



May 26, 2011

(Filed electronically)

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

Re: **Ex Parte Notice**
PS Docket No. 11-82
CC Docket No. 96-45
CC Docket No. 01-92
WC Docket 04-36
WC Docket 05-196
WC Docket No. 05-337
WC Docket No. 06-122
PS Docket 07-114
GN Docket No. 10-127
WC Docket No. 11-10
WC Docket No. 07-38
WC Docket No. 10-90
WC Docket No. 10-132
PS Docket No. 10-255
GN Docket No. 09-51
WC Docket No. 03-109
WC Docket No. 07-135
WC Docket No. 11-39
CG Docket No. 10-213
WT Docket No. 96-198
CG Docket No. 10-145

Dear Ms. Dortch:

On May 24, 2011, members of the Voice on the Net Coalition (VON) held a series of meetings with Commission staff and legal advisors to discuss a number of issues raised in the above referenced dockets, as described more fully below.

1) VON, represented by Brendan Kasper of Vonage, Paula Boyd and Kevin Minsky of Microsoft, Rick Whitt of Google, Thomas Gorney of Nextiva, Staci Pies of Skype and Glenn Richards, Executive Director and Counsel for VON, met with Christine Kurth, Legal Advisor for Commissioner McDowell. During the meeting, VON provided a listing of proceedings since 2005 imposing new regulations on VoIP and pending



proceedings proposing new regulations on interconnected VoIP and other IP-enabled services. A copy of the handout is attached. VON expressed concern that additional regulation of the IP communications industry could deter investment and innovation and asked that the Commission consider the broader impact of additional regulation. VON also discussed its filing in the intercarrier compensation proceeding, supporting bill and keep for VoIP traffic and to the extent regulated, supporting classification of VoIP and other IP enabled services as information services. VON stated that bill and keep would resolve carrier disputes around access for VoIP and that reclassification would eliminate uncertainty in the market about the potential for federal and state regulation. VON noted that with the passage of legislation last week in Texas and Wisconsin, that 19 states had now prohibited state regulation of VoIP or other IP-enabled services. VON also expressed its interest in working with other industry groups to provide a consensus position on USF/ICC reform. In addition, VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers; and expressed its opposition for requiring non interconnected VoIP providers from filing FCC forms 477 or expanding truth in billing rules to VoIP. VON also discussed its filings concerning disabilities access and Caller ID, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of the various covered services. VON recommended that the FCC grant broad waivers of the new disabilities access rules and provide providers, developers and manufacturers sufficient lead time to implement the new rules. VON also referenced its filing in the VoIP 911 proceeding demonstrating that automatic location update technology was not currently available and suggesting that it would be premature to institute a rulemaking requiring E911 for mobile VoIP applications or requiring nomadic VoIP or Internet Protocol service providers to recognize that users have moved from registered addresses and requiring that the location be automatically updated in the 911 database.

2) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Whitt, Mr. Gorney, Ms. Pies and Mr. Richards met with Angela Kronenberg, Legal Advisor for Commissioner Clyburn. VON discussed its filing in the intercarrier compensation proceeding, supporting bill and keep for VoIP traffic and to the extent regulated, supporting classification of VoIP and other IP enabled services as information services. VON stated that bill and keep would resolve carrier disputes around access for VoIP and that reclassification would eliminate uncertainty in the market about the potential for federal and state regulation. VON noted that with the passage of legislation last week in Texas and Wisconsin, that 19 states had now prohibited state regulation of VoIP or other IP-enabled services. VON also expressed its interest in working with other industry groups to provide a consensus position on USF/ICC reform. In addition, VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers; and expressed its opposition for requiring non interconnected VoIP providers from filing FCC forms 477 or expanding truth in billing rules to VoIP. VON also discussed its filings concerning disabilities access and Caller ID, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of



the various covered services. VON recommended that the FCC grant broad waivers of the new disabilities access rules and provide service providers, application developers and manufacturers sufficient lead time to implement the new rules. VON also referenced its filing in the VoIP 911 proceeding demonstrating that automatic location update technology was not currently available and suggesting that it would be premature to institute a rulemaking requiring E911 for mobile VoIP applications or requiring nomadic VoIP or Internet Protocol services providers to recognize that users have moved from registered addresses and requiring that the location be automatically updated in the 911 database.

3) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Whitt, Mr. Gorney, Ms. Pies and Mr. Richards met with Margaret McCarthy, Legal Advisor for Commissioner Capps. VON discussed its filing in the intercarrier compensation proceeding, supporting bill and keep for VoIP traffic and to the extent regulated, supporting classification of VoIP and other IP enabled services as information services. VON stated that bill and keep would resolve carrier disputes around access for VoIP and that reclassification would eliminate uncertainty in the market about the potential for federal and state regulation. VON noted that with the passage of legislation last week in Texas and Wisconsin, that 19 states had now prohibited state regulation of VoIP or other IP-enabled services. VON also expressed its interest in working with other industry groups to provide a consensus position on USF/ICC reform. In addition, VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers; and expressed its opposition for requiring non interconnected VoIP providers from filing FCC forms 477 or expanding truth in billing rules to VoIP. VON also discussed its filings concerning disabilities access and Caller ID, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of the various covered services. VON recommended that the FCC grant broad waivers of the new disabilities access rules and provide service providers, application developers and manufacturers sufficient lead time to implement the new rules. VON also referenced its filing in the VoIP 911 proceeding demonstrating that automatic location update technology was not currently available and suggesting that it would be premature to institute a rulemaking requiring E911 for mobile VoIP applications or requiring nomadic VoIP or Internet Protocol service providers to recognize that users have moved from registered addresses and requiring that the location be automatically updated in the 911 database.

4) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Whitt, Mr. Gorney, Ms. Pies and Mr. Richards met with Zac Katz, Legal Advisor for Chairman Genachowski. During the meeting, VON provided a listing of proceedings since 2005 imposing new regulations on VoIP and pending proceedings proposing new regulations on interconnected VoIP and other IP-enabled services. A copy of the handout is attached. VON expressed concern that additional regulation of the IP communications industry could deter investment and innovation and asked that the Commission consider the broader impact of additional regulation. VON also discussed its filing in the



intercarrier compensation proceeding, supporting bill and keep for VoIP traffic and to the extent regulated, supporting classification of VoIP and other IP enabled services as information services. VON stated that bill and keep would resolve carrier disputes around access for VoIP and that reclassification would eliminate uncertainty in the market about the potential for federal and state regulation. VON noted that with the passage of legislation last week in Texas and Wisconsin, that 19 states had now prohibited state regulation of VoIP or other IP-enabled services. VON also expressed its interest in working with other industry groups to provide a consensus position on USF/ICC reform.

5) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Gorney, Ms. Pies and Mr. Richards met with Amy Levine, Special Counsel for Chairman Genachowski. VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers; and expressed its opposition for requiring non interconnected VoIP providers from filing FCC forms 477 or expanding truth in billing rules to VoIP. VON also discussed its filings concerning disabilities access and Caller ID, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of the various covered services. VON recommended that the FCC grant broad waivers of the new disabilities access rules and provide service providers, application developers and manufacturers sufficient lead time to implement the new rules. VON also referenced its filing in the VoIP 911 proceeding demonstrating that automatic location update technology was not currently available and suggesting that it would be premature to institute a rulemaking requiring E911 for mobile VoIP applications or requiring nomadic VoIP or Internet Protocol service providers to recognize that users have moved from registered addresses and requiring that the location be automatically updated in the 911 database. VON also discussed its comments concerning Next Generation 911, recommending that the Commission not impose new requirements on service providers until the PSAPs are all technically capable of receiving emergency communications in forms other than voice. Finally, VON discussed its initial concerns with extending outage reporting requirements to providers of interconnected VoIP, suggesting that the new regulations were not addressing any demonstrated problem and that the filing of reports would not provide information to consumers since the reports are filed confidentially.

6) VON, represented by Mr. Kasper, Ms. Boyd, Mr. Minsky, Mr. Whitt, Mr. Gorney, Ms. Pies and Mr. Richards met Karen Peltz Strauss, Consumer and Government Affairs Bureau, Rosaline Crawford, Consumer and Government Affairs Bureau, Eliot Greenwald, Consumer and Government Affairs Bureau, Jane Jackson, Wireless Telecommunications Bureau, Jeffrey Tignor, Wireless Telecommunications Bureau, Janet Sievert, Enforcement Bureau, David Hu, Wireless Telecommunications Bureau, Brian Regan, Wireless Telecommunications Bureau, and Elizabeth Lyle, Wireless Telecommunications Bureau. VON discussed why the FCC should not assess advertising revenues as a mechanism to gain TRS contributions from non-interconnected VoIP providers. VON also discussed its filings concerning disabilities



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access, recommending that the FCC narrowly construe Congressional intent, and not sweep in services unnecessarily by broadly construing the definitions of the various covered services. In particular, VON recommended that machine-to-machine communications not be covered VON recommended that the FCC grant broad waivers of the new disabilities access rules and give providers, developers and manufacturers sufficient lead time to implement the new rules. VON also discussed the need to provide some relief from the rules for products in beta testing or already in the production pipeline.

Please contact me directly if you have any questions.

Sincerely,

/s/

Glenn S. Richards
Executive Director

cc: Christine Kurth (by email)
Angela Kronenberg (by email)
Margaret McCarthy (by email)
Zac Katz (by email)
Amy Levine (by email)
Karen Peltz Strauss (by email)
Rosaline Crawford (by email)
Eliot Greenwald (by email)
Jane Jackson (by email)
Jeffrey Tignor (by email)
Janet Sievert (by email)
David Hu (by email)
Brian Regan (by email)
Elizabeth Lyle (by email)