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(Via email)

The Honorable Joseph J. Solomon, Jr. Chair  
The Honorable William W. O'Brien, First Vice Chair  
The Honorable Justina A. Caldwell, Second Vice Chair  
Rhode Island House Corporations Committee  
82 Smith Street  
Providence, RI 02903

Re: H7333

Dear Members:

The Voice on the Net (VON) Coalition,<sup>1</sup> which represents the nation's leading technology companies, writes to express its opposition to the proposed amendments of Sections 39-28-1 and 39-28-3 of the General Laws H7333, which would unnecessarily repeal existing prohibitions on the regulation of Voice over Internet Protocol (VoIP) services though the expressed intent of the legislation is to provide oversight of broadband services.

Internet communications, including VoIP, have dramatically transformed the way we communicate – allowing for the seamless convergence of voice, video and text. For more than 28 years, VON has worked with federal and state policymakers to advance regulatory policies that will encourage the development and adoption of these innovative services – including, most importantly, not applying traditional telephone regulations developed in an earlier century. Today, this light regulatory touch – with the Federal Communications Commission (FCC) providing the necessary oversight -- has led to nearly 70 million VoIP lines now in service throughout the United States, served by hundreds of VoIP providers.

The proposed amendment of Sections 39-28-1 would delete existing language recognizing that the growth and enhancement of IP-enabled services are due in large part to "freedom from state laws and regulations governing traditional telephone services," that "federal law is more uniform in its oversight of internet-protocol enabled services," and that jobs and investment will be jeopardized by entry or rate regulation of VoIP and IP-enabled services. The proposed amendment of Section 39-28-3 would delete the prohibition on the Rhode Island Public Utilities Commission (Commission) from enacting any law that would have the "effect of regulating the entry, rates, terms, or conditions of VoIP service or IP-enabled services." In its place, the legislation would require the Rhode Island commerce corporation to develop a plan for the oversight of broadband services, including planning, deployment, performance monitoring and consumer concerns.

Nothing in the proposed legislation requires the Commission to take any action related to VoIP or IP-enabled services. However, by removing the express prohibition of such Commission action, if the legislation is adopted, VoIP providers operating in Rhode Island will face uncertainty regarding if, or when, the Commission may attempt to regulate VoIP provider entry or rates. In short, the Legislature

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<sup>1</sup> For more information see [www.von.org](http://www.von.org).

does not need to repeal laws benefitting consumers of VoIP services in order to assert jurisdiction over broadband providers.

Moreover, as applied to VoIP, the legislation is both unlawful and unnecessary for the following reasons:

First, this legislation ignores that the FCC in 2004 broadly preempted state regulation of VoIP, including those related to entry and rates.<sup>2</sup> The FCC found that VoIP is practically inseverable for jurisdictional purposes because of the inherent capability to enable subscribers to utilize multiple features that perform and manage different types of communications and can access different websites or IP addresses. The FCC noted that these functionalities were designed to overcome geography, not track it. All VoIP services offered in the marketplace today include the three basic features the FCC identified. They require the use of a broadband connection. They require the use of IP-compatible equipment. And they offer consumers a suite of integrated capabilities and features.

Second, consumers are protected because VoIP providers are subject to regulation by the FCC. These regulations include protection of consumer information; required provision of 911 (also part of this legislation); providing notice before discontinuing service; and porting phone numbers if the customer chooses to move to another service provider. Most VoIP providers do not require long-term contracts and unhappy customers can easily transfer service to the dozens of other VoIP providers. Or they can file complaints with the FCC.

Third, state regulation of VoIP is impractical. VoIP providers offer a single, integrated service that includes both local and long distance calling and a host of other features that can be supported from national or regional data centers and accessed by users across state lines. Tailoring the service to meet the regulatory requirements of 50 state regulation commissions creates unreasonable inefficiencies.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Glenn S. Richards  
Counsel for the Voice on the Net Coalition

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<sup>2</sup> See *Vonage Holdings Corp.*, 19 FCC Rcd 22404 (2004); see also *Minnesota Public Utilities Commission v. FCC*, 483 F.3d 570 (8<sup>th</sup> Cir. 2007) (upholding the FCC decision).