Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Advancing IP Interconnection	)	WC Docket No. 25-304
	)	
Accelerating Network Modernization	)	WC Docket No. 25-208
	)	
Call Authentication Trust Anchor	)	WC Docket No. 17-97

REPLY COMMENTS OF INCOMPAS

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INCOMPAS, by its undersigned counsel, hereby submits these reply comments in response to the Federal Communication Commission's ("Commission") *Notice of Proposed Rulemaking* ("*NPRM*" or "*Notice*") on accelerating the transition of voice communications networks to all Internet Protocol ("IP") technology and completing the technology transition.[1] INCOMPAS, the competitive networks and AI infrastructure association, represents competitive voice service providers, including competitive local exchange carriers ("CLECs"), interexchange carriers, broadband providers, VoIP providers, and wireless carriers throughout the United States.

I. INTRODUCTION AND SUMMARY

The record in this proceeding reveals a remarkable and unprecedented consensus across stakeholders with vastly different operational profiles and market positions. Competitive carriers, infrastructure providers, rural carriers, and public safety authorities, along with the companies serving public safety answering points ("PSAPs") are aligned on three fundamental

[1] *See Advancing IP Interconnection, Accelerating Network Modernization, Call Authentication Trust Anchor,* WC Docket Nos. 25-304, 25-208, 17-97, Notice of Proposed Rulemaking, FCC 25-73 (rel. Oct. 29, 2025) ("*NPRM*" or "*Notice*").

propositions—principally, the current TDM-based framework requires modernization for IP technology, the communications ecosystem must transition to IP interconnection, and Commission leadership is necessary to accomplish this transition.[2]

Even incumbent local exchange carriers ("ILECs") and their trade associations acknowledge that a voice IP interconnection framework is necessary, which should convince the Commission that it cannot forbear from enforcement of sections 251(c)(2) and (c)(6) of the Communications Act[3] without putting an alternative framework in place or adopting conditions on forbearance.[4] This broad coalition, spanning competitive wireless carriers serving millions of customers, fiber builders operating tens of thousands of route miles, interconnected VoIP innovators, rural providers serving hard-to-reach communities, and public safety advocates, demonstrates that support for IP transition is neither partisan nor sector-specific. The IP transition is inevitable, necessary, and broadly supported across the industry.

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[2] *See generally* Comments of Competitive Carriers Association, WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) ("CCA Comments"); Comments of Bandwidth Inc., WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) ("Bandwidth Comments"); Comments of the Voice on the Net Coalition, WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) ("VON Coalition Comments"); Comments of the Fiber Coalition, WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) ("Fiber Coalition Comments"); Comments of NTCA–The Rural Broadband Association, WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) ("NTCA Comments"); Comments of WTA – Advocates for Rural Broadband, WC Docket No. 25-304, *et al.* (filed Jan. 20, 2026) ("WTA Comments"); Comments of NENA: The 9-1-1 Association, WC Docket No. 25-304, *et al*. (filed Dec. 18, 2025) ("NENA Comments").

[3] 47 U.S.C. §§ 251(c)(2), (c)(6).

[4] *See* Comments of USTelecom—The Broadband Association, WC Docket No. 25-304, *et al*., 30 (filed Jan. 20, 2026) ("USTelecom Comments") (suggesting an alternative IP interconnection framework); Comments of Lumen, WC Docket No. 25-304, *et al*., 27 (filed Jan. 20, 2026) ("Lumen Comments") (urging the Commission to adopt a light-touch regulatory framework for IP interconnection and traffic exchange).

Where stakeholders fundamentally diverge is not on the ultimate goal of IP interconnection, but on the appropriate sequencing and safeguards necessary to protect competition, public safety, and infrastructure investment during the transition. INCOMPAS urges the Commission to adopt the position supported by competitive carriers and their advocates, which consists of four critical elements implemented in proper sequence.

First, the Commission should establish a mandatory IP interconnection framework using Section 251(c)(2)'s technology-neutral language,[5] the Commission's plenary authority over numbering under Section 251(e),[6] and the mandates established by the Telephone Robocall Abuse Criminal Enforcement and Deterrence ("TRACED") Act.[7] Second, this new IP-network based framework must include enforceable requirements: good faith negotiation, retaining bill-and-keep procedures,[8] interconnection at any technically feasible point, nondiscrimination requirements, and protection for indirect interconnection through IP tandem providers.[9] Third,

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[5] 47 U.S.C. § 251(c)(2) (requiring ILECs to provide interconnection "for the facilities and equipment of any requesting telecommunications carrier" at "any technically feasible point"); *see also* Bandwidth Comments at 10 ("There is nothing in Section 251(c) that limits it to TDM interconnection.").

[6] 47 U.S.C. § 251(e)(1); *see* VON Comments at 3 ("Section 251(e)(1) provides the Commission with plenary authority over the North American Numbering Plan.").

[7] *See* Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act ("TRACED Act"), Pub. L. No. 116-105, 133 Stat. 3274 (2019); *see* VON Comments at 4 (noting that "the TRACED Act granted the FCC authority to require that all voice service providers implement the STIR/SHAKEN caller ID authentication framework in their IP networks regardless of technology used").

[8] 47 C.F.R. §§ 51.701-51.715; *see* VON Comments at 5 ("The Commission should also protect against anti-competitive pricing or interconnection requirements by applying the existing bill-and-keep rules adopted in 2011.").

[9] *See* Bandwidth Comments at 11 ("IP tandem providers should have rights under 251(a) to offer indirect interconnection so that smaller carriers, and VoIP providers who obtain telephone numbers from carriers other than the IP tandem provider, can exchange traffic indirectly with the

the Commission must mandate ILEC compliance with specific conditions including Next Generation 9-1-1 ("NG9-1-1") deployment completion, number portability continuity, and IP interconnection availability on a settlement-free basis where possible or at reasonable rates.[10] Fourth, once these safeguards are in place, the Commission should permit TDM retirement on a condition-basis rather than date-certain basis as requirements are satisfied in each market.[11]

The Commission must protect competition during the transition rather than hope that market forces will suffice after regulatory backstops are removed. INCOMPAS members' post-UNE forbearance experience—including dramatic price increases documented by Bandwidth, the Fiber Coalition, and numerous other competitive carriers—is instructive: market forces do not constrain monopoly pricing absent a regulatory framework.[12] As noted in the record, competitive carriers have experienced price increases ranging from 100% to over 200,000%

ILEC through such IP interconnection arrangements."). With respect to interconnection availability, the Commission's bill-and-keep framework, codified at 47 C.F.R. §§ 51.701-51.715, has proven effective in addressing intercarrier compensation disputes while accommodating a lack of comparable traffic management between carriers. Such imbalances do not generally undermine bill-and-keep's effectiveness because terminating carriers retain the ability to recover costs through end-user charges and because any claimed imbalance often reflects the terminating carrier's bottleneck position in its service territory rather than an inequitable cost allocation. Where carriers prefer operational simplicity and have roughly balanced traffic flows, settlement-free interconnection, which eliminates even the administrative overhead of measuring and tracking traffic, provides an appropriate alternative that further reduces transaction costs while maintaining the principle that carriers recover costs from their own customers rather than from each other.

[10] *See* Bandwidth Comments at 14-17 (proposing condition-based forbearance framework).

[11] *Id*.

[12] *See* Fiber Coalition Comments at 8, Ex. 2 (documenting 100% year-over-year price increases following UNE forbearance); Bandwidth Comments at 6-7 (documenting exponential rate increases); Comments of INCOMPAS, WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) at 14-16 ("INCOMPAS Comments") (documenting ILEC pricing behavior).

following prior forbearance grants, demonstrating the inadequacy of relying solely on Sections 201 and 251(a)'s general "just and reasonable" standards to protect against monopoly pricing.[13]

The most compelling evidence that mandatory IP interconnection must precede forbearance comes from ILEC behavior itself. As CCA reports in its comments, ILECs are "requiring competitors to interconnect through costly and outdated TDM tandem facilities."[14] Bandwidth has documented repeated ILEC refusals to negotiate IP interconnection despite competitive provider requests spanning years.[15] Most dramatically, Lumen Technologies unilaterally increased 9-1-1 T1 pricing in Boise, Idaho from $17.22 per month in August 2025 to $32,291.98 per month in December 2025—a staggering 200,000% increase imposed on mission-critical public safety services.[16] Similarly, the Fiber Coalition has shown 100% year-over-year price increases for UNE circuits following prior forbearance grants.[17] Coalition member, FirstLight, included significant data related to UNE circuit price increases in the group's comments. This data reflects that FirstLight has incurred price increases of 200-2000% for UNE

[13] *See* Bandwidth Comments at 6 (documenting Lumen's increase of 9-1-1 T1 pricing from $17.22/month to $32,291.98/month in Boise, Idaho); *id*. at 6-7 (documenting DS3 multiplexing rate increases from $2,696.66/month to $58,344.29/month); Fiber Coalition Comments at 8, Ex. 2.

[14] CCA Comments at 8. In a recent statement on IP interconnection, CCA noted its members "want to interconnect in IP and are being thwarted from efficiently doing so" by "ongoing anticompetitive conduct from legacy [ILECs]." CCA Public Statement on IP Interconnection NPRM (Jan. 21, 2026), *available at* https://www.ccamobile.org/cca-comments-in-fcc-ip-interconnection-proceeding ("CCA Public Statement on IP Interconnection").

[15] *See* Bandwidth Comments at 4 ("ILECs refuse IP interconnection while operating IP internally.").

[16] *See id*. at 6.

[17] *See* Fiber Coalition Comments at 8, Ex. 2 (pages 31-34).

circuits since June 2024.[18] While these price increases "may have the practical effect of preventing access if physical collocation costs are so prohibitive," they have certainly impacted the ability of competitive fiber providers, like FirstLight, to expand their broadband networks given that costs must now be redirected to maintaining vital services for customers.[19] Likewise, multiple carriers across the industry report ILEC reclassification of services, from regulated switched access to deregulated Business Data Services ("BDS"), resulting in exponential rate increases that competitive carriers cannot economically absorb.[20]

The pattern of ILEC resistance to IP interconnection extends across diverse carrier types and operational contexts. Allerium reports that it "already encounters persistent barriers to obtaining timely access to reliable, redundant, and affordable middle-mile and last-mile facilities."[21] Intrado reports that "ILECs [that own and control TDM facilities needed for 9-1-1 routing] continue to insist that 9-1-1 providers must interconnect in TDM at their respective service edge when Intrado picks up ingress traffic for delivery to the dedicated 9-1-1 network" while "ironically, the problem is of the ILECs' own making as they have full control over their own 9-1-1 SIP migration schedule."[22] Public Knowledge highlights that "[e]ven where IP interconnection is technically feasible, incumbents force competitors to use legacy TDM

[18] *See id*. at Ex. 2.

[19] *Id*. at 19.

[20] *See*, *e.g.*, INCOMPAS Comments at 14-16, Bandwidth Comments at 6-7.

[21] Comments of Comtech Telecommunications Corp., WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) at 5.

[22] Comments of Intrado Life & Safety, Inc., WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) at 3.

gateways, raising costs and degrading service."[23] NTCA similarly explains that "smaller ILECs are largely IP-enabled within their own networks, while the barrier to end-to-end IP connectivity today comes mostly where larger operators have failed to upgrade their own networks as a critical component of traffic exchange."[24] T-Mobile documents that "TDM interconnection costs have risen by well over 1,000% [in the last five years], with certain facility elements increasing by more than 3,000% [and] [t]here does not appear to be an economic or rational basis for such increase other than a lack of competitive alternatives[.] [E]xchanging an equivalent minute of traffic over TDM facilities is now tens of thousands of times higher on a per-minute basis."[25]

If ILECs genuinely wanted IP transition to succeed, they would offer competitive providers IP interconnection alternatives rather than imposing unreasonable rate increases on legacy facilities while simultaneously refusing requests for IP interconnection. This behavior reveals that forbearance without a continuation of the mandatory interconnection framework for ILECs will not accelerate the IP transition, it will simply eliminate competitive leverage to demand it. Indeed, Lumen's own comments in this proceeding discuss the ways in which carriers' ability to charge for access and transit services limits their incentive to transition to IP interconnection.[26] Although Lumen does not focus specifically on ILECs (except to reference rural ILECs), the largest beneficiaries of access charge revenue opportunities continue to be ILECs, including but not limited to rural LECs. Moreover, ILECs dominate the transit market,

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[23] Comments of Public Knowledge, WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) at 24.

[24] NTCA Comments at 15.

[25] Comments of T-Mobile USA, Inc., WC Docket No. 25-304, *et al*. (filed Jan. 20, 2026) ("T-Mobile Comments") at 8-9.

[26] *See* Lumen Comments at 13-20.

so they benefit substantially from revenues associated with TDM interconnection.[27] Lumen's analysis implicitly supports the finding that ILEC access revenues give them little incentive to transition to IP. Put simply: ILECs have resisted transitioning to IP because doing so would eliminate access charge revenue streams. Section 251(c) of the Communications Act is not preventing IP transition—ILEC financial incentives are the true barrier to modernization.

II. THE COMMISSION'S FORBEARANCE DECISION SHOULD BE BASED ON WHOLESALE MARKET DYNAMICS

INCOMPAS acknowledges and does not dispute that ILECs' retail market share has declined dramatically since enactment of the Telecommunications Act of 1996.[28] This retail market evolution is real, significant, and reflects the success of the 1996 Act's pro-competitive framework. However, the critical analytical error permeating ILEC arguments throughout this proceeding is the conflation of retail voice service competition with wholesale interconnection market dynamics. As Bandwidth correctly observed in its comments, "[t]he Commission's retail market share data, while relevant to some regulatory questions, obscures the persistent bottleneck power that ILECs exercise over wholesale interconnection."[29]

As INCOMPAS and others highlighted in the comment round, the relevant market for interconnection analysis is not the retail voice services market—it is the distinct market for

[27] *See id*. at 20 (suggesting that Lumen continues to benefit from the current compensation structures); *see also* Bandwidth Comments at 6 (documenting ILEC-imposed rate increases on interconnection facilities).

[28] According to Commission data, ILEC switched access lines comprise only 3.1% of the voice telephony market as of June 2024. *See Notice* at para. 9.

[29] Bandwidth Comments at 8.

wholesale interconnection facilities and tandem services.[30] NTCA frames this critical issue with precision in its comments:

> The public interest analysis errs in focusing upon competition in the retail voice services market while sidestepping the wholesale market that is most relevant and critical when it comes to interconnection. This market—the traffic exchange arrangements that take place at large ILEC-owned TDM tandems among and between these providers—constitutes a distinct market where ILEC bottleneck control persists regardless of retail competition.[31]

In this wholesale market, ILECs continue to exercise significant and persistent market power through several mechanisms. ILEC central offices remain the primary aggregation points for local traffic exchange regardless of the degree of retail competition.[32] As the Fiber Coalition documents in extensive detail, its members collectively maintain approximately 350 ILEC central office collocations because these facilities represent "the only practical locations" for physical interconnection across their service territories, with alternatives "not reasonably available on a consistent or scalable basis."[33] Competitive carriers consistently report that ILECs "continue to require DS1/DS3-based interconnection using outdated TDM protocols" while declining to offer IP alternatives, as INCOMPAS documented in our initial comments.[34] CCA confirms that "[t]he ILECs resistance to IP interconnection is pervasive" even for competitive

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[30] *See* INCOMPAS Comments at 8; Comments of NCTA—The Internet & Television Association, WC Docket No. 25-304, *et al*., 4 (filed Jan. 20, 2026); CCA Comments at 6 (arguing that the Commission's analysis of the retail market "is not the appropriate measure for wholesale interconnection competition").

[31] NTCA Comments at 7.

[32] *See* Fiber Coalition Comments at 6; NTCA Comments at 7.

[33] Fiber Coalition Comments at 4-6.

[34] INCOMPAS Comments at 8; *see also* Bandwidth Comments at 4.

wireless carriers with substantial scale and market presence.[35] This is systematic exercise of bottleneck power in the wholesale interconnection market that persists despite robust retail voice competition.

Perhaps the most telling evidence is what has not happened during this proceeding. Despite years of competitive carriers requesting IP interconnection, despite the clear technical feasibility of IP interconnection, and despite ILECs claiming that Section 251(c) obligations prevent network modernization, ILECs have not voluntarily offered IP interconnection on reasonable terms. VON Coalition members have been ready for IP interconnection for years.[36] CCA members actively want IP interconnection and are being "thwarted" by ILECs.[37] Bandwidth operates IP-capable networks and has requested IP interconnection repeatedly over an extended period.[38] The Fiber Coalition members have invested millions of dollars in IP infrastructure.[39] Yet ILECs consistently decline to negotiate IP interconnection agreements in good faith.

This absence of voluntary ILEC action proves conclusively that the barrier to IP transition is not Commission regulation under Section 251(c). The barrier is ILEC business strategy to extract revenue from fully depreciated legacy facilities using monopoly pricing power in the wholesale interconnection market, unconstrained by regulatory requirements.

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[35] CCA Comments at 7.

[36] VON Coalition Comments at 2-3.

[37] *See* CCA, *supra* note 14.

[38] *See* Bandwidth Comments at 4.

[39] *See* Fiber Coalition Comments at 7-8.

III. POST-FORBEARANCE PRICE INCREASES DEMONSTRATE THE NEED FOR THE COMMISSION'S CONTINUED INVOLVEMENT IN INTERCONNECTION AND COLLOCATION

ILECs argue throughout the record that forbearance from Section 251(c) obligations is appropriate because Sections 201 and 251(a) of the Communications Act[40] provide sufficient protection for interconnection through their general "just and reasonable" standards applicable to all common carriers. This position overlooks both legal and practical realities demonstrated by the actual experience of competitive carriers following prior forbearance grants.

A. Section 251(c)(2) Provides Specific, Enforceable Rights That Section 201 Does Not Replicate

As a legal matter, Section 251(c)(2) provides specific, enforceable rights that Section 201's general provisions cannot replicate. Section 251(c)(2) requires interconnection at "any technically feasible point" not merely at locations where the ILEC chooses to offer interconnection.[41] It mandates quality "at least equal to" that provided to other carriers, establishing an enforceable parity standard.[42] It imposes "just, reasonable, and nondiscriminatory" terms as applied specifically to interconnection arrangements, not merely general carrier conduct.[43]

These specific protections have substantive meaning that Section 201's general "just and reasonable" standard cannot replicate. The dramatic price increases documented throughout this record occurred while Section 201 remained fully in effect. The "just and reasonable" standard

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[40] 47 U.S.C. §§ 201, 251(a).

[41] 47 U.S.C. § 251(c)(2)(B).

[42] *Id*. § 251(c)(2)(C).

[43] *Id*. § 251(c)(2)(D).

did not prevent them. Section 208 complaints either were not filed or, if filed, did not provide timely relief before competitive carriers suffered substantial economic harm. The competitive carriers facing these increases either absorbed them by passing costs to customers, reduced their network footprints thereby harming competition, or exited markets entirely.

B. The Post-Forbearance BDS Market Demonstrates Section 201 Enforcement Inadequacy

The practical experience of competitive carriers in the BDS market following forbearance provides compelling evidence that Section 201 alone cannot prevent monopoly pricing. Lumen's 200,000% increase for 9-1-1 T1 circuits in Boise, Idaho from $17.22 per month to $32,291.98 per month was imposed unilaterally on mission-critical public safety services while Section 201's "just and reasonable" standard remained in effect and the Fiber Coalition has documented 100% year-over-year increases from July 2024 to January 2026 in UNE circuit pricing following the 2020 forbearance grant.[44] Bandwidth reports that DS3 multiplexing rates increased from $2,696.66 per month in October 2022 to $58,344.29 per month in June 2025—an increase exceeding 2,000%.[45] Multiple competitive carriers report similar exponential price increases following ILEC reclassification of services from regulated switched access to deregulated BDS.[46] As Bandwidth further notes in its comments, "BDS price increase history shows that the Section 208 complaint process alone will not be sufficient to prevent price gouging."[47] Section 208 proceedings are time-consuming, often requiring months or years for resolution.

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[44] *See* Bandwidth Comments at 6; Fiber Coalition Comments at 8, Ex. 2 (pages 31-34).

[45] *See* Bandwidth Comments at 6-7.

[46] *See*, *e.g.*, INCOMPAS Comments at 14-16; Bandwidth Comments at 6-7; Fiber Coalition Comments at 8.

[47] Bandwidth Comments at 17-18.

Additionally, these proceedings are expensive, with legal and expert witness costs that can exceed the resources available to small competitive carriers. Furthermore, they are after-the-fact remedies, meaning harm occurs before relief becomes available, if relief is granted at all and uncertain, with no guarantee of success and the full burden of proof resting on the complainant.[48]

Competitive carriers make multi-million dollar network investments, enter into long-term customer contracts with committed pricing, and assume service level agreement obligations based on predictable and reasonable interconnection costs. These carriers cannot operate viable businesses where essential interconnection facilities are subject to unilateral price increases of 200%—200,000% with only the theoretical hope that a Section 208 proceedings might eventually provide relief. The Commission cannot responsibly eliminate the specific interconnection protections of Section 251(c) and replace them with only the theoretical possibility of after-the-fact Section 208 enforcement when the evidentiary record conclusively demonstrates that this approach fails to prevent monopoly pricing in markets where ILECs retain bottleneck control.

IV. PUBLIC SAFETY MANDATES MUST OVERRIDE COMMERCIAL CARRIER PREFERENCES

Whatever the merits of ILEC arguments regarding commercial traffic exchange, NENA's documentation of public safety realities provides dispositive evidence against forbearance effective December 31, 2028 without adequate safeguards. NENA is the premier 9-1-1 standards and advocacy organization and its technical expertise on NG9-1-1 deployment timelines deserves substantial consideration.[49]

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[48] *See* 47 U.S.C. § 208 (establishing complaint procedures); 47 C.F.R. § 1.720 *et seq*. (implementing regulations).

[49] NENA Comments at 1.

A. Current NG9-1-1 Deployment Status Makes December 2028 Mathematically Impossible

In our comments, INCOMPAS argued that the Commission's proposed forbearance, absent a concomitant mandate for IP interconnection for ILECs, creates an unacceptable risk to both traditional 9-1-1 ecosystems as well as NG9-1-1 services.[50] NENA confirms that many 9-1-1 authorities "are not ready to receive NG9-1-1 traffic and still depend on increasingly scarce and expensive copper wire service and will have to continue doing so for a number of years."[51] This is not speculation or advocacy but the direct assessment of the standards development organization responsible for NG9-1-1 technical standards, based on actual deployment status across thousands of PSAPs nationwide.

NENA further documents that "typically, local and state governments operate on a 5-year purchasing schedule for infrastructure upgrades, and NG9-1-1 transitions are no exception."[52] This procurement timeline reflects legal and practical realities of state and local government budgeting processes, many of which are established by state statute and cannot be accelerated by federal regulatory deadlines. The mathematical impossibility is straightforward: 9-1-1 authorities beginning NG9-1-1 procurement in 2026 cannot complete deployment until 2031—three full years after the Commission's proposed December 31, 2028 forbearance effective date.[53]

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[50] *See* INCOMPAS Comments at 13.

[51] NENA Comments at 2.

[52] *Id*.

[53] NENA confirms in its comments that "extensive standards development efforts" conducted through the Alliance for Telecommunications Industry Solutions and NENA itself have created authentication methods "both within an IP/SIP network and over a TDM network," with out-of-band authentication mechanisms enabling TDM networks to convey caller authentication information during the transition period. These standards represent significant technical work by

B. The Commission Must Ensure That Every 9-1-1 Call Is Answered

NENA emphasizes a critical distinction for 9-1-1 traffic that differentiates emergency communications from commercial voice calls. "STIR/SHAKEN can provide intelligence to the public safety telecommunicator by delivering attestation information, but it is not a complete solution to block robocalls or nuisance calls from bad actors. The convention in 9-1-1 is that every call is answered."[54] This fundamental requirement makes 9-1-1 interconnection reliability even more critical than commercial traffic reliability. There is no backup option if a 9-1-1 call fails to route properly due to interconnection facility unavailability. The call simply fails, and the emergency goes unreported to first responders. During the particularly vulnerable NG9-1-1 transition period when some PSAPs have migrated to IP-based call handling while others continue to rely on TDM selective routers, maintaining both TDM and IP interconnection paths is essential to ensure no gaps in emergency call delivery.

C. The Commission's Section 10 Public Interest Standard Requires Protecting 9-1-1

Section 10(a)(2) of the Communications Act expressly forbids forbearance when enforcement of a provision is "necessary for the protection of consumers."[55] Section 10(a)(3) forbids forbearance unless it is "consistent with the public interest."[56] INCOMPAS posits that forbearance that would jeopardize 9-1-1 service cannot meet either statutory standard under the

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industry experts to facilitate the transition while protecting 9-1-1 service reliability. However, these carefully developed standards work only if the underlying TDM interconnection facilities remain available and accessible at reasonable rates. *Id*. at 2.

[54] *Id*.

[55] 47 U.S.C. § 10(a)(2).

[56] *Id*. § 10(a)(3).

following circumstances. As noted previously, NENA confirms in its expert assessment that many PSAPs will depend on TDM interconnection for "a number of years" beyond 2028.[57] Furthermore, government procurement cycles documented by NENA make December 2028 mathematically impossible for authorities just beginning NG9-1-1 procurement.[58] 9-1-1 service represents the primary means by which first responders become aware of emergencies affecting public health and safety and service disruptions during the NG9-1-1 transition could result in preventable loss of life when emergency calls fail to reach PSAPs due to interconnection facility unavailability.

D. Bandwidth's Condition-Based Approach Provides the Solution

Bandwidth proposes a straightforward and workable solution to this timing problem. The Commission should condition TDM retirement in each market on either (a) NG9-1-1 deployment completion in the affected area for a minimum of six months to allow carrier network reconfiguration, or (b) continued TDM availability for 9-1-1 service until NG9-1-1 deployment is complete in that area.[59] This approach protects 9-1-1 by ensuring there is no disruption during the vulnerable transition period. It accommodates ILECs' desires to retire TDM by permitting such retirement once NG9-1-1 becomes available. It recognizes government procurement realities by not imposing arbitrary federal deadlines on state and local processes that are often governed by state law. Additionally, it provides the minimum migration time of six months for carriers to reconfigure their networks after NG9-1-1 becomes available in a particular market.[60]

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[57] NENA Comments at 2.

[58] *Id*.

[59] *See* Bandwidth Comments at 14-17.

[60] *Id*. at 15.

INCOMPAS strongly supports Bandwidth's condition-based proposal and urges the Commission to adopt it as a mandatory condition for any forbearance from Section 251(c) TDM interconnection obligations.

V. COLLOCATION RIGHTS ARE ESSENTIAL FOR IP INTERCONNECTION AND INFRASTRUCTURE PROTECTION

Bandwidth articulates a fundamental point often overlooked in discussions of IP network architecture: "Even IP networks need some points at which to physically connect."[61] This observation, which incorporates and supports the detailed analysis provided by the Fiber Coalition, addresses a critical misunderstanding in some comments suggesting that IP networks can interconnect entirely through logical connections over the public internet.

A. The Physical Reality of IP Networks

The transition from TDM to IP technology changes the protocol and format of traffic transmission, but it does not eliminate the need for physical infrastructure. IP networks require physical fiber cross-connections to reach customers and interconnect with other carriers. They require power and environmental infrastructure including backup generators and battery systems to support network equipment. They require network diversity and redundancy for 9-1-1 reliability and other mission-critical applications. Providers also require physical aggregation points where traffic concentrates for efficient routing and switching.[62] As the Fiber Coalition notes, ILEC central offices remain "critical hubs—regardless of the technology transmission."[63]

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[61] Bandwidth Comments at 6; *see also* Fiber Coalition Comments at 6.

[62] *See* Fiber Coalition Comments at 6-7.

[63] *Id*. at 6.

The fundamental "wire center" concept remains valid in the IP era. Network facilities still need centralized locations for equipment housing, power systems, fiber cross-connections, and traffic aggregation. The protocol transition from TDM to IP does not eliminate these physical requirements.

B. Competitive Carriers Have Made Substantial Reliance Investments in Collocation

As discussed in their comments, the Fiber Coalition members collectively maintain approximately 350 ILEC central office collocations across their combined service territories.[64] These collocations represent tens of thousands of route miles of fiber optic cable built specifically to access these locations and millions of dollars in equipment investments and facility improvements. They also represent network architectures designed around these aggregation points over multiple years of network planning and evolution, as well as customer commitments and service level agreements dependent on continued access to these facilities.[65]

These investments were made in reasonable reliance on the 30-year regulatory framework established by the Telecommunications Act of 1996.[66] Congress specifically intended Section 251(c)(6) collocation rights to enable competition by providing competitive carriers with access to incumbent-controlled facilities where competitors could not economically duplicate the infrastructure.[67] The Commission has consistently recognized this reliance interest

[64] *Id*. at 4.

[65] *Id*. at 7-8.

[66] Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

[67] 47 U.S.C. § 251(c)(6).

in prior proceedings and has protected competitive carrier investments made in reasonable reliance on regulatory frameworks.[68]

C. No Viable Alternatives Exist in Many Markets

The Fiber Coalition documents in careful detail that estimated costs to establish alternative collocation facilities range from $850,000 to $1.5 million *per site*, subject to significant variation based on site-specific conditions.[69] These costs include property acquisition or long-term lease expenses, equipment procurement including HVAC systems, backup generators, battery backup systems, and DC power plants, construction and deployment subject to weather delays and supply chain constraints, and fiber route development to the new location including permitting processes and right-of-way approvals that can take years in some jurisdictions. The timeline to develop viable alternative facilities extends up to 36 months per site when accounting for property acquisition requiring six to twelve months, construction taking three to six months with weather-related delays, commissioning and testing requiring three months, and customer migration coordination extending six to twelve months.[70] This 36-month process would need to be repeated for each of the more than 350 collective locations where Fiber Coalition members currently maintain collocation arrangements—creating a logistical and financial impossibility within any reasonable transition period.

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[68] *See*, *e.g.*, *Technology Transitions*, Order, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 1433 (2014) (recognizing reliance interests in network investment).

[69] *See* Fiber Coalition Comments at 9-10.

[70] *Id*. at 10.

Moreover, in many markets alternative facilities simply do not exist at any price.[71] Carrier-neutral collocation facilities and internet exchange points are heavily concentrated in Tier 1 markets such as New York, Los Angeles, Chicago, and Dallas. In rural Montana, Nebraska, Maine, and similar states, ILEC central offices are often the only existing infrastructure capable of supporting physical collocation for telecommunications services. No amount of capital investment can create viable alternatives in these markets within a reasonable timeframe.

D. Grandfathering All Existing Collocation Arrangements Is Essential

At an absolute minimum, INCOMPAS suggests that any forbearance order must include comprehensive grandfathering provisions protecting existing collocated networks and pricing agreements. Current collocation arrangements must continue indefinitely under existing terms and conditions. Pricing must remain subject to the "just and reasonable" standard under Section 201 to prevent unilateral, astronomical price increases of the type documented in the BDS market.[72] ILECs should not be permitted to terminate or materially modify grandfathered arrangements without Commission review and approval. Equipment upgrades must be permitted to support the transition from TDM to IP protocols without losing grandfathered status, as this flexibility is critical for network evolution.

If space reclamation becomes necessary for legitimate ILEC operational purposes, competitive carriers must receive fair compensation for stranded investment plus a reasonable transition period to relocate equipment and reconfigure networks. Grandfathering should extend beyond static preservation to enable network evolution. Competitive providers must be able to

[71] *See id*. at 10-11.

[72] 47 U.S.C. § 201(b).

upgrade collocated equipment from TDM to IP protocols, increase capacity to accommodate traffic growth, modify configurations to support new services, and otherwise evolve their networks technologically—all while maintaining the protections of grandfathered status.

E. Collocation Rights Should Be Maintained for the IP Era Using Ancillary Authority

Beyond grandfathering existing arrangements, as proposed above regarding forbearance from 251(c)(2) interconnection obligations, the Commission should condition forbearance from Section 251(c)(6) collocation on demonstrations that collocation at existing or new facilities is sufficiently available to effectuate IP interconnection and offered at just and reasonable prices that will ensure continued competition. The Commission's ancillary authority supports this approach through multiple statutory provisions, particularly for numbered voice services. Section 251(c)(2) interconnection obligations require physical facilities to implement, and collocation provides those facilities.[73] NG9-1-1 mandates require network redundancy and reliability, and collocation enables the diverse routing pathways necessary to prevent single points of failure.[74] Number portability obligations require local presence for database access and call routing, and collocation provides cost-effective access to these necessary functions.[75] The TRACED Act and STIR/SHAKEN caller ID authentication effectiveness require IP interconnection, and collocation facilitates the physical connections necessary to implement these technologies.[76]

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[73] 47 U.S.C. § 251(c)(2).

[74] 47 C.F.R. Part 9; *see also* Fiber Coalition Comments at 12.

[75] 47 U.S.C. § 251(b)(2).

[76] *See* TRACED Act, Pub. L. No. 116-105, 133 Stat. 3274 (2019); *see* VON Comments at 4.

As the Fiber Coalition explains in its comments, physical collocation "allows establishing diverse E9-1-1 call routing pathways to prevent a single point of failure."[77] During the particularly vulnerable NG9-1-1 transition period when PSAPs are migrating from TDM-based selective routers to IP-based call handling systems, maintaining multiple physical interconnection paths is essential for public safety. The Coalition also notes that maintaining physical interconnection requirements is central to the Commission's Build America agenda, as access to this critical middle-mile infrastructure "enables competitive carriers to support last mile services to end customers," including those in unserved and underserved communities.[78] The Commission has clear authority to preserve collocation rights as reasonably ancillary to these statutory mandates.[79]

VI. THE COMMISSION HAS SUFFICIENT LEGAL AUTHORITY TO ESTABLISH AN IP INTERCONNECTION FRAMEWORK

At the recent INCOMPAS Policy Summit, Commissioner Olivia Trusty argued that competition and innovation often challenge regulators to ask the critical question: "Are our rules technology-neutral?"[80] INCOMPAS submits that in the case of interconnection regulation, the Commission's existing statutory authority under Section 251(c) can readily accommodate an IP interconnection framework because the statute is fundamentally technology-agnostic.

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[77] Fiber Coalition Comments at 12.

[78] *See id*. at 21.

[79] *See United States v. Southwestern Cable Co.*, 392 U.S. 157, 178 (1968) (establishing ancillary authority framework).

[80] *See* Remarks of FCC Commissioner Olivia Trusty, INCOMPAS Policy Summit Keynote: "Competition, Connectivity, and the AI Future," (Feb. 4, 2026), *available at* https://docs.fcc.gov/public/attachments/DOC-418437A1.pdf.

Furthermore, a number of complementary sources of authority exist that would allow the Commission to manage the technology transition to IP services and maintain sufficient oversight to ensure a competitive environment for numbered voice services. These sources should obviate the need for the Commission to take additional action that would classify interconnected VoIP as a Title II service.

A. Section 251(c) Is Technology-Neutral and Should Be Applied to IP Interconnection

In its comments, Bandwidth offers that "[t]here is nothing in Section 251(c) that limits it to TDM interconnection."[81] The statute requires ILECs to provide interconnection "for the facilities and equipment of any requesting telecommunications carrier" at "any technically feasible point."[82] No technological limitations appear in the statutory definitions of "local exchange carrier" or "incumbent local exchange carrier" found at 47 U.S.C. §§ 3(26) and 251(h). Both terms are defined by the services provided, not by the technology used to provide those services.[83]

Historical precedent confirms this technology-neutral application. Section 251(c) has accommodated multiple technological evolutions over nearly three decades. It has applied to copper facilities and fiber optic facilities, as well as ISDN technology, DS1 circuits, DS3 circuits, and various other transmission technologies as they emerged. The Commission has never required new classification determinations for each technological evolution. IP interconnection for numbered voice services is simply the latest technological development within Section

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[81] Bandwidth Comments at 10.

[82] 47 U.S.C. § 251(c)(2)(B).

[83] *See* 47 U.S.C. §§ 3(26) (defining "local exchange carrier"), 251(h) (defining "incumbent local exchange carrier").

251(c)'s existing statutory scope.[84] The use of Section 251(c)(2) as the foundation represents the most logical and legally sound alternative framework for IP interconnection regulation.[85]

B. Section 251(e) Numbering Authority Provides a Complementary Legal Path

The Commission has used additional sources of statutory authority to bring IP-enabled numbered voice services and solutions under its jurisdiction. The Commission can rely on these authorities to require IP interconnection without classifying interconnected VoIP as a telecommunications service. The VON Coalition identifies Section 251(e)(1) as providing the Commission with comprehensive authority over administration of the North American Numbering Plan.[86] The Commission has historically exercised this authority to grant interconnected VoIP providers direct access to telephone numbers in 2015,[87] to require number

[84] *See* Bandwidth Comments at 10 (noting Section 251(c) has historically accommodated copper, fiber, ISDN, DS1s, DS3s, and other technologies).

[85] With respect to the Commission's inquiry about Section 251(a), Bandwidth makes an important point about indirect interconnection. The company argues "Section 251(a) requires all carriers to interconnect directly or indirectly. IP tandem providers should have rights under 251(a) to offer indirect interconnection so that smaller carriers, and VoIP providers who obtain telephone numbers from carriers other than the IP tandem provider, can exchange traffic indirectly with the ILEC through such IP interconnection arrangements." *Id*. at 11. Continuing indirect interconnection makes policy, technical, and economic sense. Today, licensed carriers have choices to interconnect directly with ILECs in TDM or utilize tandem providers and least cost routers to deliver local and long-distance traffic to ILECs indirectly using those third-party carriers. Aggregation solutions such as these can obviate the need for hundreds of smaller providers to establish individual direct connections to ILECs, and the right to indirect interconnection with incumbents should continue when IP connections replace TDM facilities. *Id*.

[86] *See* VON Coalition Comments at 3.

[87] *Numbering Policies for Modern Communications*, Report and Order, 30 FCC Rcd 6839, para. 78 (2015).

portability to and from interconnected VoIP providers in 2007,[88] and to mandate caller identity verification requirements for entities using NANP numbers in 2020.[89]

IP interconnection represents a "logical and necessary outgrowth" of this numbering authority to ensure efficient routing of numbered traffic, as the VON Coalition notes in its comments.[90] Telephone numbers only function as a practical matter if calls using those numbers can be completed from originating to terminating carriers. Enabling and overseeing the migration to IP interconnection for numbered voice services ensures that the numbering plan works effectively to complete calls.

INCOMPAS joins the VON Coalition in recommending all numbered voice services be required to exchange voice traffic in IP. This approach avoids protracted classification debates while protecting the essential services that consumers and businesses depend upon. It includes all traffic exchanged using NANP telephone numbers regardless of the underlying technology or service classification and enables the Commission to "oversee interconnection of numbered voice services without creating market distortions," as the VON Coalition explains.[91]

C. The TRACED Act and Ancillary Authority Support an IP Interconnection Mandate

The TRACED Act granted the Commission statutory authority to require all numbered voice service providers to implement the STIR/SHAKEN caller ID authentication.[92] Congress

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[88] *Telephone Number Requirements for IP-Enabled Services Providers*, Report and Order, 22 FCC Rcd 19531, paras. 19, 21, 35 (2007).

[89] *Call Authentication Trust Anchor*, Second Report and Order, 35 FCC Rcd 3241, para. 42 (2020).

[90] VON Comments at 4.

[91] *Id*.

[92] *Id*.; *see also* TRACED Act § 4(b); 47 U.S.C. § 227(b)(1); 47 C.F.R. § 64.6301.

instructed the Commission to "take reasonable measures to . . . enable as promptly as reasonable full participation of all classes of providers of voice service and types of voice calls."[93] The Commission has expressly acknowledged in this proceeding that complete IP transition is necessary to ensure full and effective STIR/SHAKEN implementation.[94] Mandating IP interconnection is therefore not only reasonable, but necessary for the Commission to fulfill its statutory obligations under the TRACED Act. The Supreme Court's ancillary authority framework permits regulations that are "reasonably ancillary to effective performance of statutorily mandated responsibilities,"[95] and IP interconnection clearly satisfies this well-established standard.

Additional statutory provisions provide complementary support. The NG9-1-1 regulatory framework codified at 47 C.F.R. Part 9 establishes Commission authority to ensure 9-1-1 reliability, which necessarily extends to the interconnection arrangements required to deliver emergency calls to PSAPs.[96] Finally, number portability obligations also depend on effective interconnection to function properly.[97]

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[93] 47 U.S.C. § 227b(b)(5)(D).

[94] *Notice* at para. 14.

[95] *American Library Ass'n v. FCC*, 406 F.3d 689, 692 (D.C. Cir. 2005); *United States v. Southwestern Cable Co*., 392 U.S. 157, 178 (1968).

[96] 47 C.F.R. Part 9; *see also* 47 C.F.R. § 9.29.

[97] 47 U.S.C. § 251(b)(2); *see also* Bandwidth Comments at 14-15.

D. Title II Classification of VoIP Service Is Unnecessary for This Framework

INCOMPAS agrees with the VON Coalition that the Commission need not resolve the long-debated question of interconnected VoIP classification to establish an IP interconnection framework.[98] This is because the Commission can require interconnected VoIP providers to interconnect in IP using 251(e) and 227b, and Section 251(c)(2) is already technology-neutral by its express statutory terms, as detailed above. The Commission can act based on this technology-neutral statutory language without requiring classification determinations.

VII. AS PART OF ITS IP IMPLEMENTATION FRAMEWORK, THE COMMISSION SHOULD EMPLOY CONDITION-BASED FORBEARANCE WITH ENFORCEABLE SAFEGUARDS

INCOMPAS urges the Commission to reject the proposed December 31, 2028 arbitrary deadline for forbearance and instead adopt a condition-based framework with enforceable safeguards protecting competition and public safety.[99]

A. Date-Certain Forbearance Increases ILEC Leverage and Harms Competition

Should the Commission act upon its forbearance proposals, competitive carriers will face an impossible choice as a forbearance deadline approaches. Carriers must either accept whatever IP interconnection terms ILECs unilaterally offer, however unreasonable those terms may be, face service disruptions when TDM facilities become unavailable, or exit markets entirely where no reasonable alternative exists. These concerns are not theoretical, as the Fiber Coalition and Bandwidth document a consistent ILEC pattern throughout the record: delay offering IP interconnection, raise TDM facility prices precipitously as the deadline nears, and refuse to

[98] *See* VON Coalition Comments at 4-5.

[99] *Notice* at paras. 16, 44.

negotiate reasonable terms.[100] A December 2028 deadline creates what can only be described as a "race to the bottom" where competitive providers must make hasty network decisions under severe time pressure and economic duress rather than implementing a planned, orderly transition. At the same time, Commission action to forbear from interconnection and collocation obligations threatens to strand competitive provider investments and harm the competitive environment.

B. The Commission Should Adopt a Condition-Based Forbearance Trigger

INCOMPAS therefore urges the Commission to adopt a Section 271-style competitive checklist approach.[101] ILECs must demonstrate satisfaction of specific, verifiable requirements before TDM retirement is permitted in each market or wire center. These requirements should include at minimum the following elements. First, NG9-1-1 must be deployed and operational for a minimum of six months in the affected area, or TDM facilities must remain available for 9-1-1 service until NG9-1-1 deployment is complete in that area. This is the critical safeguard proposed by Bandwidth.[102] With respect to NG9-1-1, as discussed above, NENA's timeline concerns on behalf of the public safety community must override commercial carrier preferences. Even if all commercial carriers were ready by December 2028, the 9-1-1 authorities who must receive emergency calls are not ready and cannot be ready given government procurement timeline realities.[103]

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[100] *See* Fiber Coalition Comments at 8; Bandwidth Comments at 6-7.

[101] *See* 47 U.S.C. § 271 (establishing competitive checklist for BOC entry into long distance); *see also* Bandwidth Comments at 14-17 (proposing similar condition-based approach).

[102] Bandwidth Comments at 14-17.

[103] NENA Comments at 2.

Second, number portability must continue seamlessly and securely with no degradation in routing accuracy, porting timeframes, or database accessibility.[104] Third, IP interconnection must be available in all forms and protocols that the ILEC uses internally, at geographically reasonable points of interconnection, and at rates no higher than TDM-equivalent pricing. This prevents ILECs from offering only limited forms of IP interconnection while claiming to have satisfied their obligations.[105] Fourth, IP tandem providers must be able to offer indirect interconnection under Section 251(a) to serve smaller carriers and interconnected VoIP providers.[106] Fifth, the ILEC must verify that all PSAPs in the affected area have either completed the NG9-1-1 transition under the standards and processes established in 47 C.F.R. § 9.29, or have confirmed access to continued TDM facilities for a minimum period covering their established procurement cycles.[107]

INCOMPAS recommends that the Commission also require a one-year advance notice period. The ILEC must provide twelve months advance notice before any TDM retirement, which triggers the condition verification process. This advance notice provides competitive carriers with necessary time for network reconfiguration, equipment procurement, financing arrangements, and contract negotiations without the artificial pressure of an arbitrary deadline. The notice must be provided not only to competitive carriers holding interconnection agreements

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[104] *See* Bandwidth Comments. at 15.

[105] *Id*.

[106] *Id*.; *see also* 47 U.S.C. § 251(a).

[107] 47 C.F.R. § 9.29.

but also to all affected 9-1-1 authorities to allow them to verify their readiness or make alternative arrangements.[108]

C. The IP Interconnection Framework Must Include Mandatory Requirements

The Commission must establish mandatory requirements for the IP interconnection framework to ensure it functions effectively. First, providers must negotiate IP interconnection in good faith. This has been a "longstanding element of interconnection requirements under the Communications Act" regardless of technology, as the *NPRM* itself acknowledges.[109] The Commission should reaffirm this requirement explicitly and make clear that providers cannot impede or unreasonably delay negotiations.[110]

Second, the Commission should retain the existing bill-and-keep rules adopted in the 2011 USF/ICC Transformation Order, codified at 47 C.F.R. §§ 51.701-51.715, to IP interconnection in numbered voice service networks.[111] As the VON Coalition notes in its comments, bill-and-keep has proven effective for TDM interconnection, preventing complex intercarrier compensation disputes that plagued the industry for decades. Bill-and-keep is "well suited for modern IP-based networks that can facilitate access from any destination with minimal additional cost."[112] Applying bill-and-keep to IP interconnection prevents ILECs from using the

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[108] *See* Bandwidth Comments at 15.

[109] *Notice* at para. 61.

[110] *See* 47 U.S.C. § 251(c)(1) (requiring ILECs to negotiate in good faith).

[111] *Connect America Fund, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011); 47 C.F.R. §§ 51.701-51.715.

[112] VON Coalition Comments at 5.

IP transition as an opportunity to impose new termination charges or access fees that were eliminated in prior intercarrier compensation reforms.[113]

Third, the framework must include robust nondiscrimination requirements. ILECs must offer IP interconnection using any technology or protocol they deploy internally. If an ILEC interconnects with any carrier via IP using a particular protocol or arrangement, it must offer the same arrangement to all requesting carriers on nondiscriminatory terms. This prevents selective deployment or "favored partner" arrangements that would disadvantage smaller competitive carriers. Operational parity requirements are equally important. Provisioning intervals, service quality metrics, network performance standards, and dispute resolution processes must all be equivalent to or better than the treatment provided for legacy TDM interconnection. For 9-1-1-specific interconnection, IP facilities must meet or exceed the reliability standards that applied to legacy TDM selective router connections, and NG9-1-1 interconnection cannot be subject to monopoly pricing where the ILEC is the sole provider of necessary facilities.[114]

Finally, the Commission must establish clear rate standards. During the transition period, TDM interconnection pricing should be frozen at regulated access charge levels to prevent ILEC coercion through price manipulation.[115] The year-over-year price increases that competitive providers have experienced following regulatory forbearance in other situations are well documented above. For IP interconnection, rates should be deemed reasonable only if they are the same as or lower than TDM rates for equivalent traffic volumes and quality. This prevents

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[113] *See id*.

[114] *See* Bandwidth Comments at 16; NENA Comments at 2-3.

[115] *See* Bandwidth Comments at 14.

ILECs from extracting a premium for IP interconnection while simultaneously forcing TDM retirement. The cost justification is straightforward: IP is a more efficient technology with lower operational costs than TDM. Rates should reflect these lower operational costs, not provide a windfall to ILECs for failing to invest in IP infrastructure earlier.[116]

D. Expedited Dispute Resolution and Proactive Commission Enforcement Are Essential

Bandwidth correctly observes that "BDS price increase history shows that the Section 208 complaint process alone will not be sufficient to prevent price gouging."[117] Section 208 proceedings are inadequate to protect competitive carriers and public safety during the IP transition. 9-1-1-related interconnection disputes require even faster resolution than commercial traffic disputes because public safety cannot wait months or years for Section 208 proceedings to conclude.

INCOMPAS recommends that the Commission establish expedited arbitration procedures similar to the Section 252 arbitration process for interconnection agreements.[118] The Commission should adopt presumptions favoring complainants when ILECs have failed to satisfy the competitive checklist conditions described above. Interim relief should be available pending final resolution to prevent irreparable harm to competitive carriers or disruption of 9-1-1 service. For 9-1-1-related interconnection disputes specifically, the Commission should establish emergency 72-hour procedures requiring ILEC response and Commission staff review on an expedited basis.[119]

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[116] *See* VON Coalition Comments at 5; Bandwidth Comments at 14-16.

[117] Bandwidth Comments at 17-18.

[118] 47 U.S.C. § 252 (establishing state commission arbitration procedures).

[119] *See* Bandwidth Comments at 17-18.

Proactive Commission oversight is also essential. State regulators lack jurisdiction over interstate IP interconnection, so the Commission must serve as the regulatory backstop. The Commission cannot rely purely on complaint-driven enforcement given the inadequacies of Section 208 demonstrated by actual experience. The Commission should require regular reporting on IP interconnection availability, pricing, terms, and disputes. For 9-1-1 transition specifically, ILECs should be required to report quarterly on NG9-1-1 deployment status in their service territories, competitive carrier 9-1-1 trunk arrangements, and any 9-1-1-related service disruptions or pricing changes that could affect emergency call delivery.[120]

VIII. CONCLUSION

The record demonstrates broad consensus—spanning competitive carriers, public safety authorities, rural providers, and infrastructure builders—that a transition of voice service to IP-enabled networks is both necessary and inevitable. INCOMPAS urges the Commission to protect competition and public safety during this transition by establishing a clear IP interconnection framework with enforceable safeguards, grandfathering existing collocation arrangements that represent billions of dollars in reliance investment, and adopting condition-based rather than date-certain forbearance triggers that account for NG9-1-1 deployment realities and ensure competitive carriers can negotiate IP interconnection on reasonable terms before losing TDM protections.

The Commission has ample legal authority to implement this framework upon voice service providers under Section 251(c)(2)'s technology-neutral language, Section 251(e) numbering authority, TRACED Act mandates, and ancillary authority grounded in NG9-1-1

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[120] *Id*.

requirements. Stakeholders supporting this approach represent competitive wireless carriers, fiber builders, VoIP innovators, rural providers, and public safety professionals whose convergence demonstrates that sequencing the transition matters. An orderly transition requires ensuring competitive protections are in place before regulatory backstops are removed. This approach enables network modernization while honoring the Commission's public safety obligations and protecting infrastructure investments made in reasonable reliance on federal law.

Respectfully submitted,

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