

# Charter

COMMUNICATIONS

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**Subject: Regulation of VoIP/IP Services**

Dear Mr. Cusick:

Thank you for your efforts, insights and leadership regarding the Idaho Public Utilities Commission's ("Commission") investigation into the question whether Idaho statutes need to be revised to clarify, limit or preempt the Commission's regulation of VoIP and IP-Enabled services ("VoIP").

While ICTA and Charter Communications supports legislation that would memorialize the deregulatory status of retail VoIP services in the state, in 2015 the ICTA initially opposed AT&T's draft legislation because it went beyond retail services and would have eliminated the Commission's jurisdiction over wholesale interconnection in Idaho. After revisions were made to that draft, the ICTA no longer opposed, but did not support the legislation. The ICTA and Charter remain of the opinion that legislation to *further* deregulate VoIP services without limiting such regulation to retail services in Idaho is not only unnecessary but could harm competition.

Idaho was on the forefront of deregulating telecommunications services with the Telecommunications Act of 1988 (the "Act"), Idaho Code § 62.601 *et. seq.* The Act exempts CLECs – including CLECs that deploy VoIP technology – from the more onerous or pervasive rate regulation provisions of Title 61, and instead provides a very light, yet important, scheme of regulation for CLEC VoIP services. Several of those Title 62 provisions address important intra-industry issues that remain relevant. In particular, statutory provisions that expressly authorize the Commission to implement and enforce federal interconnection obligations and other wholesale rights (§ 62-615), or resolve inter-carrier disputes, (§ 62-613) could become clouded by new and potentially conflicting de-regulatory code provisions.

While AT&T has modified its proposed legislation to carve-out important areas where the Commission should retain Title 62 jurisdiction, such carve-outs are not specific to retail services and therefore risk unintended deregulatory consequences. Rather, this risk can be entirely avoided if the legislation were expressly limited to deregulate "retail" VoIP services while expressly protecting the Commission's

authority over interconnection and wholesale tariffs underlying such services under state and federally delegated authority pursuant to the Federal Telecommunications Act.

Such sweeping deregulation of wholesale services has serious implications on competitive carriers' ability to offer services in the state because such carriers rely on interconnection and other carrier-to-carrier services provided by ILECs. This is especially troubling in light of ILECs' transition to IP networks. Attachment A lists several examples of wholesale services that could be implicated if inadvertently deregulated by the present legislative proposal.

Thank you for the opportunity to provide these comments. Please do not hesitate to contact me should you have any questions.

Sincerely

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