

**BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



FILED
04-08-11
04:59 PM

Order Instituting Rulemaking on the
Commission's Own Motion to Require
Interconnected Voice Over Internet Protocol
Service Providers to Contribute to the Support
of California's Public Purpose Programs

Rulemaking 11-01-008
(filed January 13, 2011)

**MOTION OF VONAGE HOLDINGS CORP. TO BECOME A PARTY TO THE
COMMISSION'S RULEMAKING**

Pursuant to Rule 1.4 of the Rules of Practice and Procedure of the California Public Utilities Commission ("Commission"), Vonage Holdings Corp. ("Vonage") files this motion to become a party to the above-captioned proceeding. On March 3, 2011, the Consumer Protection and Safety Division ("CPSD") filed a petition (later accepted as a motion) to expand the scope of the rulemaking. Vonage seeks party status so that it may respond to that motion.

Section 1.4(a)(4) of the Rules grants entities the authority to become a party to a proceeding by filing a motion to become a party. Under Rule 1.4(b), a person seeking party status by filing a motion to become a party must:

- (1) fully disclose the persons or entities in whose behalf the filing, appearance or motion is made, and the interest of such person or entities in the proceeding; and
- (2) state the factual and legal contentions that the person intends to make and show that the contentions will be reasonably pertinent to the issues already presented.

Regarding 1.4(b)(1), the entity seeking filing status is Vonage, which is represented by counsel, whose information can be found below at the signature line. Vonage is a provider of nomadic Voice-over-Internet-Protocol ("VoIP") services and as such will be directly affected by

the outcome of this rulemaking, including of the Commission's decision whether to grant the CPSD's petition.

Regarding 1.4(b)(2), Vonage intends to respond to the CPSD's motion by showing that the Federal Communications Commission ("FCC") has entirely preempted state regulation of nomadic VoIP and that the CPSD's motion therefore asks the Commission to exercise authority that the FCC has not delegated to it.

On that basis, Vonage respectfully requests that the Commission confer party status upon it.

Respectfully submitted,



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April 8, 2011

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