

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7316

Investigation into regulation of Voice over)
Internet Protocol ("VoIP") services)

Order entered: 5/16/2007

ORDER OPENING INVESTIGATION
AND NOTICE OF PREHEARING CONFERENCE

I. INTRODUCTION

On April 9, 2007, the Vermont Department of Public Service ("Department") filed a letter recommending that the Public Service Board ("Board") open a generic investigation into Voice over Internet Protocol ("VoIP") services. The Department states that some of the regulatory rights and responsibilities of the companies offering these services have not been squarely addressed by the Board. The Department argues that, although it believes that the Federal Communications Commission ("FCC") has placed some VoIP services beyond the Board's jurisdiction, state regulation has not been preempted with respect to all such services.

To clarify the responsibilities of the various VoIP providers, the Department recommends that the Board open a generic investigation to address the following:

- The extent to which Vermont law under Title 30 applies to VoIP services;
- The extent to which federal law preempts Vermont law with regard to VoIP services;
and
- To the extent that Vermont law applies and federal law does not preempt, the degree to which it is necessary or desirable to apply the same or different regulations and levels of regulations to VoIP carriers as apply to other telephone services.

The Department also recommends that the Board take no immediate action in this docket, but instead wait until the FCC issues a decision later this year that is expected to address some of the jurisdictional issues.

We agree with the Department that it is appropriate to open an investigation into state regulation of VoIP services. A significant number of Vermont residents have begun to take advantage of these services; with Comcast¹ beginning to offer its Comcast Digital Voice service, it is likely that the use of IP-based telephone services in Vermont will continue to grow. It would be useful for both customers and providers to have a clearer understanding of the requirements that apply to these carriers.

At this time, we do not adopt the Department's proposal to simply open this investigation and delay action until early next year. Such an approach may be appropriate considering the FCC's present reviews, but this issue should be addressed at the prehearing conference.

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. Pursuant to 30 V.S.A. Sections 203 and 209, an investigation is opened into state regulation of VoIP services.
2. Pursuant to 30 V.S.A. Section 8, George Young, Deputy General Counsel, is appointed to serve as the Hearing Officer in this proceeding.
3. Pursuant to 30 V.S.A. Section 10, a Prehearing Conference shall be held in this matter on Monday June 4, 2007, at 1:00 P.M., at the Public Service Board Hearing Room, Third Floor, Chittenden Bank Building, 112 State Street, Montpelier, Vermont.

1. The full name of Comcast is: Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, d/b/a Comcast

Dated at Montpelier, Vermont, this 16th day of May, 2007.

s/ James Volz)

) PUBLIC SERVICE

s/ David C. Coen)

) BOARD

s/ John D. Burke)

) OF VERMONT

OFFICE OF THE CLERK

FILED: May 16, 2007

ATTEST: s/Susan M. Hudson

Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)