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November 14, 2003

Via Electronic Mail

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

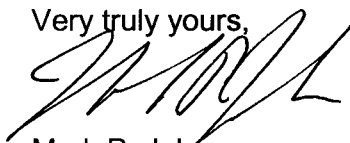
RE: Case No. LA-2004-0133

Dear Mr. Roberts:

Please find attached for filing with the Commission in the above-referenced case an Application to Intervene Out of Time of Vonage Holdings Corp.

Thank you for bringing this to the attention of the Commission.

Very truly yours,



Mark P. Johnson

MPJ/rgr

Attachment

cc: Office of the Public Counsel (via electronic mail)
Office of the General Counsel (via electronic mail)

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of)	
Time Warner Cable Information Services)	
(Missouri), LLC for a Certificate of Service)	
Authority to Provide Local and Interexchange)	Case No. LA-2004-0133
Voice Service in Portions of the State of)	
Missouri and to Classify said Services and)	
The Company as Competitive)	

**APPLICATION TO INTERVENE
OUT OF TIME OF
VONAGE HOLDINGS CORP.**

COME NOW Vonage Holdings Corp. ("Vonage"), by and through counsel, and file their Application to Intervene Out of Time in this case pursuant to Section 386.420 RSMo and 4 CSR 240-2.075. In support of this application, Vonage states as follows:

1. Vonage Holdings Corp. is a New Jersey corporation with its principal place of business in Edison, New Jersey. Vonage has customers throughout the country, including Missouri, to whom it provides services through interstate sales over the Internet.
2. The principal place of business address for Vonage is 2147 Route 27 Edison, NJ 08817. The Company's telephone number is (732) 528-2675 and the fax number is (732) 287-9119.
3. All communications and pleadings in this case should be served on:

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4. Pursuant to 4 CSR 240-2.075(2), Vonage does not have sufficient information to state whether it supports or opposes Time Warner Cable Information Services (Missouri), LLC's ("Time Warner") Application at this time.

5. By virtue of the order issued by the Commission on November 4, 2003 in the instant case, the Commission established that issues relating to Voice over Internet Protocol ("VoIP") would be addressed by the Commission in this proceeding. *See generally, Order Granting Applications to Intervene and Setting Prehearing Conference*, Case No. LA-2004-0133, (rel. Nov. 4, 2003) ("*Prehearing Order*")

6. As a provider of VoIP services, Vonage has an interest in issues relating to VoIP. Due to interest in VoIP issues, Vonage has been monitoring Time Warner's application. It was only when the Commission issued its Order in the instant case that Vonage became aware that the Commission was going to address VoIP issues in general. *See generally, Prehearing Order*. This proceeding was initiated as result of Time Warner's application for authority to provide local exchange and interexchange voice services in certain parts of the State of Missouri. Since the Applicant had voluntarily submitted to the Commission's jurisdiction, there was no cause for Vonage to intervene. However, when the Commission released the *Prehearing Order*, Vonage became aware that the Commission intended to examine issues of general applicability to all VoIP service providers. Specifically, the Commission found "In light of the fact that VoIP brings

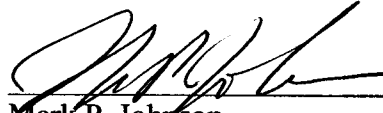
with its regulatory uncertainties, the Commission finds that the public interest will be served by an examination of those uncertainties.” *See Prehearing Order*, at 4.

8. Accordingly, Vonage respectfully submits that good cause exists for granting its application to intervene filed after the intervention date in this case, pursuant to 4 CSR 240-2.075(5). Vonage will accept the case and its current schedule as it stands, and is aware that parties must file briefs prior to the start of the prehearing conference on November 21. No party will be prejudiced by the granting of this Application to Intervene Out of Time. The Commission has already granted intervention out of time to four carriers, noting that no party would be prejudiced by their intervention and no procedural schedule has been established. *Order of November 13*.

9. Vonage provides a form of VoIP service, enabling customers with broadband Internet connections and specialized Customer Premises Equipment to communicate without using a telephone line. Vonage’s service permits intercommunication between the incompatible protocols used on the Internet and on the Public Switched Telephone Network. Although it resembles traditional telephone service in some respects, it has crucial technical and functional differences. In granting other Applications to Intervene, the Commission found that the public interest would be better served as it would allow the Commission to engage in more complete examination of VoIP service. *See Prehearing Order*, at 4-5. Likewise, Vonage respectfully submits that its participation would serve the public interest for the same reasons indicated by the Commission in its *Prehearing Order*.

WHEREFORE, Vonage respectfully requests that the Commission issue an order, for good cause shown, authorizing its intervention out of time in the above-captioned case.

Respectfully submitted,



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COUNSEL FOR VONAGE HOLDINGS
CORP.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document has been hand delivered or mailed, postage prepaid, this ~~14~~ day of November 2003, on the Office of Public Counsel, the Commission's General Counsel, and counsel for all parties of record in this matter.



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