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February 25, 2026

(Via email)  
The Honorable Kevin S. Parker, Chair  
The Honorable Mario R. Mattera, Ranking Member  
New York Senate Energy and Telecommunications Committee  
Legislative Office Building  
Albany, NY 12247

Re: S9271

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 proposed new Sections 250-251 of Article 12 of the New York Public Service Law, which would give the New York Public Service Commission oversight of broadband and VoIP services, and require the Commission to adopt regulations regarding the quality, reliability and resilience of broadband networks, but unnecessarily includes VoIP though the expressed intent and title of the legislation concerns 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 language in Section 251 includes VoIP services, but the obligations are related to the deployment and maintenance of facilities for 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, other than a data reporting requirement in Section (2)(c), and a report to the legislature regarding VoIP resiliency in Section 4. However, if the legislation is adopted, VoIP providers operating in New York will face uncertainty regarding whether the Commission may attempt to regulate VoIP infrastructure or service quality. The Legislature does not need to enact laws affecting 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:

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

February 25, 2026  
Page 2

First, this legislation ignores the fact 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).