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October 20, 2004

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

We are writing with respect to Voice Over Internet Protocol (VOIP) and the jurisdiction of the Federal Communications Commission.

Although VOIP currently has only one-tenth of one percent of the users that traditional wireline service possesses, it is becoming clear that this new, digital Internet Protocol-based technology is poised to replace traditional circuit-switched technology as the dominant source of voice communications. As this occurs, it is important that the traditional economic regulations that were appropriate in a monopoly analog world not be replicated in the new, competitive digital marketplace. Moreover, it is important that deployment of these new services is not slowed by a multitude of varying or unnecessary state economic regulations.

We support the notion that VOIP is inherently interstate in nature, and for this reason we urge the Commission to declare that Vonage's service and other similar VOIP services are interstate and subject to the Commission's exclusive jurisdiction over rate regulation. We urge the Commission, however, to proceed with careful deliberation on this matter and not take any action that would disrupt or jeopardize the critical and longstanding role of the states in protecting consumers and ensuring public safety.

Commission action on pending petitions must represent only the first step in this process as there are other vital issues of societal importance that the Commission is considering in the context of its Notice of Proposed Rulemaking regarding IP-enabled services. Essential telecommunications policy issues, including inter-carrier compensation, universal service support, public safety, law enforcement, consumer privacy, and disability access become even more significant as more consumers decide to adopt VOIP services. As such, should the Commission decide the limited question of jurisdiction outside its current IP-enabled services

rulemaking, it is imperative that the Commission fully complete such rulemaking within six months thereafter. Otherwise, the Commission may unwittingly create as much confusion and uncertainty through its subsequent inaction, as multiple states would, if they promulgated differing economic regulations on VOIP services.

We thank you for your consideration, and we appreciate your prompt attention to this matter.

Sincerely,

JOHN D. DINGELL
RANKING MEMBER

EDWARD J. MARKEY
RANKING MEMBER
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