

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

Staff of the Public Service Commission	)	
Of the State of Missouri,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. TC-2007-0413
	)	
Time Warner Cable Information Services	)	
(Missouri), LLC	)	

**REPLY OF TIME WARNER CABLE INFORMATION  
SERVICES (MISSOURI), LLC**

COMES NOW Time Warner Cable Information Services (Missouri), LLC (“TWCIS”), respondent in the above-captioned proceeding, and submits its Reply to Staff’s Response as ordered by the Missouri Public Service Commission (“Commission”) on October 23, 2007.

1. TWCIS acknowledges that the Orders attached to Staff’s pleading are accurate copies of the orders issued by this Commission and the Cole County Circuit Court. Both the Commission and the Court conclude that the Commission has jurisdiction to regulate TWCIS’ Digital Phone service.

2. TWCIS disagrees with the conclusions of both the Commission and the Court. The Federal Communications Commission (“FCC”) has indicated that voice over Internet protocol (“VoIP”) based services such as those offered by TWCIS should be subject to the preemption of state public utility commission certification and tariffing requirements ordered by the FCC in *Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order*

*of the Minn. Pub. Utils. Comm'n*, Memorandum Opinion and Order, 19 FCC Rcd 22404, 22407 ¶ 7 (2004) (“*Vonage Order*”), *aff'd*, *Minn. Pub. Util. Comm'n. v. FCC*, 483 F.3d 570 (8th Cir. 2007). Indeed, Missouri is the only state in which Time Warner Cable and its affiliates operate that has issued a ruling finding that the VoIP services offered by Time Warner Cable and/or its affiliates are subject to the jurisdiction of the applicable state public utility commission.

3. Nonetheless, TWCIS will continue to abide by the above referenced orders until such time as either this Commission, the legislature, the FCC or a Court of competent jurisdiction indicates otherwise.

Respectfully submitted,

LATHROP & GAGE, L.C.

/s/ **Paul S. DeFord**

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***Attorneys for Time Warner Cable  
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d/b/a Time Warner Cable***

Dated: October 29, 2007

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Time Warner's Reply has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 29<sup>th</sup> day of October, 2007, to:

### ***Case No. TC-2007-0413***

<u><b>Name of Company Name of Party</b></u>	<u><b>Email Phone Fax</b></u>	<u><b>Mailing Address</b></u>	<u><b>Street Address</b></u>	<u><b>City</b></u>	<u><b>State</b></u>	<u><b>Zip</b></u>
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*/s/ Paul S. DeFord*  
Paul S. DeFord