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

In the Matter of	)	
	)	
Reducing Barriers to Network Improvements and Service Changes	)	WC Docket No. 25-209
	)	
	)	
Accelerating Network Modernization	)	WC Docket No. 25-208
	)	

COMMENTS OF INCOMPAS

INCOMPAS, by the undersigned, respectfully submits these comments in response to the Federal Communications Commission's ("Commission" or "FCC") *Notice of Proposed Rulemaking* ("NPRM") seeking comment on network modernization, copper retirement, and revisions to the Commission's Section 214(a) discontinuance rules.[1]

I. INTRODUCTION AND SUMMARY

INCOMPAS represents a broad coalition of competitive communications providers, broadband builders, and technology innovators committed to expanding access, innovation, and competition in American communications markets. INCOMPAS members were among the first in the industry to complete the transition to all-IP networks and are actively working to preserve public safety obligations, especially seamless 911 connectivity, as they support the industry's transition to NG911 services.

[1] *See Reducing Barriers to Network Improvements and Service Changes, Accelerating Network Modernization,* WC Docket Nos. 25-209, 25-208, Notice of Proposed Rulemaking, FCC 25-37 (rel. Jul. 25, 2025) ("NPRM*")*.

INCOMPAS strongly supports the Commission's goals of modernizing the nation's communications infrastructure and facilitating the transition from legacy TDM- and copper-based networks to next-generation IP-based platforms. However, modernization must proceed in a manner that protects competition, safeguards critical public safety functions, and ensures that consumers, particularly those served by competitive providers, do not lose access to reliable and affordable services during the transition.

This proceeding raises fundamental questions about how best to modernize the Commission's legacy discontinuance and copper retirement rules in light of evolving market realities. INCOMPAS agrees that some streamlining of regulatory requirements is both necessary and appropriate, particularly where discontinuance obligations serve no real purpose and simply duplicate outcomes already governed by other parts of the Commission's framework. In particular, the Commission should forbear from applying Section 214 and Section 63.71 requirements to resellers in two specific contexts: (1) when a reseller is forced to discontinue a legacy service because its wholesale provider—almost always the incumbent LEC—has itself discontinued that service; and (2) when a reseller seeks to grandfather a service while continuing to offer replacement options. In these scenarios, the policy rationale behind the discontinuance and notice requirements breaks down, and the rules create unnecessary costs without protecting consumers or promoting competition.

Yet while targeted forbearance is justified in certain contexts, INCOMPAS strongly cautions against wholesale elimination of core protections that ensure continued interconnection, access to public safety networks (including 911), and the competitive viability of providers that depend on the very facilities being retired. Competitive providers continue to face roadblocks to IP interconnection, and they are being forced to rely on legacy trunk-side facilities, like

DS1/DS3 links and selective router connections, for which there are often no viable alternatives. Removing critical safeguards like Sections 63.500 and 63.501, or permitting ILECs to dismantle copper and TDM infrastructure without Commission oversight, would leave competitors and their customers stranded during the transition.

In short, the Commission must adopt a balanced approach: one that eliminates unnecessary burdens where appropriate, but retains and strengthens the essential safeguards that ensure consumers continue to benefit from robust competition, public safety, and service continuity.

II. THE COMMISSION'S EFFORTS TO MODERNIZE VOICE NETWORKS MUST PRESERVE COMPETITION AND PUBLIC SAFETY

INCOMPAS appreciates that the Commission's recent rulemakings have included questions about interconnection, including for trunk-side services and 911.[2] This reflects an increasing awareness that the success of the tech transition will depend not just on the loop side of the network, but on the preservation of reliable, nondiscriminatory interconnection on the trunk side as well. As INCOMPAS has described in other proceedings, our members continue to face significant roadblocks in transitioning interconnection agreements to IP.[3] While our members support and prefer IP interconnection, they have encountered resistance from ILECs

[2] *See, e.g.*, NPRM at para. 20.

[3] Letter of INCOMPAS, NTCA—The Rural Broadband Association, the Cloud Communications Alliance, and the Voice on the Net Coalition, CG Docket No. 17-59, WC Docket No. 17-97 (filed Feb. 13, 2024). Last year, INCOMPAS joined the Cloud Communications Alliance, the Voice on the Net Coalition, and NTCA—The Rural Broadband Association calling for the Commission to address the lack of an IP interconnection framework. The joint associations noted that "[w]ithout a framework, providers are not incented to exchange voice traffic in IP, undermining the robustness and security of our telecommunications infrastructure." INCOMPAS urges the Commission to "proactively examine and endorse measures that promote IP interconnection."

when seeking to move their local exchange traffic off TDM-based interconnection and onto commercial IP arrangements.

A. The Need for a Comprehensive Framework for IP Interconnection

As one INCOMPAS member, Bandwidth, recently described to Commission staff, despite the ILECs' rapid migration of their own loop-side customers to IP-based services, they continue to require Bandwidth to maintain TDM interconnection at the tandem, end office, and selective router level.[4] This includes the critical delivery of 911 calls, which remains heavily dependent on trunk-side TDM connections. Moreover, ILECs have declined to offer a pathway for Bandwidth and others to use newly deployed Ethernet transport facilities to interconnect with tandems or deliver 911 traffic. Even in cases where Bandwidth is investing in Ethernet-based collocations at nearly 200 wire centers, ILECs still demand DS1 cross-connects to the tandem—a requirement that is increasingly unworkable given both the scarcity of DS1 services and their rapidly escalating costs. Bandwidth has reported that the price for a DS3-to-DS1 multiplexer will rise from $2,696.66 per month (as of October 2022) to an astonishing $58,344.29 per month by June 2025.[5] These services are often no longer available from wholesale resellers, meaning that Bandwidth must purchase them directly from the ILEC, often the sole remaining provider.

This experience illustrates a structural imbalance: competitive carriers are being compelled to rely on legacy technologies that incumbents are abandoning, while being denied access to modern, scalable alternatives. The result is a forced dependence on overpriced,

[4] *See* Letter of Tamar E. Finn, Counsel to Bandwidth Inc. and Bandwidth.com CLEC, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 25-209, 25-208, 21-17, 17-144, 17-97, 13-97, et al. (filed Sep. 18, 2025) ("Bandwidth *Ex Parte* Letter").

[5] *Id*. at 2.

deteriorating facilities that not only inhibit competition but threaten service continuity for mission-critical communications, including emergency 911 traffic. This is not a sustainable or fair transition.

The Commission must establish a clear, enforceable framework for IP interconnection that covers local exchange traffic and, in particular, public safety obligations. IP interconnection is technically feasible. IP-based solutions to replace TDM tandems have been known to the Commission since 2022. Working from a recommendation to the North American Numbering Council,[6] INCOMPAS joined an effort with other leading trade associations (collectively, the SIP Interconnection Working Group) to identify "options that all voice service providers can use to exchange voice traffic in IP, the cost and security considerations of each, as well as expectations for voice providers as they negotiate interconnection agreements."[7] This effort was undertaken to encourage and advance deployment of the STIR/SHAKEN call authentication framework by all voice service providers—another area where voice service providers have made a considerable investment and which requires IP interconnection to be fully effective. The SIP Interconnection Working Group submitted that providers interested in exchanging [Internet Protocol Voice Service] ("IPVS") traffic in a manner consistent with the STIR/SHAKEN framework could exchange traffic: (1) via dedicated connection, (2) over the Internet, or (3) via

[6] *See* CALL AUTHENTICATION TRUST ANCHOR WORKING GROUP, NORTH AMERICAN NUMBERING COUNCIL, FCC, DEPLOYMENT OF STIR/SHAKEN BY SMALL VOICE SERVICE PROVIDERS (2021), *available at* https://nancchair.org/docs/October_13_2021_CATA_Working_Group_Report_to_NANC.pdf (recommending that the Commission permit industry to develop and propose a solution to the SIP interconnection problem within 6-12 months of the date of the report.)

[7] Letter of SIP Interconnection Working Group Co-Chairs to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-97 (filed Nov. 16, 2022).

third party transport provider, depending upon factors such as volumes of traffic and geographic location of interconnection equipment.

Additionally, the Working Group agreed to a series of market-based expectations for IPVS providers, including that all providers should be expected to negotiate the terms and conditions of an IP interconnection agreement in good faith, while retaining discretion not to negotiate with providers actively engaged in illegal behavior. Unfortunately, expectations that all providers negotiate agreements in good faith have not materialized. This agreement and expectation was an important step in addressing this longstanding IP interconnection hurdle in order to maximize the effectiveness of the STIR/SHAKEN framework. Consequently, in many situations, the problem of TDM-in-the-middle persists today. As the Commission plans the IP transition, it should closely monitor the current state of IP interconnection and insist that all providers negotiate interconnection agreements in accordance with the solutions and expectations included in the Report.

Carriers have every incentive to migrate when provided a viable, nondiscriminatory path to do so. However, in the absence of a new clear interoperability framework and during the transition to a new future state, the Commission must retain and enforce safeguards that prevent ILECs from unilaterally dismantling the trunk-side infrastructure upon which competitive providers and the public still rely.

B. Interconnection Safeguards Must Not Be Eliminated Prematurely

INCOMPAS is particularly concerned with proposals in the NPRM to eliminate Sections 63.500 and 63.501 of the Commission's rules, which currently require ILECs to seek prior approval before taking down trunks used for the exchange of traffic. These provisions are

among the few tools remaining to ensure that ILECs cannot sever interconnection arrangements, especially those involving DS1s, DS3s, or SS7 signaling, without regulatory oversight.

The Commission suggests that Section 63.71 may be sufficient to protect these interests. However, as INCOMPAS has previously pointed out, prior Commission orders have found that Section 63.71 does not apply to wholesale services, and therefore cannot be relied upon to preserve trunk-side interconnection.[8] Eliminating 63.500 and 63.501 without replacing them with a strong, enforceable interconnection framework would effectively allow ILECs to withdraw essential facilities such as those required for 911 call delivery without public notice, Commission review, or regard for competitive consequences. For their part, Bandwidth has explicitly asked the Commission to "require that discontinuance and grandfathering applications do not result in disconnection of TDM facilities used for interconnection and 911" given their concerns about public safety communications.[9]

If the Commission moves forward with streamlining discontinuance rules, it must explicitly protect interconnection rights and public safety services. INCOMPAS and its members must be assured that any service critical to interconnection, competition, or 911 functionality remain subject to appropriate review prior to Commission approvals of broad or vague discontinuation requests.

[8] *See* Letter of Christopher L. Shipley, Executive Director of Public Policy, INCOMPAS, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 25-209, 25-208, 3 (filed July, 17, 2025) ("INCOMPAS *Ex Parte* Letter).

[9] Bandwidth *Ex Parte* Letter at 2.

C. Customer Notification for Grandfathered Services

INCOMPAS has previously urged the Commission to eliminate the customer notice requirement in Section 63.71(a) in cases involving grandfathered services that are not subject to Section 214(a) discontinuance filings.[10] We continue to support this position. Carriers have strong incentives to inform customers of grandfathering actions and to offer replacement services that retain those customers. In such cases, formal notice requirements add little value while imposing compliance burdens that could be better directed toward areas where the risk to consumers and competition is greater—such as interconnection, trunk-side access, and public safety.

The Commission can and should distinguish between grandfathering of end-user services and discontinuance of wholesale interconnection arrangements. The former rarely involves service disruption or competitive harm. The latter has far-reaching implications and should remain subject to robust oversight.

D. Copper Retirement and Last-Mile Access

INCOMPAS also reiterates its position that copper retirement must not be permitted in areas where competitive providers rely on legacy loops to reach end-user customers and where no viable wholesale replacement exists. For many CLECs, unbundled loops and TDM-based voice services remain essential for serving small businesses, community anchor institutions, and customers in multi-tenant buildings. The Commission must ensure that copper is only removed with sufficient advance notice, coordination, and the availability of a functionally equivalent alternative. This principle applies equally to both loop-side and trunk-side facilities. In both

[10] *See* INCOMPAS *Ex Parte* Letter at 3.

cases, the competitive provider cannot control the underlying infrastructure and must rely on fair access to ILEC facilities. Accelerating the transition must not be used as a pretext to force out competitive alternatives.

III. TARGETED ELIMINATION OF DISCONTINUANCE REQUIREMENTS FOR RESELLERS

There are two discontinuance requirements that the Commission should eliminate for resellers. First, the Commission should forbear from requiring that a reseller comply with the requirements of section 214 of the Communications Act and section 63.71 of the Commission's rules ("discontinuance requirements") for resold services that are the subject of a technology transition discontinuance by the reseller's wholesale provider.[11] Applying the discontinuance requirements, including filing an application with the Commission for approval and notifying customers in the manner specified in section 63.71 of the Commission's rules, makes no sense for resellers of discontinued legacy TDM-based services.

Incumbent LECs are the only viable wholesalers of TDM-based services. The Commission's own data supports this conclusion. According to the Commission's most recent Voice Telephone Service report, as of June 2024, there were a total of 18,052,000 switched access line (i.e., TDM-based telephone service line) subscriptions nationwide.[12] Of these, incumbent LECs served 14,691,000 and non-incumbent LECs served 3,361,000.[13] Of the 3,361,000 switched access lines served by non-incumbent LECs, only 1,503,000 were served via

[11] *See* NPRM, ¶ 43 (seeking comments on this issue).

[12] *See* Voice Telephone Services: Status as of June 30, 2024, FCC Industry Analysis Division Office of Economics and Analytics, May 2025, Table 1, row 13, *available at* https://docs.fcc.gov/public/attachments/DOC-411462A1.pdf.

[13] *See, id.,* Table 1, rows 14-15.

the non-incumbent LECs' own last-mile facilities.[14] Thus, of the 18,052,000 switched access lines served nationwide, only 1,503,000, or approximately 8 percent, were served by non-incumbent LECs over their own last-mile facilities. Subscriptions are not the same as network coverage, but non-incumbent LECs would almost certainly serve customers over their own last-mile facilities where they own them. Thus, it is logical to infer from the Commission's data that, in the vast majority of locations in the country, incumbent LECs own the only facilities available to provide legacy circuit-switched telephone services.

This accords with the experience of INCOMPAS members that resell legacy TDM-based telephone service and other TDM-based services. INCOMPAS members who are resellers have found that the incumbent LEC is the only provider of circuit-switched telephone services in the vast majority of locations in the country that those resellers seek to serve.

In the small number of locations where non-incumbent LECs do provide TDM-based telephone services over their own last-mile facilities, those providers are not viable options for resellers. This is in part because the non-incumbent LECs' network coverage for those services is much smaller than incumbent LECs. The transaction costs associated with obtaining wholesale access to the non-incumbent LEC lines, including negotiating wholesale agreements and establishing wholesale provisioning, are extremely high on a per-line basis. In addition, non-incumbent LECs frequently have little experience in providing TDM-based services to resellers, and they frequently lack mature or even sufficient systems and processes for doing so. In contrast, incumbent LECs have established wholesale systems and processes for TDM-based services. As a result of these factors, it is rare for INCOMPAS members that resell legacy TDM-

[14] *See, id*., Table 1, row 76.

based telephone service (or other TDM-based services) to have existing agreements to resell such services provided by non-incumbent LECs over those non-incumbent LECs' own facilities.

Accordingly, when a wholesaler (almost always the incumbent LEC) discontinues TDM-based telephone service or other legacy TDM-based service in a geographic area, resellers of those services have no choice but to discontinue their resold services. This is the case, for example, in the geographic areas where incumbent LECs, most notably AT&T, are discontinuing TDM-based services. INCOMPAS members' experience in those areas is that they have no choice but to discontinue their resold services because there is no other viable wholesale provider of the services.

All of the factors in the forbearance standard in section 160(a) of the Communications Act are met in this context. Requiring that resellers of services subject to a technology transition discontinuance comply with the discontinuance requirements "is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with" those services "are just and reasonable and are not unjustly or unreasonably discriminatory."[15] Because the wholesaler of legacy services in this context is the only provider of those services, a reseller has no ability to continue to provide the service once the wholesaler discontinues it. A review of the consequences of the reseller's "charges, practices, classifications, or regulations by, for, or in connection with" those services is an empty formalism. Consideration of whether consumers will have access to replacement services on "just and reasonable and are not unjustly or unreasonably discriminatory" must occur in the context of the wholesaler's discontinuance, and the conclusion of that analysis must apply equally to resold versions of the same services.

[15] *See* 47 U.S.C. § 160(a)(1).

Requiring resellers of services subject to a technology transition discontinuance to comply with the discontinuance requirements is also "not necessary for the protection of consumers."[16] Most of the issues relevant to this inquiry, including how to ensure that consumers have access to replacement services that are reliable, that provide sufficient access to the disabled, and that provide sufficient access to emergency services after discontinuance, must be assessed in the context of the wholesale provider's discontinuance application.[17] Again, the conclusion of that analysis must apply equally to resold versions of the same services.

The only significant discontinuance requirement relevant to the protection of consumers for which the wholesaler's discontinuance process is not fully redundant is customer notice.[18] This is because a wholesaler does not have an obligation under the Commission's rules to notify a reseller's customers of the wholesaler's planned discontinuance of service. It is appropriate for a reseller to notify its customers but requiring that it do so pursuant to Commission rules is not necessary to protect consumers. Resellers have powerful incentives to notify their own customers of any discontinuance so that they can persuade those customers to purchase replacement services offered by the reseller. They would do this regardless of whether the Commission requires it. Requiring that resellers follow the form and content of the

[16] *See id.,* § 160(a)(2).

[17] *See* NPRM, ¶ 41 (seeking comments on these issues).

[18] The other discontinuance requirement for which the wholesaler's process is not fully redundant of the reseller's is the requirement in Section 63.7(a) that a discontinuing carrier "submit a copy of its application to the public utility commission and to the Governor of the State in which the discontinuance, reduction, or impairment of service is proposed; to any federally-recognized Tribal Nations with authority over the Tribal lands in which the discontinuance, reduction, or impairment of service is proposed; and also to the Secretary of Defense." 47 C.F.R. § 63.71(a). If a reseller need not submit a discontinuance application to the Commission, these requirements make no sense and should be eliminated. To the extent that a state would like to require notice or other discontinuance requirements, it may of course do so.

Commission's prescribed notice only adds to the cost of a reseller's customer notice because it must ensure that each element of the Commission's rules is met regardless of whether it makes sense as a commercial matter to do so.

Moreover, the rationale for the customer notice requirements is especially weak in the case of business customers. A carrier's relationship with business customers generally entails more frequent contact than for residential customers, business customers are frequently more aware of their service options than residential customers, and business customers are better able to transition to replacement services than residential customers. Thus, even if the Commission were to retain the customer notice requirement for residential customers, it should not do so for business customers.

Finally, forbearing from requiring that resellers of services subject to a technology transition discontinuance comply with the discontinuance requirements is "consistent with the public interest."[19] Forbearance "will promote competitive market conditions by eliminating superfluous regulations that slow the transition to next generation IP-based services and by enabling carriers to redirect resources away from legacy voice services . . . and toward maintaining and building out next-generation IP-based services."[20] Several INCOMPAS members offer TDM-replacement service, and forbearance from discontinuance requirements would allow these INCOMPAS members to redirect resources away from regulatory compliance and legacy services and toward expanding the availability and service capabilities of TDM

[19] *See* 47 U.S.C. § 160(a)(3).

[20] *See* NPRM, ¶ 42.

replacement services. These improvements will in turn increase competition, thereby promoting the public interest.[21]

Second, the Commission should eliminate the customer notice requirements for carriers, including resellers, that grandfather a service.[22] As explained above, resellers have powerful incentives to notify their own customers of any discontinuance, including grandfathering, so that they can persuade those customers to purchase replacement services offered by the reseller. They would do this regardless of whether the Commission requires it. Moreover, as also explained, the rationale for continued enforcement of the customer notice requirements is especially weak for business customers. This is equally true in a grandfathering context because, again, business customers are generally better informed about their service options and better able to transition to alternative services than residential customers. Thus, even if the Commission were to retain the customer notice requirement for residential customers in the grandfathering context, it should not do so for business customers.

IV. CONCLUSION

INCOMPAS supports the Commission's vision of a modern, efficient, and IP-based communications network that serves all Americans. But achieving that vision requires a clear-eyed assessment of the competitive landscape and the real-world impacts of legacy network discontinuance. Without robust safeguards, the transition away from copper and TDM-based

[21] *See* 47 U.S.C. § 160(b) (stating that, in determination whether forbearance is in the public interesting, "the Commission shall consider whether forbearance from enforcing the provision or regulation will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications services").

[22] *See* NPRM, ¶ 76 (seeking comment on this issue).

infrastructure risks foreclosing competition, degrading service quality, and weakening public safety protections.

INCOMPAS urges the Commission not to eliminate wholesale discontinuance obligations where they continue to serve critical purposes such as protecting interconnection rights and maintaining access to 911 networks. At the same time, INCOMPAS supports targeted forbearance from the Commission's discontinuance and customer notification rules in two specific scenarios:

1. When a reseller is forced to discontinue a service solely because its wholesale provider has discontinued it, particularly in the context of TDM-based legacy services where incumbent LECs are the only viable wholesale source; and

2. When a reseller seeks to grandfather a service, especially in the business customer context, where resellers have every incentive and existing commercial relationships to communicate effectively with customers about service changes and promote migration to replacement offerings.

In both cases, the Commission's discontinuance framework imposes regulatory burdens that are not necessary to ensure just and reasonable practices, do not protect consumers in any meaningful way, and conflict with the public interest by diverting resources away from investment in modern IP-based services.

As the Commission moves forward with an orderly transition into a future all-IP ecosystem, it must preserve a coherent and enforceable framework for co-carrier interconnection, retain interconnection oversight where no viable alternatives exist, and avoid policies that allow dominant providers to degrade competitive access through strategic copper or trunk discontinuance. A thoughtful, calibrated approach will foster innovation, protect competition, and ensure that consumers continue to benefit from the evolution of the communications marketplace

Respectfully submitted,

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