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7TH DISTRICT, NEW JERSEY

COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON TELECOMMUNICATIONS
AND THE INTERNET
SUBCOMMITTEE ON OVERSIGHT
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November 8, 2007

The Honorable Kevin Martin, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: FY 2007 Regulatory Fees for Interconnected VoIP Providers

Dear Chairman Martin,

I am writing to share my concern regarding the FCC's recent action of imposing new regulatory fees on emerging services and technologies.

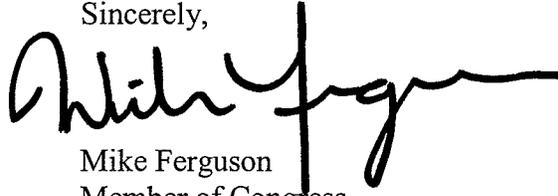
Voice over Internet Protocol (VoIP) is still in its infant stages. With the endless possibilities of the Internet, new enterprises and small businesses have emerged around this exciting technology. Offering low cost alternatives to traditional telephony, VoIP service providers have made an important contribution to the competitive landscape of telecommunications.

During your tenure as FCC Chairman, you have paid particularly close attention to these nascent services. Most recently under your direction, the FCC adopted an *Order* imposing new regulatory fees on providers of interconnected VoIP services as a "permitted amendment" to the Section 9 fee schedule. As required by law the FCC is to notify Congress of its intent "not later than 90 days before the effective date of any permitted amendment" and that collections occur "during each fiscal year" With a November 15, 2007 effective date for the new VoIP fee provisions, the FCC has failed to create or notify Congress of the fee in time for payment during FY 2007. Yet the Commission has moved forward, stating that VoIP providers will pay FY 2007 regulatory fees during a separate filing window.

While I am not categorically opposed to the requirement of regulatory fees for interconnected VoIP providers, proper notice and assurances that the fees genuinely reflect the costs and benefits of regulation should be provided. The unfortunate consequence of the FCC's creative calendaring creates unnecessary regulatory uncertainty.

I respectfully ask you to comply with the law by examining the regulatory costs created by VoIP providers in relation to fees imposed on other entities; and if the Commission decides impose any such fee, that it does so in the timelines established by Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Ferguson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mike Ferguson
Member of Congress