



1300 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 515-2595
Fax 202 336-7922
alan.buzacott@verizon.com

September 22, 2010

VIA ECFS

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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 September 21, 2010, Karen Zacharia, Curtis L. Groves, and Alan Buzacott of Verizon, and Scott Angstreich of Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., counsel for Verizon, met with Austin Schlick, Richard Welch, Julie Veach, Sonja Rifkin, Dianne Griffin Holland, and James Carr of the Office of General Counsel and Vickie Robinson and Rebekah Goodheart of the Wireline Competition Bureau. We discussed the Amendment to Petition that the Nebraska and Kansas Commissions recently filed, in which the states amended their July 16, 2009 Petition¹ to seek a declaratory ruling with prospective effect only.²

We emphasized that, should the Commission decide to grant the Petition as amended, it should ensure that the scope of its ruling is limited to the Nebraska and Kansas Commissions' request for prospective-only effect and not disturb or cast any doubt upon the Commission's longstanding determination that states are preempted from regulating the entry, rates, or other terms and conditions of VoIP services.³ We explained that an order that grants the amended

¹ Petition of Nebraska Public Service Commission and Kansas Corporation Commission *Universal Service Contribution Methodology; Petition for Declaratory Ruling of the Nebraska Public Service Commission and the Kansas Corporation Commission for Declaratory Ruling or, in the Alternative, Adoption of Rule Declaring that State Universal Service Funds May Assess Nomadic VoIP Intrastate Revenues*, WC Docket No. 06-122 (July 16, 2009) ("Petition").

² Amendment to Petition, WC Docket No. 06-122 (Sept. 14, 2010) ("Amendment to Petition").

³ *Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, Memorandum Opinion and Order, 19 FCC Rcd 22404,

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petition should make clear that the Commission is not addressing whether prior Commission and court rulings, including the *Vonage Order*, rendered the law reasonably clear with respect to states' authority to assess state USF contributions on VoIP providers, and that the Commission should explicitly limit the scope of its order to the prospective relief the states now seek.

Please contact me if you have any questions.

Sincerely,



cc: Austin Schlick
Julie Veach
Richard Welch
Sonja Rifkin
Diane Griffin Holland
James Carr
Vickie Robinson
Rebekah Goodheart

¶¶ 18, 31-32 (2004) (“*Vonage Order*”), *petitions for review denied, Minnesota Pub. Utils. Comm’n v. FCC*, 483 F.3d 570 (8th Cir. 2007).