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August 13, 2004

## VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Meeting in WC 03-211; WC 04-36**

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Federal Communications Commission's ("FCC") Rules, this letter serves to provide notice in the above-captioned proceedings of an August 12, 2004 *ex parte* meeting among the undersigned, Mr. Chris Murray, Director of Government Affairs, Vonage Holdings Corp. ("Vonage"), Mr. Christopher Libertelli, Senior Legal Advisor to Chairman Powell, and Mr. Aaron Goldberger, Wireless Telecommunications Bureau.

During the meeting, Vonage urged the FCC to act expeditiously on Vonage's pending petition concerning the jurisdictional nature of its service. Vonage noted that it currently anticipates oral argument in *Vonage Holdings Corp. v. The Minnesota Public Utilities Commission* to be scheduled sometime in the month of October.<sup>1</sup> Vonage expressed additional views consistent with those contained in its comments in the IP Enabled NPRM. Vonage also provided Mr. Libertelli a copy of the attached document.

With respect to VoIP 911 services, Vonage noted that it continues to devote substantial resources toward the development of standards and technology necessary to facilitate VoIP 911 services. In doing so, Vonage continues to work cooperatively with public safety officials, PSAPs, state PUCs, 911 administrators and the National Emergency Number Association ("NENA"). Vonage highlighted that it is a signatory to the NENA Statement of Principles with respect to the development of VoIP. Vonage stated that it concurs with NENA's opposition to the fragmentation of 911 and agrees that consumer expectations for 911 are national and

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<sup>1</sup> 290 F.Supp.2d 993 (D. Minn. 2003), appeal pending, Docket No. 04-1434 (8th Cir.).

therefore require jurisdictional leadership and resources from the Federal Government.<sup>2</sup> Vonage noted that in its IP Services NPRM, the FCC stated that it would provide that leadership. Vonage expressed its support for Commission action that would endorse a national approach to IP 911 that would marshal the regional expertise of the public safety community but preclude disparate state approaches. In this respect Vonage advocates that the FCC approach the development of VoIP 911 just as it oversaw the national deployment of 911 for commercial mobile radio services. Vonage noted that the FCC has generally taken the position that new technologies need an opportunity to establish a foothold in the marketplace before regulatory mandates are applied and that such mandates, if applied, should be technologically and economically feasible.

Pursuant the Commission's Rules, this letter is being submitted electronically to the Secretary for filing in the above-referenced proceeding.

Sincerely,



William B. Wilhelm, Jr.

Enclosures

cc: Christopher Libertelli  
Aaron Goldberger

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<sup>2</sup> Testimony of NENA's First Vice President, David F. Jones, before the United States Senate Commerce, Science and Transportation Committee regarding "The VoIP Regulatory Freedom Act of 2004" (S 2281) <http://www.nena.org>