

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: Reply comments in the matter of Accelerating Network Modernization, Docket No. WC 25-208 (released September 19, 2025), and Reducing Barriers to Network Improvements and Service Changes, Docket No. WC 25-209 (released July 1, 2025).

Dear Ms. Dortch,

The American Consumer Institute Center for Citizen Research (ACI) is a nonprofit 501(c)(3) educational and research institute with the mission to identify, analyze, and protect the interests of consumers in legislative and rulemaking proceedings. ACI submits these reply comments in response to a request for information (RFI) for accelerating network modernization and reducing barriers to network improvements and service changes.

An overwhelming majority of public comments submitted during the initial commenting period found that requirements under 47 U.S. Code Section 214—“Extension of lines or discontinuance of service” are outdated and pose a significant barrier to the Commission’s goal to modernize network infrastructure. The current requirements were created nearly 100 years ago as part of the Communications Act of 1934, when America’s telecommunications worked on copper wire infrastructure.

The communications market has long since abandoned copper with the development of faster, more reliable technologies; however, the requirements remain, creating large burdens on service providers and limiting consumer access to better services like cable, fiber, or fixed wireless access. Carriers rightly continue to build new networks that consumers demand, but are slowed by these outdated regulations.

As the majority of comments propose, the Commission should forbear from enforcing Section 214 discontinuance requirements to allow a smoother review process for discontinuing services in areas with existing competitors. Short of that ideal action, the Commission should update the requirements to bring them in line with the modern communications marketplace.

The contested discontinuance requirements under Section 214(a) state that, “no carrier shall discontinue, reduce, or impair service to a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby.”<sup>1</sup> This was instituted to ensure consumers would be protected from losing connectivity to communications and life-saving services, but as one comment from Digital Liberty pointed out, “the rules governing the retirement of copper networks were designed for a bygone era of monopoly telephone service.”<sup>2</sup> Such a market structure is simply no longer the reality. Instead, several public comments from a combination of think tanks, industry, and various other stakeholders rightly note that these requirements, now outmoded, function as a barrier to network modernization.<sup>3</sup> There is strong support for the Commission’s ongoing efforts to delete outdated rules.

Section 214’s requirements prevent carriers from replacing old technology without first seeking permission from the federal bureaucracy. Despite FCC data showing that most copper locations overlap with fiber, cable, or fixed-wireless access, carriers must maintain their copper infrastructure until the FCC reviews their discontinuance application and grants permission to remove it.<sup>4</sup> As a result, internet service providers (ISPs) spend as much as \$6 billion per year to maintain an inferior option in areas where substitutes exist—and at a high opportunity cost.<sup>5</sup> Those funds would be better deployed to fund technology to reach the few remaining locations still dependent on copper.

On the industry side, broadband associations rightly point out that their members have consistently worked to connect all consumers to better technology.<sup>6</sup> In the four years since the inception of the Broadband Equity and Access Deployment (BEAD) Program, ISPs continued to build out infrastructure on their own, and eligible locations fell by 59 percent, despite none of the appropriated \$42 billion BEAD funds having been distributed to the states.<sup>7</sup>

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<sup>1</sup> “47 U.S. Code § 214 – Extension of Lines or Discontinuance of Service; Certificate of Public Convenience and Necessity,” Legal Information Institute, October 27, 2025, <https://www.law.cornell.edu/uscode/text/47/214>.

<sup>2</sup> James Erwin, “Digital Liberty Copper Retirement Submission.Pdf,” FCC Electronic Comment Filing System, accessed October 27, 2025, <https://www.fcc.gov/ecfs/document/10930053219942/1>.

<sup>3</sup> Kristian Stout et al., “ICLE Comments to the FCC on the Copper Retirement NPRM,” International Center for Law & Economics, n.d., accessed October 27, 2025, <https://laweconcenter.org/resources/icle-comments-to-the-fcc-on-the-copper-retirement-nprm/>; Michael Romano et al., “NTCA Network Modernization 092925.Pdf,” FCC Electronic Comment Filing System, accessed October 27, 2025, <https://www.fcc.gov/ecfs/document/10929253329250/1>; Diana Eisner and Nirali Patel, “2025 09 29 Final UST Comments Network Modernization.Pdf,” FCC Electronic Comment Filing System, accessed October 27, 2025, <https://www.fcc.gov/ecfs/document/109291513505400/1>; David Williams, “TPA Comments on FCC Proceedings 25–208, 25–209.Pdf,” FCC Electronic Comment Filing System, accessed October 27, 2025, <https://www.fcc.gov/ecfs/document/10926056014857/1>; Erwin, “Digital Liberty Copper Retirement Submission.Pdf”; Thomas A. Schatz, “CAGW Files Comments on Reducing Barriers to Network Improvements and Services Changes; Accelerating Network Modernization – Citizens Against Government Waste,” Citizens Against Government Waste, accessed October 27, 2025, [https://www.cagw.org/agency\\_comments/cagw-files-comments-on-reducing-barriers-to-network-improvements-and-services-changes-accelerating-network-modernization/](https://www.cagw.org/agency_comments/cagw-files-comments-on-reducing-barriers-to-network-improvements-and-services-changes-accelerating-network-modernization/); and Jeffrey Westling, “Westling Discontinuance Comments (Final).Pdf,” FCC Electronic Comment Filing System, accessed October 27, 2025, <https://www.fcc.gov/ecfs/document/10929063962034/1>.

<sup>4</sup> “FCC National Broadband Map,” FCC National Broadband Map, October 27, 2025, <https://broadbandmap.fcc.gov>.

<sup>5</sup> Joan Engbretson, “AT&T Plans Copper Retirement By 2029: Here’s How”, Telecompetitor, December 4, 2024, <https://www.telecompetitor.com/att-plans-copper-retirement-by-2029-heres-how/>.

<sup>6</sup> Steve Morris, “102125 25–304, 25–208, 17–97 NCTA’s Letter Re Advancing IP Inter., Accelerating Network Modern., and Call Auth. Trust Anchor.Pdf,” FCC Electronic Comment Filing System, October 21, 2025, <https://www.fcc.gov/ecfs/document/102149715251/1>.

<sup>7</sup> Alex Karras and Michael Santorelli, “The U.S. Digital Divide Has Narrowed by At Least 59% Since 2023. What Does That Mean for BEAD?,” Broadband Expanded, June 2, 2025, <https://broadbandexpanded.com/posts/beatpostchallenge>.



It is clear that the association members can connect copper-dependent consumers, but while private sector buildout has been significant, it could be much greater without Section 214 locking up billions of dollars in copper maintenance year after year. Although industry commenters approach the proposed rulemaking from a different perspective than think tankers, the solutions they arrive at are the same: forbearance or revisions to Section 214 could significantly speed network upgrades and buildout.

Many comments also touch on the issue of FCC primacy over state-level laws. For example, the American Action Forum argues that because broadband providers offer nationwide services, tying up resources to maintain expensive copper wires in one state can take resources away from discontinuance in another state.<sup>8</sup> These arguments insist that the FCC should preempt conflicting laws to enable a smooth upgrade and review process across the nation.

Comments that oppose Section 214 forbearance correctly point out that copper-dependent alarm systems and landlines provide indispensable, life- and property-saving services for consumers.<sup>9</sup> However, carriers have developed IP-based landline replacement devices that support alarm systems, medical devices, 9-1-1 accessibility, and landline phones during outages. Keeping these critical systems reliant on copper keeps them vulnerable to copper theft.<sup>10</sup>

Transitioning legacy 9-1-1 services into an IP-based system has long been a priority of the public safety community, as it allows 9-1-1 call centers to use location data, photos, and video when responding to emergencies.<sup>11</sup> In acknowledging the necessary transition and warning against modernizing too quickly, NENA: The 9-1-1 Association wrote in its public comment, "it is particularly burdensome when both legacy and NG9-1-1 networks need to be supported."<sup>12</sup> Even when writing in opposition to swift deregulation, commentators nevertheless understand the burden Section 214 requirements have on long-term goals.

Furthermore, keeping these critical systems reliant on copper keeps them vulnerable to copper theft.<sup>13</sup> As FCC Commissioner Olivia Trusty explained, there were 5,770 reported incidents of copper theft in the second half of 2024, disrupting these critical services for over 1.5 million consumers.<sup>14</sup> Copper theft poses a significant threat to consumer safety, but it can be beaten through network modernization by removing valuable copper from use and transitioning these services to IP-based technology. Streamlining discontinuance requirements to speed copper retirement can protect consumers from the harmful effects of copper theft.

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<sup>8</sup> Westling, "Westling Discontinuation Comments (Final).Pdf"

<sup>9</sup> Sascha Kylau, "AICC.Discontinuance Comments.v4.Pdf," FCC Electronic Comment Filing System, September 29, 2025, <https://www.fcc.gov/ecfs/document/10929981417935/1>.

<sup>10</sup> Linda Hardesty, "Brightspeed Can Replace Copper with Unique Wireless Technology," Fierce Network, September 9, 2024, <https://www.fierce-network.com/broadband/brightspeed-can-replace-copper-unique-wireless-technology>.

<sup>11</sup> Colin Wood, "Next-Generation 911 Gets \$10B in Spectrum Bill," StateScoop, June 15, 2022, <https://statescoop.com/spectrum-innovation-act-10-billion-ng911/>.

<sup>12</sup> Brandon Abley and Jonathan Gilad, "NENA Comments Copper Retirement 09 29 2025 v2.Pdf," accessed October 30, 2025, <https://www.fcc.gov/ecfs/document/109291268308835/1>.

<sup>13</sup> Linda Hardesty, "Brightspeed Can Replace Copper with Unique Wireless Technology," Fierce Network, September 9, 2024, <https://www.fierce-network.com/broadband/brightspeed-can-replace-copper-unique-wireless-technology>.

<sup>14</sup> Olivia Britt Trusty, "Opinion: The Hidden Crime Putting Millions of Americans Offline," Fierce Network, October 6, 2025, <https://www.fierce-network.com/broadband/op-ed-hidden-crime-putting-millions-americans-offline>.

Under the status quo, where copper retirement has been slowed by Section 214 reviews and other state-level copper replacement regulations, consumers pay more for less. The National Digital Inclusion Alliance found that consumers stuck on Digital Subscriber Line (DSL) internet plans pay similar monthly prices as those on fiber plans, but for far slower speeds.<sup>15</sup> Comparing monthly prices against maximum download speeds of various tiered plans, they found that 100 Mbps fiber plans that cost \$60 per month charge \$0.60 for each Mbps, while \$50-per-month DSL plans could be as slow as 0.77 Mbps, which equates to \$65.10 per Mbps. Blocking network modernization is costing rural internet users dramatically more per month for worse service than their fiber-optic peers. By allowing for faster deployment of superior connectivity methods, whether through Section 214 forbearance or revisions, the FCC can help consumers finally get cost-effective service in today's copper-reliant areas.

In accordance with the public comments it received, the FCC should forbear from Section 214 discontinuance requirements where alternative services are already available for copper-line customers. Otherwise, if the FCC decides not to pause enforcement of these rules, it should revise the standards to better suit the modern realities of the communications sector. Such a change would eliminate standards out of touch with the modern marketplace, free up more resources for businesses to invest in faster buildout, and ultimately deliver faster internet and Voice-over-IP (VoIP) speeds to consumers who pay too-high prices for the poor service they receive.

Respectfully submitted,

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<sup>15</sup> Bill Callahan and Angela Siefer, "NDIA-Tier-Flattening-July-2018.Pdf," National Digital Inclusion Alliance, July 31, 2018, <https://www.digitalinclusion.org/wp-content/uploads/2018/07/NDIA-Tier-Flattening-July-2018.pdf>.

