

STATE CORPORATION COMMISSION

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

NOV 15 2006

In the Matter of the Investigation to)
Address Obligations of VoIP Providers)
with Respect to the KUSF)

Docket No. 07-GIMT-432-GIT

 Docket
Room

Skype Communications SARL, Google Inc. and Yahoo!, Inc. (the
“Companies”) hereby file this letter in the above-referenced investigation to
address their status as providers of non-interconnected Voice over Internet
Protocol (“VoIP”) service. As explained below, none of the Companies provide
“interconnected VoIP service” as defined by the Federal Communications
Commission (“FCC”).¹ The Companies are not subject to FCC rules applicable to
providers of interconnected VoIP service and are also not subject to the
jurisdiction of the State Corporation Commission of the State of Kansas (the
“Commission”). The Companies believe that the Commission did not intend to
change settled law by exercising jurisdiction over providers of non-
interconnected VoIP service.

In the *Order Opening Docket, Assessing Costs, and Soliciting Comments*
 (“*Order*”), the Commission opened an investigation to consider whether
providers of interconnected VoIP service should be required to contribute to the

¹ See 47 C.F.R. 9.3.

Kansas Universal Service Fund (“KUSF”).² The Commission used the same definition of “interconnected VoIP service” as that used by the FCC, *i.e.*, a service that:

- (1) enable real-time, two-way voice communications;
- (2) require a broadband connection from the user’s location;
- (3) require IP-compatible customer premises equipment; and
- (4) permit users to receive calls from *and* terminate calls to the PSTN.³

The Commission listed each of the Companies in Attachment A to the *Order*. The Commission acknowledged that it had not verified whether Attachment A accurately represented the list of providers subject to the Commission’s jurisdiction, and stated that any provider that was wrongly included on Attachment A could “make a filing in this docket addressing its status on or before November 15, 2006.”⁴

None of the Companies provide “interconnected VoIP service,” as defined by the Commission and the FCC, because, *inter alia*, they do not provide a service that permits users to receive calls from *and* terminate calls to the PSTN.⁵ The

² *Investigation to Address Obligations of VoIP Providers with Respect to the KUSF*, Order Opening Docket, Assessing Costs, and Soliciting Comment, Docket No. 07-GIMT-432-GIT (Nov. 2, 2006). The Companies agree with the Commission’s decision to limit the investigation to providers of “interconnected VoIP service,” since it would be unworkable and in all likelihood illegal under federal preemption grounds for the Commission to exercise jurisdiction over VoIP providers that are not subject to regulation by the FCC.

³ *Order*, ¶ 1 (citing *Universal Service Contribution Methodology*, Report and Order and Notice of Proposed Rulemaking, WC Docket No. 06-122, FCC 06-94, ¶ 36 (June 27, 2006)).

⁴ *Order*, ¶ 6.

⁵ Moreover, the only VoIP-based service that Google currently offers to the public is the “Google Talk” online software application, which is strictly a “computer-to-computer” offering with no PSTN connectivity. In order to make use of this application, both end (cont’d)

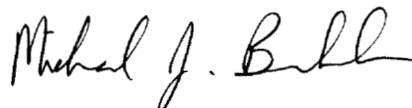
FCC has acknowledged that one-way voice offerings such as those offered by Skype and Yahoo!, and the computer-to-computer VoIP service offered by Google, fall outside the definition of “interconnected VoIP service.”⁶ While the Companies do provide software products that enable voice communications by users, these products are better understood as enhanced instant messaging software rather than the “interconnected VoIP service” offerings that have been subject to E911, the Communications Assistance for Law Enforcement Act, and Universal Service Fund obligations under FCC rules. In other words, each of the Companies was listed erroneously on Attachment A of the *Order*.

users must have personal computers enabled with access to the public Internet, and must be present online.

⁶ When the FCC adopted its definition of “interconnected VoIP service,” it sought further comment on whether one-way VoIP services should be subject to FCC rules and did not contemplate extending those rules to providers of computer-to-computer VoIP services. The FCC has yet to act on this question, and has not expanded the definition of “interconnected VoIP service.” Consequently, one-way VoIP services are not subject to the FCC’s rules at this time

Because the Companies do not offer "interconnected VoIP service," none of the Companies should be assessed costs pursuant to the above-referenced investigation regarding whether providers of interconnected VoIP service should be required to contribute to the KUSF.

Respectfully submitted,



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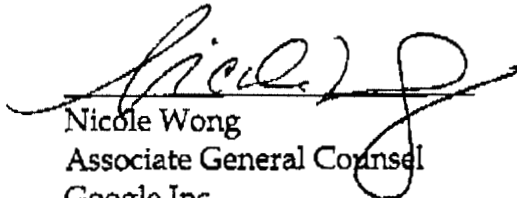
Dated: November 15, 2006

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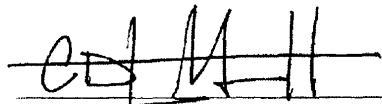
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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of November, 2006, a true and correct copy of the above and foregoing filing of Google Inc., Skype Communications SARL and Yahoo!, Inc. was deposited in the United States mail, first-class postage prepaid, properly addressed to the following:

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