



November 18, 2005

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

**Re: APPLICATION OF KMC TELECOM V, INC. AND KMC TELECOM
OF VIRGINIA, INC. TO DISCONTINUE DOMESTIC
TELECOMMUNICATIONS SERVICES**

**WC Docket No. 05-309
Comp. Pol. File No. 729**

Dear Ms. Dortch:

We are submitting the following comments in response to Public Notice DA 05-2927 regarding the captioned matter.

On October 27, 2005, Vonage Network received written notification from KMC Telecom V, Inc. and KMC Telecom of Virginia, Inc., on behalf of themselves and their affiliates, of their intent to discontinue (effective November 26, 2005) all services contracted and provided under a fixed term agreement between Vonage Network Inc. and KMC Telecom III LLC which expires May 16, 2006. KMC Telecom III LLC has no early termination rights under its agreement with Vonage. The KMC services include dial access service, PRI services, enhanced termination service and enhanced origination service.

Vonage Holdings Corp., including its subsidiaries, is a leading provider of VoIP services to residential and business customers. We use KMC Telecom services to port and service our customers in largely rural areas in Texas, Arkansas and Oklahoma. In these service areas, there are limited available service alternatives to Vonage for which an immediate transition of the current services being abandoned by KMC could be assigned. As a result, on November 26, almost 9,000 of our customers will be forced to discontinue their Vonage service. Please also note that these customers may have limited, and in some cases, no readily available alternatives for comparable voice and essential 911 services. We detail below the actual numbers of customers using Vonage Services in the affected KMC Telecom footprint.

Texas

3324 affected active residential customers as of 11/01/05

Arkansas

1890 affected active residential customers as of 11/01/05

Oklahoma

3621 affective active residential customers as of 11/01/05

Total impacted residential customers = 8835

For purposes of obtaining one or more alternative providers, alternative sources have to be researched on a rate center by rate center basis. Further to this point, that does not guarantee that the potential alternative provider would be willing or have the actual ability to partner with Vonage in the impacted markets. In markets where we do not have a current partner, there is a need for identifying potential partners, negotiations, contract execution, architecture design, order processing and then the actual interconnection that could run up to and beyond 90 to 120 business days.

We believe that KMC is demonstrating a reckless disregard for the welfare of the Vonage customer base (as well as other of its direct or indirect customer base within this footprint) using its services and has knowingly breached its obligations and damaged Vonage's goodwill, in addition to irreparably harming Vonage and its customers. KMC Telecom III LLC has been formally notified by Vonage that it has materially breached its agreement by indicating its intent to terminate all services and canceling new customer orders. KMC Telecom III LLC responded with the October 26, 2005 formal termination letter.

We submit to you that the 30-day notice period is both unacceptable and impracticable. Vonage customers will be irreparably harmed insofar as Vonage is in *material risk of not being able to transition timely to an alternative service provider. Accordingly, Vonage customers are at material risk if they are abruptly forced to seek alternative voice services, including most importantly, 911 access and support.*

In addition, Vonage shall suffer irreparable harm by being forced, effectively, to discontinue services to a loyal customer base relying on Vonage Services. **Accordingly we submit that KMC Telecom III LLC and its affiliates should be required by the FCC to continue to provide all the contracted for services during a reasonable transition period of at least 120 days.** During this period, Vonage will use commercially reasonable best efforts to procure substitute services and generate new solutions (if practicable alternatives cannot be obtained) for existing and prospective customers located in the KMC footprint and who wish to obtain and/or continue to use Vonage Services. This also provides adequate time to provide notice to Vonage customers of any inability to continue service.

It is critically important that KMC Telecom III is prevented from implementing its reckless course of action and to provide an appropriate transition time for Vonage and its customers.

Please take our advisement and request under serious consideration and prohibit KMC Telecom from abandoning its service obligations.

Very truly yours,

VONAGE HOLDINGS CORP.

/s/ Angelique Electra

**Angelique Electra
Vice President-Law**

**cc: Mikhael Vitenson, Esq.
Associate General Counsel
KMC Telecom Holdings, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that this letter of protest relating to Docket WC-050309 was served this 18th day of November was served by emailing this letter to the following person:

**Mikhael Vitenson, Esq.
Associate General Counsel
KMC Telecom Holdings, Inc.
mviten@kmctelecom.com**

Angelique Electra

Name: Angelique Electra, Vonage Holdings Corp.