

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: iCore Networks, Inc., File No. DD-2017-0293

Dear Ms. Payne,

We have received the Motion to Revoke Authority for iCore Networks, Inc. (“iCore”) for failing to comply with Missouri Public Service Commission (“Missouri PSC”) rules. Vonage Holdings Corp. (“Vonage”) is the ultimate parent of iCore and hereby responds on iCore’s behalf.

The Federal Communications Commission (“FCC”) has preempted traditional state telephone company regulation of 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 affirmed 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 decision on this issue also determined that a 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).

These decisions establish that Missouri is without authority to impose the entry and reporting requirements at issue in this proceeding.¹ 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 iCore.

¹ iCore and Vonage comply, and will continue to comply, with obligations to contribute to the Missouri Universal Service Fund.

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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", with a long horizontal flourish extending to the right.

Brita D. Strandberg
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1919 M Street NW, 8th Floor
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(202) 730-1346
Counsel to Vonage Holdings Corp.

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:

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