



August 3, 2010

(Filed electronically)

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: **Ex Parte Notice**
Petition of Nebraska Public Service Commission and Kansas Corporation
Commission for Declaratory Ruling, WC Docket No. 06-122

Dear Ms. Dortch:

On August 2, 2010, Staci Pies of Skype, Amy Wolverton of T-Mobile, Rick Whitt of Google and Glenn Richards, Executive Director and Counsel for the VON Coalition, met with Christine D. Kurth, Policy Director and Wireline Counsel for Commissioner Robert McDowell. In addition, Ms. Pies, Ms. Wolverton, Mr. Whitt, Mr. Richards and Paula Boyd of Microsoft met with Christi Shewman, Legal Advisor for Wireline and Universal Service for Commissioner Meredith Atwell Baker. On August 3, 2010, Ms. Pies, Ms. Boyd, Ms. Wolverton, and Mr. Richards met with Angela Kronenberg, Acting Chief of Staff and Wireline Legal Advisor.

During the meetings, the members of the VON Coalition explained how the 2004 *Vonage Preemption Order* had helped create a vibrant, highly competitive VoIP industry, exponentially increasing the service options and features available to residential and enterprise customers. VON is concerned that the Commission will release an order in the proceeding that would stifle these consumer benefits and broadband deployment.

The VON Coalition argued that the Commission had preempted the imposition of state universal service fund obligations on providers of nomadic VoIP services in the 2004 Vonage order. VON explained that state USF assessments could be problematic because, the changing nature of VoIP makes it very difficult for service providers to determine the physical location of customers, and that billing address and telephone numbers alone are not always determinative, leading to the likelihood over disputes as to the proper jurisdiction for state USF obligations and double billings of VoIP providers. In addition, VON explained that an order permitting state assessments could tie the FCC's hands on decisions in other pending or future proceedings, including reform of the Federal Universal Fund, and that this Kansas-Nebraska decision should be delayed until these broader policy issues have been addressed. The VON Coalition suggested that the numerous unresolved issues in this proceeding would best be handled in a Notice of Proposed Rulemaking, rather than a declaratory ruling.



August 3, 2010
Page 2

Finally, the VON Coalition asked that any decision not be made retroactive and noted that a ruling in favor of the petition will raise rates for all classes of VoIP customers at a time when all consumers are facing difficult economic circumstances and cause hardship to VoIP providers who will be unable to collect the fees from those customers directly responsible.

Please contact me directly if you have any questions.

Sincerely,

/s/

Glenn S. Richards
Executive Director

cc: Angela Kronenberg (by email)
Christine Kurth (by email)
Christi Shewman (by email)