

May 22, 2017

**Via EFIS, E-Mail, and First Class Mail**

Whitney Payne  
Legal Counsel  
Missouri Public Service Commission  
Jefferson City, MO 65102  
whitney.payne@psc.mo.gov

Re: Telesphere Networks Ltd., File No. TD-2017-0282

Dear Ms. Payne,

We have received the Motion to Revoke Authority for Telesphere Networks LTD (“Telesphere”) for failing to comply with Missouri Public Service Commission (“Missouri PSC”) rules. As noted in previous correspondence, Vonage Holdings Corp. (“Vonage”) acquired Telesphere on December 15, 2014, and subsequently, Telesphere merged into the entity that is now known as Vonage Business Inc. (“Vonage Business”), which is itself a subsidiary of Vonage.<sup>1</sup> As such, Vonage hereby responds on behalf of Telesphere.

The Federal Communications Commission (“FCC”) has preempted traditional state company telephone regulations as applied to interconnected VoIP service. *See generally Vonage Holdings Corp.*, Memorandum Opinion and Order, 19 FCC Rcd. 22,404 (2004) (“Vonage Preemption Order”), *aff’d sub nom. Minn. Pub. Utils. Comm’n v. FCC*, 438 F.3d 570 (8th Cir. 2007). The FCC’s determination has been confirmed numerous times in federal court, including within this Circuit. *See Vonage Holdings Corp. v. Neb. Pub. Serv. Comm’n*, 564 F.3d 900, 905 (8th Cir. 2009) (“A reasonable interpretation of [the language in the Vonage Preemption Order] is the FCC has determined ... it must have sole regulatory control [over interconnected VoIP].”); *see also N.M. Pub. Regulation Comm’n v. Vonage Holdings Corp.*, 640 F. Supp. 2d 1359, 1367 (D.N.M. 2009) (dismissing case brought by New Mexico Public Utilities Commission on basis of federal preemption). Indeed, the most recent case on this issue also determined that the state commission—the Minnesota Public Utilities Commission—did not have jurisdiction over interconnected VoIP. *See Charter Advanced Servs. (MN), LLC v. Lange*, No. 15-3935 (SRN/KMM), 2017 WL 1901414 (D. Minn. May 8, 2017) (finding that Charter’s interconnected VoIP service, Spectrum Voice, was exempt from state telephone regulation).

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<sup>1</sup> Letter from Brian W. Spencer, Vonage, to Helen Davis, Missouri Public Service Commission (Apr. 26, 2016). Vonage renews its request that Missouri remove Telesphere from its list of required filers, effective January 1, 2015.

Whitney Payne  
May 22, 2017  
Page 2 of 2

These decisions establish that Missouri is without authority to impose the entry and reporting requirements at issue in this proceeding.<sup>2</sup> Accordingly, Vonage respectfully requests that Missouri promptly close this proceeding and cease its efforts to impose entry, reporting, and other traditional telephone company regulation on Telesphere.

Please do not hesitate to contact me at (202) 730-1346 or bstrandberg@hwglaw.com if you have any questions or need additional information.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'BDS' followed by a stylized flourish.

Brita D. Strandberg  
Harris, Wiltshire & Grannis LLP  
1919 M Street NW, 8<sup>th</sup> Floor  
Washington, DC 20036  
(202) 730-1346  
*Counsel to Vonage Holdings Corp.*

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<sup>2</sup> Vonage complies, and will continue to comply, with obligations to contribute to the Missouri Universal Service Fund.

## **CERTIFICATE OF SERVICE**

I hereby certify that I have, on May 22, 2017, served a copy of the foregoing Response to Order Directing Filing by U.S. Mail postage prepaid to the addresses below:

Missouri Public Service Commission  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102

Office of the Public Counsel  
Hampton Williams  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102

Missouri Public Service Commission  
Whitney Payne  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102

A handwritten signature in black ink, appearing to read 'BD84', with a horizontal line extending to the right.

Brita D. Strandberg