

Congress of the United States
Washington, DC 20515

October 5, 2004

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Powell:

As you know, there are several legislative proposals pending in Congress addressing regulatory issues involving Voice over Internet Protocol (“VoIP”) services. These services allow voice communications to be converted into “packets” and transported over an IP network, such as the public Internet or a privately managed IP network, to the desired location. Each of the pending legislative proposals incorporates a fundamental provision that declares VoIP services to be inherently interstate in nature. We strongly agree with this broadly-accepted cornerstone of pending VoIP legislation. We believe that such an important, but narrow, finding cannot wait for a more comprehensive VoIP bill to work its way through the legislative process. Therefore, we are writing to urge the Federal Communications Commission (the “Commission”) to immediately declare that it has exclusive jurisdiction over VoIP services. However, in doing so, any Commission action should recognize the legitimate role of state consumer protection and public safety laws of general applicability.

On the merits, we believe the Commission is on very firm ground to rule in such a manner. VoIP services enable consumers to make calls within their communities, across the country, or anywhere in the world. With some VoIP services, a consumer can use his or her phone even when traveling. IP technology also allows VoIP providers to integrate video conferencing, document sharing, the forwarding of voice messages to electronic mail addresses, and other enhanced functionalities, all without regard to state boundaries. Finally, a VoIP customer’s phone number is not necessarily restricted by geographic boundaries: a customer living in Seattle could have a Boston phone number. In light of the foregoing, it simply makes no sense to impose a collage of 52 different regulatory regimes on a service that has an inseverable interstate (and international) component.

The Commission has before it a Petition for Declaratory Ruling filed by Vonage Holdings Corporation. This petition gives the Commission an appropriate opportunity to immediately declare that VoIP services, whether traversing the public Internet such as Vonage’s or over privately managed IP networks, are interstate in nature and subject to the Commission’s exclusive jurisdiction.

We therefore urge the Commission to expeditiously issue a declaratory ruling that VoIP services are interstate and thereby subject to the Commission's exclusive jurisdiction. We also recognize that there are other issues the Commission is considering in the context of its Notice of Proposed Rulemaking regarding IP-enabled services. We hope the Commission addresses these issues, such as inter-carrier compensation, universal service support, public safety, and disability access, in a timely manner as well. We thank you for your consideration, and we appreciate your prompt attention to this matter.

Sincerely,

Chip Pichay

J. Sh

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Tom

Chris Co

Nathan Deal

Frank Pallone, Jr.

Albert R. Ryan

Charlie Norwood

Joe Barton

Cliff Davis

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Ralph M. Hall

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cc: Commissioner Kathleen Q. Abernathy
Commissioner Kevin J. Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein