



# PUBLIC NOTICE

Federal Communications Commission  
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SEP 30 8 22 AM '03  
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DA 03-2952  
September 26, 2003

## PLEADING CYCLE ESTABLISHED FOR COMMENTS ON VONAGE PETITION FOR DECLARATORY RULING

WC DOCKET NO. 03-211

**Comments Due: October 27, 2003**  
**Reply Comments Due: November 24, 2003**

On September 22, 2003, Vonage Holdings Corporation (Vonage) filed a petition requesting that the Commission preempt an order of the Minnesota Public Utilities Commission (Minnesota Commission) requiring Vonage to comply with state laws governing providers of telephone service, even though Vonage avers that it is a provider of information services (and not a telecommunications carrier or common carrier subject to Title II of the Communications Act of 1934).<sup>1</sup> Specifically, Vonage asks that the Commission find that certain specific E911 requirements imposed by the Minnesota Commission are in conflict with federal policies.<sup>2</sup> Further, Vonage states that preemption is necessary because of the impossibility of separating the Internet, or any service offered over it, into intrastate and interstate components.<sup>3</sup>

This Public Notice establishes certain procedural requirements relating to consideration of Vonage's petition. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to section 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on the petition for declaratory ruling on or before **October 27, 2003**, and reply comments on or before **November 24, 2003**. All filings must be addressed to the

<sup>1</sup> *Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No 03-211 at 1 (filed Sept. 22, 2003).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at iv.

Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Suite TW-A325, Washington, D.C. 20554. Two (2) courtesy copies must be delivered to Janice M. Myles, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, S.W., Suite 5-C327, Washington, D.C. 20554, or via e-mail [janice.myles@fcc.gov](mailto:janice.myles@fcc.gov); and one (1) copy must be sent to Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties that choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. This facility is the only location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

For further information regarding this proceeding, contact Julie Veach, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or via e-mail [julie.veach@fcc.gov](mailto:julie.veach@fcc.gov).

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