



OPASTCO

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October 15, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

***Ex Parte* Notice**

RE: In the Matter of

**Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an
Order of the Minnesota Public Utilities Commission
WC Docket No. 03-211**

**IP-Enabled Services
WC Docket No. 04-36**

Dear Ms. Dortch,

The Independent Telephone and Telecommunications Alliance (ITTA), the National Telecommunications Cooperative Association (NTCA), the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), and the Western Telecommunications Alliance (WTA) have sent the attached letter to FCC chairman Michael Powell. The letter is in response to correspondence sent to Chairman Powell from members of Congress asking that the FCC expeditiously issue a declaratory ruling in its proceeding on the Vonage petition that finds that Voice Over Internet Protocol (VoIP) services are interstate and subject to the Commission's exclusive jurisdiction. The four associations believe that a premature decision on jurisdiction issues could have serious consequences for a variety of key policy issues affecting rural carriers, such as universal service and intercarrier compensation. The associations therefore urge the FCC to wait to address the appropriate jurisdictional treatment of VoIP services in the proceeding on IP-Enabled Services, where a comprehensive and integrated solution can be reached that considers every facet of this complex issue.

In accordance with FCC rules, this notice and the attached letter are being filed electronically in the above-captioned docket.

Sincerely,

Stuart Polikoff
Director of Government Relations
OPASTCO