



August 3, 2010

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**Ex Parte**

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Petition of Nebraska Public Service Commission and Kansas Corporation  
Commission for Declaratory Ruling, WC Docket No. 06-122**

Dear Ms. Dortch:

On August 2, 2010, Kathleen Grillo, Curtis L. Groves and the undersigned of Verizon met with Christi Shewman, Legal Advisor for Wireline and Universal Service to Commissioner Baker, to discuss the Nebraska and Kansas Commissions' petition for a declaratory ruling that state universal service funds may assess VoIP services. In the meeting, we urged the Commission to confirm that all VoIP and IP-enabled services are interstate and subject to the Commission's exclusive jurisdiction. Should the Commission decide to grant the Nebraska and Kansas Commissions' petition, it should do so narrowly, drawing a clear distinction between what the Commission has already preempted in the *Vonage Order* and a state's authority to assess VoIP providers to fund a state universal service program.

We also explained that the Commission should recommend that states use a uniform sourcing methodology to identify which state can assess VoIP services, in order to avoid multiple assessment of such services. We noted that "place of primary use," which has become the standard for sourcing wireless services, is a superior alternative to the approaches suggested by the Nebraska and Kansas Commissions. "Place of primary use" is defined in Section 124(8) of the Mobile Telecommunications Sourcing Act (*see* 4 U.S.C. § 124(8)) and is also codified in many state tax and VoIP and wireless E911 statutes as the location for sourcing communication services where the service location is not always fixed. The approaches suggested by the Nebraska and Kansas Commissions — such as billing address or registered 911 address — are unworkable because they fail to address the mobility inherent with some VoIP services as well as the ability to obtain summary billing for services provided to more than one location at a single address.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Alan Buzacott".

cc: Christi Shewman