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May 20, 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 May 19, 2009, Brendan Kasper, Senior Regulatory Counsel of Vonage Holdings Corp., and Tamar Finn of Bingham McCutchen LLP met with Jennifer Schneider, 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. (copy attached) 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.

Sincerely yours,

/s/ electronically signed

Tamar E. Finn

cc (by e-mail):
Jennifer Schneider

Enclosure

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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