

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

In the Matter of)	
)	
Petition of CRC Communications of Maine, Inc.)	WC Docket No. 10-143
And Time Warner Cable, Inc.)	
For Preemption Pursuant to Section 253)	
Of the Communications Act, as Amended)	

COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (VON Coalition)¹ hereby submits these brief comments in support of the petition filed July 15, 2010 by CRC Communications of Maine, Inc. (CRC) and Time Warner Cable, Inc. (TWC) asking the Commission to issue an order under Section 253 of the Communications Act preempting the Maine Public Utilities Commission’s erroneous interpretation of Section 251 of the Act that is effectively prohibiting a VoIP provider from competing with five rural, incumbent local exchange carriers (“RLECs”) in Maine (the “Petition”).²

In 2007, CRC requested interconnection with 21 RLECs in Maine under Section 251(a) and (b) so that CRC could provide wholesale telecommunications services to TWC. Interconnection is required so that TWC’s VoIP customers can receive calls from and make calls to the public switched telephone network. With VoIP, consumers and business in rural areas of Maine can receive the numerous advantages of VoIP, including advanced features and lower communications costs. Petition at 2-3. According to the Petition, 16 of the 21 voluntarily negotiated interconnection agreements with CRC. Petition at 5.

However, five RLECs refused to interconnect, and CRC asked the Maine PUC to arbitrate the dispute, pursuant to Section 252 of the Act. Id. Following years of proceedings, the Maine PUC incorrectly interpreted Section 251 of the Act when it found that Section 251(f) insulates these five RLECs from the interconnection requirements of Sections 251(a) and (b). Petition at 6-7. The plain words of the

¹The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP enabled communications. VON Coalition members are developing and delivering voice and other communications applications that may be used over the Internet. VON Coalition members include AT&T, Broadvox, Cisco, Google, iBasis, Microsoft, Skype, T-Mobile, Vonage and Yahoo.

²Public Notice, DA 10-1423 (rel. July 29, 2010).

Act, however, suggest that the limited protection to be afforded to certain rural local exchange carriers is only from the provisions of Section 251(c), which imposes additional obligation on incumbent local exchange carriers, and does not shield rural LECs from the basic interconnection and reciprocal compensation requirements of Sections 251(a) and (b). Petition at 4-5.³

This Commission must act quickly, confirm the Petitioners interpretation of the limited scope of the 251(f) exemption and grant the request for preemption. Section 253 was enacted to ensure that all consumers gain the benefits of competition by prohibiting states or localities from enacting laws that would have the effect of preventing competitors from providing telecommunications services. The immediate impact of the Maine PUC decision is that consumers residing or working in the communities served by the five RLECs will be prevented from availing themselves of the same benefits from competition – including advanced and lower costs – than other consumers throughout the state. There can be no public interest benefit from a state government-protected monopoly in a market that is otherwise highly competitive. Moreover, because VoIP is a driver of broadband services, the Maine PUC's anticompetitive decision will slow demand for broadband in the same types of rural areas that have been targeted by the federal government for broadband expansion.

CONCLUSION

For the foregoing reasons, the Commission should grant the Petition.

Respectfully submitted,

VOICE ON THE NET COALITION

/s/

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³ According to the Petitioners, the Maine PUC relied on a 2006 unpublished decision of the Western District of Texas, which found that a carrier requesting interconnection under 251(a) rather than 251(c) must overcome the rural exemption in 251(f). Petition at 6-7, and note 19.