute for legacy PSTN services.<sup>3</sup> Noting that Vonage's service could be used anywhere with a broadband connection (making it "nomadic"), the FCC determined that it is not possible to separate cleanly into interstate (federal) and intrastate (state) components.<sup>4</sup> The Commission acknowledged that state-by-state regulation would interfere with the federal policy goal of promoting innovative, nationwide IP-enabled services.<sup>5</sup>

Since that time, the Commission has been thoughtful and incremental with its regulation of IP-enabled communications services. Those services that

- (i) enable[] real-time, two-way voice communications;
- (ii) require[] a broadband connection . . . [and]
- (iii) (iii) [IP]-compatible . . . CPE; and
- (iv) permit[] users generally" to make and receive calls from the PSTN

are defined as interconnected VoIP.<sup>6</sup> Because these are effective substitutes for legacy PSTN services, they are subject to essential public safety and consumer protection regulations, including requirements to provide E911, protect customer information, cooperate with law enforcement and notify customers before services are discontinued. Other innovative IP-enabled services that do not provide meaningful substitutes for legacy PSTN services, including closed services that do not connect to the PSTN at all and one-way services that only permit a user to make or receive calls (but not both), are appropriately subject to fewer regulations.<sup>7</sup>

Mindful of public safety, the Commission has also imposed emergency calling obligations to

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<sup>3</sup> Memorandum Opinion and Order, Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission, WC Docket No. 03-211, 19 FCC Rcd 22404 (2004) at para. 4.

<sup>4</sup> *Id.* at para 23.

<sup>5</sup> *Id.* at para. 20, noting that entry requirements would stifle innovation.

<sup>6</sup> See 47 CFR 9.3.

<sup>7</sup> 47 U.S. Code § 153 (36).

outbound-only VoIP services that “permit[] users generally to terminate calls to the” PSTN,<sup>8</sup> a crucial requirement for a service that a user would expect to be able to use to call any PSTN number.

In contrast, the FCC has chosen not to impose significant regulation on whitelist-style services that do not generally permit users to make outbound calls to the PSTN and are thus not meaningful substitutes for legacy PSTN services. Alarm panels, fire panels, “blue boxes” (i.e., emergency phones on campus), “house phones” that can call only security or a front desk, modems for equipment monitoring, and similar use cases are all examples of whitelist-style services. The Commission has chosen to impose more limited regulatory obligations on these services in order to promote public interest without unduly burdening innovative technologies and competition.

With its extensive history of thoughtful, though often light-touch, regulation of VoIP services since 2004, the FCC has wisely chosen not to apply the most burdensome regulations to those services that are not substitutes for legacy PSTN. The Commission has continued to be mindful of the value of preemption, protecting innovative non-interconnected and interconnected VoIP services from the burdens of fifty-plus entry obligations and other state-level regulatory burdens that would stifle these new and innovative services. At the same time, as the Commission has made clear, interconnected VoIP providers must comply with important regulatory protections, such as number porting and discontinuance obligations.

VON members, all of whom provide interconnected VoIP as well as non-

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<sup>8</sup> 47 CFR 9.3 and 9.11 (“Notwithstanding the foregoing, solely for purposes of compliance with the Commission’s 911 obligations, an interconnected VoIP service includes a service that fulfills each of paragraphs (1)(i) through (iii) of this definition and permits users generally to terminate calls to the public switched telephone network.”)

interconnected and other IP-enabled services, take seriously the obligation to comply with the Commission's regulations. If the Commission concludes that Tin Can's service meets the definition of interconnected VoIP, the Commission should not (unless there are compelling circumstances) waive those regulations, regardless of the size or financial position of the service provider.

## **CONCLUSION**

VON recommends that the Commission act in accordance with the recommendations herein.

Respectfully submitted,

## **VOICE ON THE NET COALITION**

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