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Idaho State Legislature
700 West Jefferson Street
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IDAHO PUBLIC
UTILITIES COMMISSION

The Honorable Paul Kjellander
Chairman, Idaho Public Utilities Commission
472 West Washington Street
Boise, ID 83702

Dear Commissioner Kjellander,

An important objective for the Legislature, as we are sure is true as well for the Idaho Public Utilities Commission, is to foster an environment that encourages job creation and investment in the most advanced communication technologies to benefit the people of Idaho. One of those technologies, Voice over Internet Protocol Service (VoIP) seems to be rapidly emerging as a platform for landline voice service. This emergence is occurring in an environment that is largely regulation-free for this technology, and for the larger group of Internet Protocol-Enabled Services (IP-Enabled Services) of which VoIP is a part.

We are aware that 33 states, plus Washington, DC, have enacted laws preempting or preventing state and local governments from regulating VoIP, and 19 states, plus Washington, DC, have done the same for IP-enabled services. The Idaho Legislature has at times considered legislation to preempt regulation of VoIP and IP-Enabled Services. In our experience these efforts have extended beyond the narrow question of whether preemption should be enacted and what form it should take. We appreciate that there are, as always in a dynamic industry like communications services, numerous issues which could be reviewed at the same time. However, we would like to limit our review to the question of preemption of regulation for VoIP and IP-Enabled Services and the effect that action might have on the need for revision of other Idaho statutes, and ask your assistance in helping us do this.

We would appreciate your aid and expertise in advising the Legislature and the Governor on this question. If the Commission is willing, we ask that you consider convening a group of interested parties to evaluate VoIP and IP-Enabled Service regulation preemption, whether it should be enacted via legislation, and, if so, what form it can and should take. As a point of clarification, we are not asking you to undertake a comprehensive review that would lead to a broad sweeping rewrite of Idaho's code related to communications or telecommunications services.

To help advance this matter in a more concrete fashion, we would further ask you to provide your review and recommendations to the Legislature and the Governor prior to the convening of the 2017 Legislative Session. We appreciate the knowledge and experience you bring to a difficult question like this. We thank you in advance for any assistance you are able to provide.

Sincerely,



Senator Brent Hill
President Pro Tempore
Idaho State Senate



Representative Scott Bedke
Speaker
Idaho House of Representatives

Cc: Governor C.L. "Butch" Otter