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November 2, 2004

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: WC Docket 04-36

Dear Mr. Chairman:

We understand that the Commission may soon consider whether to define Voice over Internet Protocol ("VoIP") as an interstate service, not subject to state fees or regulation. We urge the Commission not to take such action to the extent that it could undermine the provision of 9-1-1 services throughout the nation.

Most Public Safety Answering Points ("PSAPs") are funded in large part by "9-1-1 fees" charged to telephone subscribers pursuant to state law. States must retain authority to impose such fees on all telephone services that provide 9-1-1 service. Excluding the growing number of VoIP users from 9-1-1 fees would allow them a "free ride" and place an unfair burden on more traditional telephone service customers. This would occur at exactly the wrong time, when PSAPs are struggling to adapt their systems and procedures to accommodate 9-1-1 calls from VoIP and other new services.

Some states have also adopted rules to require that certain VoIP providers offer Enhanced 9-1-1 ("E9-1-1") capability. The FCC should not pre-empt such regulation, especially to the extent that the Commission itself does not adopt nationwide VoIP/E9-1-1 rules. While effective national regulation to ensure VoIP/E9-1-1 capability

may be preferable to inconsistent state regulation, states should not be prevented from taking innovative steps to protect their citizens in the absence of federal action. Rather than pre-empt states, the Commission should use this opportunity to take the lead and adopt meaningful rules to ensure that all interconnected VoIP services provide full E9-1-1 capability.

Respectfully submitted,

A handwritten signature in black ink that reads "Gregory S. Ballentine". The signature is written in a cursive style with a large initial 'G'.

Gregory S. Ballentine
President

cc: Commissioner Kathleen Abernathy
Commissioner Michael Copps
Commissioner Kevin Martin
Commissioner Jonathan Adelstein