Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Delete Delete Delete	)	GN Docket No. 25-133
	)	

COMMENTS OF INCOMPAS

Christopher L. Shipley
Executive Director of Public Policy
1100 G Street, N.W.
Suite 800
Washington, DC 20005
(202) 872-5746
cshipley@incompas.org

April 11, 2025

TABLE OF CONTENTS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Delete Delete Delete	)	GN Docket No. 25-133
	)	

COMMENTS OF INCOMPAS

INCOMPAS submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") *Public Notice* seeking public input on identifying rules, regulations, or guidance documents for the purpose of alleviating unnecessary regulatory burdens and fulfilling the new Administration's efforts to unleash economic prosperity through deregulation.[1]

I. INTRODUCTION AND SUMMARY

INCOMPAS, the internet and competitive networks association, is the leading trade association advocating for competition and innovation in the broadband marketplace, representing new network builders, internet innovators, and the world's leading video streaming and cloud services. INCOMPAS is unique among trade associations in that we represent the entire internet value chain, including leaders in the energy sector who work at the intersection of artificial intelligence technologies and broadband infrastructure. Our competitive broadband companies are building networks of the future, including fiber, fixed wireless, mobile (5G), and satellite networks that connect residences, businesses, and community anchor institutions. We also represent online content companies that are investing significantly in network infrastructure

[1] *In Re: Delete, Delete, Delete,* GN Docket No. 25-133, Public Notice, DA 25-219 (rel. Mar. 12, 2025) ("*Public Notice*").

and delivering streaming, cloud, social media, and other online content, services, and goods to meet consumer and business needs across the globe.

The association works to ensure that competitive communications and technology providers can continue to deliver better service and greater innovation to consumers, businesses, government agencies, and local communities seeking more choice, lower prices, and faster broadband speeds that attract jobs and private investment. One way the Commission can continue to ensure that providers make significant investments in our communications networks and deliver world-leading innovation is by reducing barriers to entry, deployment, and competition. This type of deregulatory undertaking is common for the FCC as Section 11 of the Communications Act offers the Commission the opportunity to conduct a biennial review of regulations that may no longer necessarily be in the public interest.[2] INCOMPAS therefore welcomes this additional opportunity to suggest rules and regulations that, upon further examination, are unnecessary, outdated, or affirmatively detrimental to advancing the goals and objectives of the Commission, particularly the timely and competitive deployment and operation of telecommunications services.

As part of this effort, INCOMPAS suggests that the Commission can eliminate or modify regulatory burdens related to the deployment of new broadband networks, privacy and data security requirements applied to enterprise customers of telecommunications services, international carrier requirements, 911 outage reporting, and redundancies that developed over

[2] 47 U.S.C. § 161 (directing the Commission periodically to review rules applicable to telecommunications carriers to "determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between providers of such service," in which case it "shall repeal or *modify*" the regulation (emphasis added)).

time during the agency's implementation of the Telephone Consumer Protection Act.

Specifically, INCOMPAS recommends that the Commission:

- Remove regulatory hurdles and streamline deployments that will enable faster and more cost-effective broadband networks to be built. As part of this effort the Commission can modify its rules to address barriers to access and reexamine reporting requirements related to the Broadband Data Collection;

- Exempt all privacy and data security rules under Part 64, Subpart U (47 C.F.R. §§ 64.2001-64.2011) of the Commission's rules from application to the provision of telecommunications services to enterprise customers;

- Extend its 2017 reforms on international reporting by eliminating the quarterly reporting requirements that apply to U.S. international carriers classified as dominant on an international route (47 C.F.R. § 63.10(c)(2)-(4));

- Repeal or modify Public Safety Answering Point outage reporting requirements it adopted in 2022 that providers have found to be operationally burdensome and occasionally confusing for 911 special facilities; and

- Simplify the rules associated with compliance with the Telephone Consumer Protection Act ("TCPA") (47 CFR 64.1200 *et seq*.) to clarify the scope and application, consolidate requirements by category, and eliminate duplicative sections.

Finally, as the Commission conducts its review of industry and the public's proposals to amend or repeal certain rules or regulations, INCOMPAS urges the agency to focus its initial deregulatory efforts in areas where there is broad consensus that a rule may be unnecessary or outdated and where there is widespread support for its elimination, repeal, or modification. While INCOMPAS would expect the Commission to delegate, where appropriate, authority to the various bureaus to resolve areas of deregulatory consensus as quickly as possible, the Commission should act prudently to ensure that it proceeds in accordance with the Administrative Procedure Act and does not eliminate or repeal disputed rules that are relied on by certain segments of the industry and which protect and promote competition and innovation. In those situations, a standard, Commission-level rulemaking process would be the more appropriate vehicle for these deregulatory efforts.

II. DEREGULATION AND STREAMLINING ARE CRITICAL TO THE COMMISSION'S BROADBAND DEPLOYMENT OBJECTIVES AND EFFORTS TO BRIDGE THE DIGITAL DIVIDE

INCOMPAS' members are at the forefront of helping Americans get better, faster, and more affordable internet service and online content. Competition in the marketplace is the leading driver for more affordability, innovation, speed, and better customer service. INCOMPAS has advocated that U.S. policymakers should promote policies that work to enable competition and consumer benefits by prioritizing networks of the future rather than slower legacy networks of the past. This includes investing in future-proof fiber networks that will help support all broadband technologies in the marketplace, including fixed broadband, cable, mobile, 5G, and satellite. The Commission's role in encouraging broadband deployment—both mobile and fixed—and protecting and promoting broadband competition is key to ensuring that residential and business customers will have a choice for their broadband provider as well as the online services and applications they may choose to take over those broadband connections.

Regardless of their business plans—whether fiber transport, fixed wireless, or mobile wireless—INCOMPAS members rely on the seamless and speedy deployment of fiber networks for their success. It is expensive and time-consuming for competitive fiber providers to build, and there are significant barriers that they face when they can make the business case to do so. Such barriers and delays are particularly problematic for providers building with borrowed capital, which creates added pressure to deliver networks and revenues on a predictable, timely basis. Furthermore, a prudent review and reduction in regulatory requirements and barriers that could impact providers using federal broadband deployment funding to deploy new, high-speed, scalable broadband networks will ensure these programs reach unserved and underserved communities across the country.

In recent years, the FCC has taken steps to promote broadband adoption by addressing these barriers to entry, and eliminating or modifying rules, when necessary, to encourage wider deployment. For example, the Commission streamlined wireless deployment processes to encourage 5G network rollout.[3] 5G and the next iterations of wireless technologies will require dense fiber deployment across the country—making it critical that the Commission make deregulatory modifications to its rules to address these issues.

As such, continued efforts to remove regulatory hurdles and streamline both wired and wireless deployments are important to enable faster and more cost-effective broadband networks to be built. INCOMPAS supports increasing broadband providers' access to public rights-of-way, accelerating approval of permits, and asking state and local governments, utilities, and railroads to charge fees that are based only on their actual, objectively reasonable costs. However, it is important to acknowledge that competitive providers face barriers when it comes to the lack of streamlined permitting processes and timelines for fiber.[4] INCOMPAS' members consistently face delays in permitting and gaining access to the public rights-of-way,[5] but new deployments are needed to bridge the digital divide. Moreover, with new federal infrastructure funding being

[3] *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79 (rel. Sept. 27, 2018).

[4] *See* INCOMPAS Reply Comments, WTB Docket No. 17-79 (fil. July 17, 2017), at 7-10 ("Carriers must navigate multiple and frequently overlapping jurisdictions to obtain the needed franchises, permits, and zoning approvals.").

[5] *See*, *e.g.*, Letter from Thomas Jones, Counsel for Zayo Group, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 & WC Docket No. 17-84 (fil. Oct. 31, 2019) ("[M]any local and state governments condition [its] access to public rights of way for the purpose of deploying wireline facilities on the payment of above-cost and discriminatory access fees as well as on compliance with ambiguous in-kind contribution requirements.").

allocated to state and local governments, it is necessary to have guidelines in place that enable faster application/permit processing that will allow the deployment of wired and wireless broadband infrastructure more quickly.[6]

INCOMPAS has long supported the Commission's focus on lowering barriers to broadband deployment. To further enable competitive fiber builds and fixed broadband competition, we encourage the FCC to complete its wireline and wireless deployment proceedings and adopt the streamlining policies INCOMPAS supports, including (1) shot clocks applicable to wireline fiber deployment applications (as was done for wireless deployment), and (2) limiting rights-of-way use charges and siting application fees, consistent with Sections 253 and 332 of the Communications Act.[7]

INCOMPAS members also face issues from pole owners and investor-owned utilities concerning attachments that are required to deliver competitive broadband services—from outright prohibitions to attach to excessive fees charged, including requirements that poles be replaced at competitors' expense—there are myriad pole issues that INCOMPAS members cannot always work around and that deter competitive deployment.[8] Most important is the

---

[6] *See*, *e.g.*, FL Dep't of Comm., Office of Broadband, Comments of INCOMPAS – Initial Proposal, Volume II, 5-9 (Dec. 19, 2023), *available at* https://incompas.org/wp-content/uploads/2025/01/12-19-23-INCOMPAS-Comments-Florida-Initial-Proposal-Vol-II-FINAL.pdf.

[7] INCOMPAS Reply Comments, WTB Docket No. 17-79, at 7-10 (filed July 17, 2017).

[8] *See*, *e.g.*, INCOMPAS *Ex Parte* Letter, WC Docket No. 17-84 (fil. Dec. 1, 2022); *see* Angie Kronenberg, *Poles and Railroads: Breaking Down Barriers to Broadband Deployment*, MEDIUM (Mar. 1, 2023), *available at* https://medium.com/@akronenberg/poles-and-railroadsbreakingdownbarriers-tobroadband-deployment-d5eafda2c1ac; *see* 2023 INCOMPAS Policy Summit Panel, Investing in the Networks and Reducing Deployment Barriers to Secure Our Digital Future (Mar. 7, 2023), *available at* https://www.youtube.com/watch?v=lrceMM_xSvA.

Commission's recognition that pole attachment and replacement issues remain prevalent, including the agency's recent action in the poles proceeding to facilitate the processing of pole attachment applications and make-ready requests.[9] INCOMPAS welcomes the specific actions the agency took in its *2023 Pole Order* to accelerate resolution of pole attachment disputes and to clarify the agency's pole attachment rules in order to address discrepancies over "red-tagged" poles, when a pole replacement is not "necessitated solely" as a result of a third party's attachment or modification request, an attacher's right to access easement information, and the processing timelines for the first 3,000 poles in an attachment application.[10] Importantly, the *2023 Pole Order* acknowledges that disputes over pole attachment and make-ready requests will impede or delay broadband deployment at a time when the federal government has dedicated significant resources to bridging the digital divide. Without further Commission intervention, both in the dispute resolution process and in response to items left unaddressed by the *2023 Pole Order*, these barriers to broadband deployment will persist.[11] Accordingly, to increase competitive choice, broadband connectivity, and availability, INCOMPAS urges the Commission to streamline the attachment and make-ready process for fiber, fixed wireless, and mobile

---

[9] *See Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking, FCC 23-109 (rel. Dec. 15, 2023) ("*2023 Pole Order*").

[10] *Id*. at para. 39 *et seq.*

[11] For example, the *2023 Pole Order* does not address questions raised in the rulemaking about the allocation of costs for pole replacements under 47 C.F.R. 1.1408. INCOMPAS continues to believe that the Commission must adjust its current rules to ensure that there is a more transparent and reasonable process that ensures a fair allocation of replacement costs between pole owners and new attachers. Several alternative cost allocation formulas have been proposed in this proceeding that more equitably assign costs based on the incremental costs caused by each party. *See*, *e.g.*, Comments of Crown Castle Fiber LLC, WC Docket No. 17-84, 27-28 (filed June 27, 2022).

wireless providers. It is critical that competitive providers deploying fiber facilities and wireless infrastructure that carry telecommunications and broadband services have access and rights to poles on a non-discriminatory basis.

While the aforementioned deregulatory efforts may require the Commission to modify its existing rules, there are additional areas where the Commission can streamline current requirements that will speed deployment by allowing providers to redirect resources from compliance requirements to broadband builds. INCOMPAS supports the Broadband Data Collection ("BDC") process as it is ensures that mapping efforts include the most up-to-date data as well as granular location information on broadband availability. However, the current BDC process for facilities-based providers of fixed and/or mobile broadband internet access required under the Broadband DATA Act has extensive criteria that requires providers to expend significant resources in order to report the necessary availability and subscription data. Members indicate that the BDC is a time consuming and resource intensive process and, while changes to the semiannual frequency of reporting are statutorily prohibited, INCOMPAS urges the Commission to review the process to determine if providers could instead supplement broadband data during one of the filing windows, rather than having to conduct two complete compilations of availability data each year.

III. THE COMMISSION SHOULD EXEMPT ITS PRIVACY AND DATA SECURITY REQUIREMENTS FROM APPLICATION TO THE PROVISION OF TELECOMMUNICATIONS SERVICES TO ENTERPRISE CUSTOMERS

INCOMPAS supports the Commission's statutory goals of Section 222, and its member companies— including competitive local exchange carriers ("CLECs") and new entrants that focus primarily or exclusively on providing communications services to medium-sized and large enterprises, small businesses, local and state governments, including schools and libraries, and

non-profits— have gone to great lengths to ensure that, in the provision of voice services, the private, confidential information of their mass market and business customers is protected through careful adherence to the Commission's rules on customer proprietary network information ("CPNI").[12] That said, INCOMPAS has been a long-time proponent of the Commission recalibrating its CPNI rules to better accommodate those carriers that are providing telecommunications services to business customers. As part of the instant proceeding, INCOMPAS encourages the Commission to exempt all privacy and data security rules under Part 64, Subpart U of the Commission's rules from application to the provision of telecommunications services to enterprise customers.[13]

Business customers have different privacy and security needs, and therefore different expectations, than typical consumers. Importantly, they have the knowledge and bargaining power to contract for privacy and data security protections necessary to satisfy those expectations. Application of the Commission's CPNI rules to carriers' provision of telecommunications services to enterprises represents unnecessary regulation and diverts resources without practical benefit. The Commission's current CPNI rules apply to both business and mass market voice services. Given that the current CPNI rules were written with mass market consumers in mind, their design is far from optimal for business customers. Telecommunications carriers serving this segment of the market are currently limited in their approaches to compliance with the CPNI rules. The total service approach, for example, hinders the ability of companies to market advanced, IP-based services to business customers. Business customers often negotiate service terms with carriers, including privacy and security terms for

[12] 47 U.S.C. § 222.

[13] 47 C.F.R. §§ 64.2001-64.2011.

the services they are purchasing. The Commission's CPNI rules do not provide flexibility for carriers to negotiate such arrangements with their customers. Allowing providers of business services to operate within the plain language of Section 222, or at the very least providing far greater flexibility for carriers to negotiate individualized arrangements with their business customers, will ensure that these carriers meet their statutory obligations to protect customer proprietary information while simultaneously opening up their ability to compete and innovate in the areas of privacy and data security and with respect to other services.

Ultimately, this approach will enhance the ability of carriers to serve and meet the needs of their customers. The Commission has previously recognized that business customers are sophisticated, and have the capability to ensure that their needs are being met, and as such, additional flexibility is appropriate in the context of its CPNI rules.[14] Under the current "business customer exemption," the Commission has permitted carriers to negotiate individualized authentication regimes with business customers that have an account representative.[15] INCOMPAS urges the Commission to implement an exemption from all privacy and data security rules under Part 64, Subpart U for carriers' provision of enterprise services, but without the qualifier of requiring the enterprise to have a dedicated account

---

[14] *See Implementation of the Telecommunications Act of 1996; Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, Report and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 8061, 8078, para. 25 (2007) (indicating "that the proprietary information of wireline and wireless business account customers already is subject to stringent safeguards, which are privately negotiated by contract" and that it is unnecessary to extend the carrier authentication rules of CPNI); *see also* INCOMPAS *Ex Parte* Notice, WC Docket No. 16-106 at 1-2 (filed Oct. 21, 2016) (explaining that carriers should be allowed to use other reasonable measures developed in consultation with their enterprise customers to meet their core privacy needs).

[15] *See* 47 CFR § 64.2010(g).

representative. This condition reflects an older business model. While enterprises typically have a variety of ways to negotiate with and contact their service providers, it is no longer typical for there to be dedicated account representatives for each enterprise. Additional flexibility in meeting the Section 222 obligations for business customers should be considered. INCOMPAS supports an approach that would protect enterprise and business customers' privacy and proprietary information by giving them the opportunity to negotiate contracts for these services with their telecommunications providers. Moreover, such flexibility will promote a more competitive marketplace where telecommunications carriers can compete to more effectively meet the security and privacy protection needs of business customers.

The Commission has addressed this issue previously, and implemented this exemption, with unanimous support from across the industry.[16] The exemption was inadvertently reversed as part of an enactment under the Congressional Review Act ("CRA") designed to reverse application of CPNI rules to Broadband Internet Access Service ("BIAS") providers. Because the enterprise exemption was adopted by the same order as the BIAS CPNI rules, the enterprise exemption was reversed although that was not the target of the CRA action. INCOMPAS suggests that the CRA, in this case, would not restrict the Commission from adopting a business customer exemption to the CPNI rules. The exemption included in the *2016 Privacy Order* was a peripheral issue that was intended to reconcile for enterprise voice services the distinction the Commission had drawn between mass market and business customers in its definition of BIAS in

[16] *See Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket No. 16-106, Report and Order, 31 FCC Rcd 13911, 14040 ("*2016 Privacy Order*") (finding that a carrier that contracts with an enterprise customer for telecommunications services . . . need not comply with the other privacy and data security rules under Part 64, Subpart U of our rules if the carrier's contract with that customer specifically addresses the issues of transparency, choice, data security, and data breach).

the larger context of Section 222. At the same time, the exemption signified the Commission's recognition that voice service providers and "sophisticated" business customers were in the best position to understand and negotiate for their data privacy and security needs. For purposes of the CRA, the Government Accountability Office ("GAO") is required to report on major rules that federal agencies make which must be submitted to both houses of Congress and the GAO for review before they can take effect.[17] The emphasis of the *2016 Privacy Order* was on establishing privacy protections for mass market consumers based on the then-recently adopted *Open Internet Order* reclassifying BIAS as a Title II service. The enterprise exemption was an unintended victim of the CRA that would have given voice service providers additional flexibility to meet the data privacy needs of their business customers. As such, INCOMPAS urges the Commission to implement an exemption from all privacy and data security rules under Part 64, Subpart U for carriers' provision of telecommunications services to enterprise customers.

IV. QUARTERLY REPORTING REQUIREMENTS FOR U.S. INTERNATIONAL CARRIERS CLASSIFIED AS DOMINANT ARE ADMINISTRATIVELY BURDENSOME AND UNNECESSARY

INCOMPAS also urges the Commission to eliminate the quarterly reporting requirements that apply to U.S. international carriers classified as dominant on an international route.[18] Currently, the Commission's rules require "any carrier classified as dominant for the provision of particular services on particular routes" to comply with unnecessarily burdensome quarterly

[17] The GAO is only required to report on federal agency's major rules that have an economic impact of $100 million or more, and the business customer exemption at issue does not meet that criteria.

[18] 47 C.F.R. § 63.10(c)(2)-(4).

reporting requirements on network traffic and revenue (47 C.F.R. § 63.10(c)(2)), provisioning and maintenance (47 C.F.R. § 63.10(c)(3)), and, for facilities-based carriers, the status of active and idle 64 kbps or equivalent circuits (47 C.F.R. § 63.10(c)(4)). INCOMPAS represents international telecommunications providers and their affiliates that are subject to the Commission's reporting and regulatory compliance obligations. Based on the Commission's previous reform efforts and experience gained from the implementation of the reporting requirements, INCOMPAS posits that these quarterly reporting requirements are no longer necessary, and that the Commission can conduct targeted data collection when necessary to achieve its statutory obligations.

In 2017, the Commission adopted the *International Reporting and Streamlining Order* which reformed the international services reporting requirements under 47 C.F.R. § 43.62 by eliminating the annual international Traffic and Revenue Reports and modifying the data collected in the Circuit Capacity Report "to reduce the burdens on providers."[19] The Commission took these actions because it determined that the cost of the data collection exceeded the benefits of the information and "identified less burdensome and more efficient options for collecting data that were more comprehensive than the data that was provided in the annual Traffic and Revenue Report."[20] The agency also indicated at the time that it's "reliance on these reports has substantially diminished over time" as competition in the international telecommunications sector has grown.[21]

---

[19] *In re: Section 43.62 Reporting Requirement for U.S. Providers of International Services; 2006 Biennial Review of Telecommunications Regulations*, 32 FCC Rcd 8115, para 24 (2017) ("*International Reporting and Streamlining Order*").

[20] Comments of Kelley Drye & Warren LLP, IB Docket No. 18-377, 3 (filed Feb. 8, 2019).

[21] *International Reporting and Streamlining Order* at para. 2.

Given that the international telecommunications sector remains competitive and that the Commission's logic for eliminating and streamlining the requirements in 2017 can be extended to these requirements, INCOMPAS urges the Commission to remove the nearly identical set of reporting obligations for providers found at 47 C.F.R. § 63.10(c)(2)-(4). Providers are required to report much of the same unnecessary data that the Commission designated for streamlined or modified treatment in 2017, however, the current process is similarly onerous and exacerbated by the fact that carriers are required to complete the reporting process on a *quarterly* basis. The reporting obligations require subject carriers to redirect personnel from their normal tasks to compile data, prepare, and confirm the accuracy of the reports. Additionally, the lack of clarity surrounding some of the terms used, but not defined, in Section 63.10 has led to some carriers ascribing a different meaning to terms with respect to international traffic and revenue reporting, further depreciating the value of the data.

Furthermore, eliminating Section 63.10 reporting requirements will not hinder the Commission's ability to address anticompetitive activities on an international route, as the agency could conduct data collection on an as needed basis. In fact, eliminating onerous compliance obligations would be consistent with previous actions taken by the Commission, and in this case, would be consistent with the agency's deregulatory approach in 2017. The Commission can avoid regulatory inconsistency and maximize carrier resources by eliminating the reporting requirements in Section 63.10(c)(2)-(4) that are burdensome and require submission of data that is unnecessary or which can be obtained from other sources if needed by the Commission.

V. THE COMMISSION'S PSAP OUTAGE REPORTING REQUIREMENTS UNNECESSARILY DIVERT PROVIDERS ATTENTION FROM RESOLVING NETWORK OUTAGES AND SHOULD BE ELIMINATED OR MODIFIED

In 2022, as part of an effort to improve 911 reliability, the Commission adopted a series of network outage reporting obligations for providers that deliver traffic to Public Safety Answering Points ("PSAPs"). While the Commission established these obligations with good intentions, our members' experience gained from the implementation of the requirements demonstrates that compliance with these technically complex rules can cause confusion at PSAPs and create operational burdens that divert a provider's attention from quickly restoring communications services, such as 911, following network outages. As a result, INCOMPAS request that the Commission repeal the PSAP outage reporting requirements it adopted in 2022.[22]

Currently, providers are required to maintain continuously updated contact information for thousands of PSAPs across the country.[23] Providers must also notify 911 special facilities of outages no later than 30 minutes after discovering a network outage, even when the affected network segment is outside the provider's direct control or visibility.[24] Additionally, providers must conduct follow-up notifications within two hours and with the regulations imposing strict content formatting obligations that are impractical, especially for smaller providers that are more

---

[22] *Amendments too Part 4 of the Commission's Rules Concerning Disruptions to Communications; Improving 911 Reliability; New Part 4 of Commission's Rules Concerning Disruptions to Communications*, PS Docket No. 15-80, PS Docket No. 13-75, ET Docket No. 04-35, Second Report and Order, 37 FCC Rcd 13847 (rel. Nov. 18, 2022).

[23] *Id.* at paras 8-9.

[24] *See id.* at paras. 10, 13, 14, 19, and 20.

susceptible to the operational burdens of a rigid compliance regime or those operating with limited infrastructure.[25]

These prescriptive requirements divert providers from focusing on the important task of restoring communications services quickly following network outages, an objective the Commission indicated was "a top public safety priority for the Commission." The current approach has had the unintended effect of redirecting critical resources to outage reporting, rather than responding directly to the outage itself or to providers' customer service efforts.

INCOMPAS members also remain concerned that the benefits of these PSAP outage reporting requirements are significantly outweighed by the compliance burdens and costs incurred by service providers, especially smaller providers. Specialized services and solutions to facilitate these notifications are available and marketed to industry but require investment and recurring expenses to maintain. For smaller providers, these recurring costs cannot be spread across a large customer base, driving up the per-customer costs of compliance and leaving smaller providers at a competitive disadvantage against large providers that can distribute these costs to a larger customer base.

Further, the reporting process can lead to operational challenges for both providers and PSAPs raising questions about the public safety benefits of these requirements. During large-scale service disruptions (*i.e.* a regional emergency), PSAPs can be overwhelmed with outage notifications from providers that are attempting to reestablish service, which cannot be the result the Commission envisioned when putting these rules in place. PSAPs can already receive outage information through direct carrier relationships, state-level disaster coordination, or other

[25] *See generally* 47 C.F.R. §§ 4.9 and 4.11.

systems (such as the National Outbreak Reporting System or the Disaster Reporting Information System) managed by federal agencies, including the FCC, obviating the need for such rigorous outage reporting requirements.[26] With these other safeguards in place, the Commission's outage reporting requirements can be characterized as redundant at best and duplicative at worst.

INCOMPAS recommends that the Commission eliminate the PSAP outage reporting requirements which are overly burdensome and impost significant compliance costs without yielding corresponding public safety benefits. Eliminating these obligations would remove unnecessary regulatory burdens and foster a healthier competitive environment where small providers can focus their resources on improving service reliability and customer support. While INCOMPAS does not oppose revisiting proposals for notifying PSAPs in the event of outages, the current requirements are too broad and pose too many operational challenges to justify the commensurate public safety benefits.

VI. A COMPREHENSIVE REVIEW OF THE TCPA WILL ALLOW THE COMMISSION TO ELIMINATE DUPLICATIVE RULES WHILE BRINGING NEEDED CLARITY TO AMBIGUOUS OBLIGATIONS

Finally, INCOMPAS urges the Commission to engage in a comprehensive effort to simplify the rules associated with compliance with the Telephone Consumer Protection Act ("TCPA") to clarify the scope and application, consolidate requirements by category, and eliminate duplicative sections.[27] The rules are currently the product of years of regulatory action, with additions of new obligations followed by exemptions for certain use cases, all built on top

[26] *See id.* § 4.18(a) (mandating daily infrastructure status reporting for "Cable Communications, Wireline, Wireless, and Interconnected VoIP providers" whenever the Commission activates the DIRS in any of their service areas, "even when their reportable infrastructure has not changed compared to the prior day").

[27] 47 CFR 64.1200 *et seq*.

of each other and often executed via cross-references that make the rules incredibly difficult to comprehend. Many rule sections can only be interpreted correctly by also reviewing the underlying orders. This complexity results in a great deal of ambiguity regarding TCPA obligations, which ultimately gets played out in the courts, with often conflicting judicial decisions creating further uncertainty about how the rules should be interpreted. Simplification and clarification of these rules would reduce regulatory burdens by streamlining compliance reviews and providing certainty upon which entities could create comprehensive, future-proof compliance plans.

VII. CONCLUSION

For the reasons stated herein, INCOMPAS urges the Commission to consider the recommendations in its comments as it examines the issues raised in the *Public Notice*.

Respectfully submitted,

INCOMPAS

/s/ Christopher L. Shipley

Christopher L. Shipley
Executive Director of Public Policy
1100 G Street, N.W.
Suite 800
Washington, DC 20005
(202) 872-5746
cshipley@incompas.org

April 11, 2025