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November 2, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW, Room TW-B204
Washington, DC 20554

Re: Vonage Holdings Corporation Petition for a Declaratory Ruling
WC Docket No. 03-211

Dear Ms. Dortch:

I am writing on behalf of AT&T Corp. ("AT&T") to address *ex parte* submissions filed by or on behalf of National Cable & Telecommunications Association ("NCTA") on October 26 and October 28, 2004, respectively. Specifically, AT&T wishes to inform the Commission that the reasons cited in the NCTA *ex parte* submissions for extending to Cable VoIP the same interstate jurisdictional treatment that is sought by Vonage for its VoIP offering, apply with equal force to AT&T's Enterprise VoIP offerings, which share the same salient characteristics. A brief synopsis of the points included in NCTA's October 26 letter shows that there is no basis for different jurisdiction treatment of AT&T's Enterprise VoIP offerings from Cable VoIP services.

I address each of NCTA's eight major bullet points below.

1. The rationale for asserting exclusive FCC jurisdiction – preventing state imposition of inappropriate economic regulation – applies equally to all VoIP services, including AT&T's.

2. Limiting the benefits of federal preemption to less than all VoIP services would unreasonably disadvantage the excluded providers and result in unlawful discrimination in violation of the Communications Act. (Also, see letter from Judy Sello, Senior

Attorney, AT&T to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-211, filed October 21, 2004, at 3-5 and nn.1 & 2).

3. NCTA urged that, "The Commission should adopt a uniform approach to *all* voice services that use IP transmission between the service provider and the end user, make use of North American Numbering Plan ("NANP"), are capable of receiving calls from or terminating calls to the public switched network, and represent a possible replacement for POTS." AT&T's Enterprise VoIP Service, like Cable VoIP, is as "true" a VoIP service as the Vonage offering and thus must be accorded identical jurisdictional treatment.

4. In its fourth point, NCTA lists four independent subsidiary reasons, based on the architecture and operational characteristics of Cable VoIP, why Cable VoIP qualifies as "interstate." Each of these reasons applies with at least equal force to AT&T's Enterprise VoIP services.

- As NCTA indicates is true for Cable VoIP, AT&T's Enterprise VoIP services also "integrate[ ] voice with enhanced functionalities such as call management, integrated voicemail and email, video conferencing, and other functions." And, as with Cable VoIP, all operate without regard to state boundaries.

- AT&T's Enterprise VoIP customers also can access and use information stored on VoIP networks, such as retrieving voicemail and forwarding it to another user, from anywhere in the world. (See Comments of AT&T Corp. *In the Matter of IP-Enabled Services*, WC Docket No. 04-36, filed May 28, 2004, at 13-15.)

- The essential regional and national network architecture described by NCTA is similar in material respects to AT&T's Enterprise VoIP architecture and, just as described by NCTA, the underlying facilities are often located in a state different from the origin of the call.

- Finally, interstate signaling is also an integral part of AT&T's Enterprise VoIP services.

5. NCTA's fifth point, that "[b]asing preemption decisions on whether a particular VoIP service uses the public Internet or a managed IP network would unfairly favor certain business models," also militates for similar treatment for AT&T's offerings as those of Cable VoIP providers and Vonage.

6. In furtherance of point five, above, congressional expressions favoring a uniform policy with exclusive federal jurisdiction for all VoIP offerings, whether utilizing the public Internet or a privately managed IP Network, obviously apply with equal force to AT&T's offerings.

7. Just as there is no legal impediment to the Commission applying a jurisdictional ruling made in the context of the Vonage proceeding to Cable VoIP, there would be no obstacle to applying it to AT&T's Enterprise VoIP services where the rationale applies with equal force.

8. Finally, the same consideration of possibly inviting state regulation of those VoIP services that are not expressly addressed in pending Commission proceedings, exists with respect to both AT&T's Enterprise VoIP offerings and those of Cable VoIP providers.

For all these reasons, AT&T respectfully urges that any decision that addresses the appropriate jurisdictional assignment of both the Vonage and Cable VoIP offerings, must apply on the same terms to AT&T's Enterprise VoIP Services that are similarly structured.

One electronic copy of this Notice is being submitted to the Secretary of the FCC in accordance with Section 1.1206 of the Commission's rules.

Respectfully submitted,

/s/

Judy Sello

cc: Christopher Libertelli
Matthew Brill
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