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February 26, 2009

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Communication; Assessment and Collection of
Regulatory Fees for Fiscal Year 2007, MD Docket No. 07-81

Dear Ms. Dortch:

On February 25, 2009, Brendan Kasper, Senior Regulatory Counsel of Vonage Holdings Corp., and Tamar Finn of Bingham McCutchen LLP met separately with Nicholas Alexander, Legal Advisor to Commissioner Robert McDowell, Renée Roland Crittendon, Legal Advisor to Commissioner Jonathan Adelstein and Jennifer McKee, Acting Legal Advisor to Acting Chairman Michael Copps.¹

The participants discussed Vonage's application for review of the Fiscal Year ("FY") 2007 regulatory fee billed to Vonage on May 23, 2008 and request for waiver of same. Consistent with its appeal, Vonage argued that assessment of the fee violates Section 9 of the Communications Act of 1934, as amended. Because the regulatory fee for interconnected VoIP service providers was a permitted amendment, Section 9 required the FCC to provide Congress 90 days notice prior to the fee becoming effective. That 90-day notice period expired Nov. 15, 2007, nearly two months after the end of fiscal year 2007. Section 9 also requires that the FY 2007 regulatory fee be assessed during FY 2007 and the assessment on May 23, 2008 was not during FY 2007. Finally, the FCC failed to comply with its announced procedures and never published notice that the 90-day period had expired with no Congressional opposition.

In the meetings with Nick Alexander and Jennifer McKee, the participants also discussed the role the FCC will play in implementing the broadband stimulus grants.

The attached document was distributed at the meetings.

¹ Although Vonage's petition and waiver request have not been assigned to a docket, in an abundance of caution, Vonage files this notice in Docket MD 07-81.

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Sincerely yours,

/s/ electronically signed

Tamar E. Finn

cc (by e-mail):

Nicholas Alexander
Renée Roland Crittendon
Jennifer McKee

Enclosure