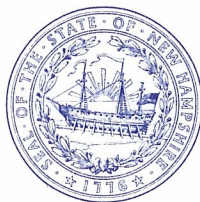


THE STATE OF NEW HAMPSHIRE

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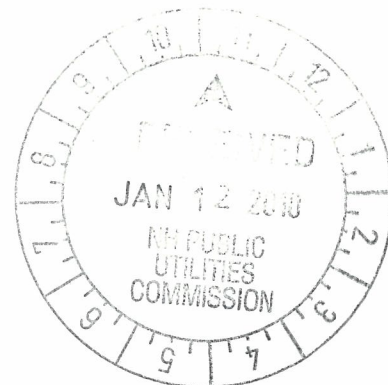
Website:
www.oca.nh.gov

OFFICE OF THE CONSUMER ADVOCATE

21 S. FRUIT ST., SUITE 18
CONCORD, NEW HAMPSHIRE 03301-2429

January 12, 2010

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, New Hampshire 03301-7319



RE: DT 09-044 New Hampshire Telephone Association – Petition for an Investigation into the Regulatory Status of IP Enabled Voice Telecommunications Services

Dear Ms. Howland:

The OCA would like to bring to the Commission's attention a recent order by the Federal Communications Commission (FCC) that bears on the preemption issue in this proceeding. On December 2, 2009, in the matter of Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, the FCC stated:

We also adopt USAC's proposal that interconnected VoIP be listed in both the telecommunications and Internet access categories of the ESL, despite the fact that the Commission has not yet determined the regulatory classification of interconnected VoIP.

Federal Communications Commission, *Report and Order and Further Notice of Proposed Rulemaking*, CC Docket 02-6, December 2, 2009, at p. 6, para. 11. A copy of the order can be found at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-105A1.pdf.

Respectfully,

A handwritten signature in blue ink that reads "Rorie E.P. Hollenberg".

Rorie E.P. Hollenberg
Staff Attorney

cc: Service List via electronic mail

NHPUC JAN12 10 AM 10:42

