

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

In the Matter of a Repository Case in Which to Receive)	
Feedback and Other Suggestions Concerning Staff's)	File No. TW-2014-0295
Proposed Consolidation and Simplification of the)	
Commission's Telecommunications Rules)	

VERIZON'S ADDITIONAL COMMENTS

MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services and MCI Communications Services, Inc. d/b/a Verizon Business Services (together, "Verizon") respectfully submit these additional comments in response to the Commission Staff's August 18, 2014 revised proposed rules ("Revised Rules"). Staff submitted the Revised Rules to incorporate changes made in response to comments from interested parties, including feedback provided at the July 17, 2014 workshop.

Although the Revised Rules address most of the concerns expressed in Verizon's May 16, 2014 comments ("Verizon Comments"), they do not resolve Verizon's issues with the imposition of new call routing requirements in 4 CSR 240-28.060(2), and with the definitions of "Access Line" and "Intrastate" in 4 CSR 240-28.010(1) and (9).

Proposed Call Routing Requirements (4 CSR 240-28.060(2))

Verizon previously raised two distinct issues with the proposed call routing requirements in 4 CSR 240-28.060(2): (1) imposing such requirements on iVoIP providers would violate state law (Verizon Comments at 1-2); and (2) imposing such requirements on telecommunications carriers is unnecessary and inappropriate (*id.* at 3-4). The Revised Rules do not alleviate these concerns.

As noted in the Verizon Comments, Section 392.550, RSMo does not authorize the Commission to impose call routing requirements on iVoIP providers. The Commission's limited authority over iVoIP remains as described in the Verizon Comments. Moreover, the amendments to Section 392.611.2, RSMo that went into effect on August 28, 2014 confirm that internet protocol-enabled services – including iVoIP – are not subject to regulation under Chapters 386 or 392, RSMo, other than as set forth in Section 392.550. Simply, the Commission has no authority to impose call routing requirements on iVoIP providers, and therefore must reject proposals to extend this section of the Revised Rules to iVoIP.

As for imposing Revised Rule 4 CSR 240-28.060(2) on telecommunications carriers, the Commission has not acted on File No. TW-2012-112, which is the Commission's investigation into call completion issues. Verizon continues to object to the suggestion that the Commission impose call routing requirements in this separate proceeding, which was opened to consider *streamlining* the Commission's *existing* rules, not to impose *new* requirements – particularly new requirements that are already the subject of a pending proceeding. In addition, imposing state-specific call routing requirements on telecommunications carriers is unnecessary and could impede federal efforts. *See* Verizon Comments at 3-4.

For these reasons, the Commission should reject Revised Rule 4 CSR 240-28.060(2) in its entirety.

Proposed Definitions of “Access Line” and “Intrastate” (4 CSR 240-28.010(1) and (9))

Verizon continues to object to the proposed definitions of “access line” and “intrastate” in the Revised Rules because they improperly encompass services provided by iVoIP providers. *See* Revised Rule 4 CSR 240-28.010(1) and (9).

While Section 386.020(54)(j), RSMo is clear that iVoIP services are not telecommunications services and may not be defined as such, Revised Rule 4 CSR 240-28.010(1) continues define “access line” to include iVoIP service. However, the term “access line” is a traditional legacy telecommunications term that has no application in the iVoIP context. For example, iVoIP can be provided over any broadband connection, including a wireless one, and therefore does not require a physical “line” of any kind. Moreover, a single broadband connection can support multiple iVoIP services. For such reasons, the Federal Communications Commission has been careful to refer to VoIP “subscriptions,” rather than VoIP “access lines,” a term the FCC has traditionally limited to the switched telecommunications context. *See, e.g.*, the FCC’s most recent Local Competition Report (dated June 2014) at Table 1 (reflecting “Switched Access Lines” and “VoIP Subscriptions”).¹ The definition of “access line” should not extend to facilities used to provide iVoIP service.

Similarly, Revised Rule 4 CSR 240-28.010(9) would include iVoIP services within the definition of “intrastate,” even though the FCC has concluded that iVoIP services are inherently interstate and subject to exclusive federal jurisdiction.² The Revised Rules’ use of the term “intrastate” is not limited to financial or reporting matters associated with iVoIP assessments, and it is therefore inappropriate to define the term to include iVoIP services.

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Verizon urges the Commission to make the modifications discussed herein should it consider opening a rulemaking to implement Staff’s proposed rule changes.

¹ Available on-line at https://apps.fcc.gov/edocs_public/attachmatch/DOC-327830A1.pdf.

² Memorandum Opinion and Order, *Vonage Holdings Corp.; Petition for Declaratory Ruling Concerning an Order of the Minn. Pub. Utils. Comm’n*, 19 FCC Rcd 22404 (2004) (“*Vonage Order*”), *petitions for review denied*, *Minnesota Pub. Utils. Comm’n v. FCC*, 483 F.3d 570 (8th Cir. 2007).

Dated: September 17, 2014

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