

VoIP Telephone Remains Beyond the Minnesota Commission's Jurisdiction

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On October 21, 2019, the United States Supreme Court declined to hear the Minnesota Public Utilities Commission (“MPUC”) appeal regarding whether states can regulate Voice Over Internet Protocol (“VoIP”). The MPUC argued that the digital telephone is analogous to traditional telephone and that the FCC’s refusal to regulate VoIP left the door open for states to assert jurisdiction. The telecommunications company, Charter Communications, Inc., successfully challenged the state’s ability to regulate information services, like VoIP, and argued that using the internet to connect a call defines VoIP as an information service.

This decision may have implications beyond telecommunications law. In a three-page concurring opinion joined by Justice Neil Gorsuch, Justice Clarence Thomas noted that he welcomed another case that would provide the Supreme Court with an opportunity to say whether the federal government’s decision not to regulate an industry preempts state regulation of that industry. “Giving pre-emptive effect to a federal agency policy of nonregulation thus expands the power of both the executive and the judiciary,” Justice Thomas wrote.

Practice Areas

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