

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

Staff of the Public Service Commission of)	
the State of Missouri,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2007-0111</u>
)	
Comcast IP Phone, LLC,)	
)	
Respondent.)	

CONCURRING OPINION OF COMMISSIONER CONNIE MURRAY

I reluctantly cast my vote for the Report and Order because it is my opinion that state law, as it currently exists, permits this Commission no alternative, at least until such time as the FCC preempts state jurisdiction over fixed VoIP service.

Missouri state law defines "telecommunications company" and telecommunications service" so broadly ¹ that even VoIP service providers are required to obtain a certificate of public convenience and necessity from the commission in order to transact any business in this state.² Preemption by the FCC has occurred only to the extent that VoIP service is nomadic, as in Vonage.³

That is not to say that I agree with the public policy decision to regulate fixed VoIP service. It is my hope that the Missouri legislature will act quickly to

¹ RSMo 386.020 (Supp. 2006)

² RSMo 392.410 (Supp. 2006)

³ *Vonage Holding Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utility Commission*, Memorandum Opinion and Order, 19 FCC Rcd 22404, (November 12, 2004)

change the outdated telecommunications statutes and clarify that VoIP service providers are not subject to state telecommunications requirements. Until then or until the FCC acts to preempt state jurisdiction, this Commission must impose burdensome and potentially expensive requirements on these new technologies simply because they deliver voice service from a fixed location. The public is not well served by outdated regulation.

Respectfully,


Connie Murray, Commissioner

Dated at Jefferson City, Missouri
on this 2nd day of November 2007.