

**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

**COMMENTS
OF
WTA – ADVOCATES FOR RURAL BROADBAND**

WTA – ADVOCATES FOR RURAL BROADBAND

Derrick B. Owens
Senior Vice President of Government and Industry Affairs

Stephen L. Goodman
Regulatory Counsel

400 Seventh Street NW, Suite 406
Washington, D.C. 20004
Tel: (202) 548-0202

Date: January 20, 2026

SUMMARY

WTA agrees with the Commission's goal of accelerating the modernization of the network by eliminating unnecessary impediments to the ubiquitous deployment of all-IP networks. But WTA is concerned that the proposal simply to forbear from applying two particular provisions of Section 251(c)(2) without reinforcing the remaining regulatory guardrails would do little to accelerate that process, and could actually be counterproductive to the Commission's goal here. Some of the larger ILECs demand that rural service providers, who have already upgraded to IP networks, interconnect with those larger carriers via TDM, thus imposing unnecessary (and rapidly increasing) costs on the rural service providers, as well as reducing the larger ILECs' incentives to upgrade their networks to IP.

WTA believes that the Commission can address this problem by strengthening the current guardrails on the good faith negotiations that all LECs are required to engage in. WTA suggests some actions that could be deemed evidence of a lack of good faith in interconnection negotiations, and urges the Commission to issue a Further NPRM to flesh out and adopt appropriate regulations.

And while the IP interconnection issues raised in this proceeding are one element of the regulatory framework for IP implementation, there are also a large number of outstanding related issues that the Commission needs to address. WTA urges the Commission to use the proposed delay of implementation until December 31, 2028 to address these IP implementation issues in a holistic and coordinated manner in the various rulemaking proceedings touching on IP implementation. And importantly, to the extent that the solutions developed through these efforts impose costs on rural carriers, one critical issue the Commission must address is providing financial assistance for any such "unfunded mandates" in the context of USF support and/or implementation of a support mechanism similar to what the Commission implemented for Local Number Portability or Telecommunications Relay Service.

Table of Contents

Whether There is a Continuing Need for the Two Provisions in Section 251(c) that are Identified as Candidates for Forbearance in the <i>NPRM</i>	2
The Commission Needs to Strengthen the Continuing Obligation to Negotiate in Good Faith and Eliminate Disincentives for Converting to IP Network	6
Additional Issues the Commission Must Address	10
Conclusion	13

**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

Comments of WTA – Advocates for Rural Broadband

WTA – Advocates for Rural Broadband (“WTA”) submits these comments on some of the issues raised in the Commission’s Notice of Proposed Rulemaking with respect to the proposed forbearance of certain provisions of Section 251 that are currently imposed on Incumbent Local Exchange Carriers (“ILECs”).¹ WTA is a national trade association representing approximately 400 small, rural local telecommunications carriers. The typical WTA member company serves fewer than 5,000 customers per service area and has fewer than 50 employees. WTA’s members provide voice, broadband and other communications-related services to some of the most remote, rugged, sparsely populated, and expensive-to-serve areas of the United States, and have been at the forefront of providing advanced services to these very difficult to serve territories. WTA’s members interconnect with other LECs (as well as interexchange carriers, mobile services providers and NG911 Delivery Points), and thus have a

¹ *In the Matter of Advancing IP Interconnection; Accelerating Network Modernization; Call Authentication Trust Anchor*, FCC 25-73, released October 29, 2025 (hereafter cited as “NPRM”). The notice of this Commission action was published in the Federal Register on November 26, 2025, 90 FR 54266, and the Wireline Competition Bureau subsequently issued an order extending the time to file Comments and Reply Comments, DA-1005, December 2, 2025.

strong interest in this proceeding.

WTA agrees with the Commission's goal of accelerating the modernization of the network by the ubiquitous deployment of all-IP networks. But WTA is concerned that the proposal simply to forbear from applying two provisions of Section 251(c)(2) would do little to accelerate that process, and could actually be counterproductive. WTA believes there are other steps the Commission should take that would provide the proper incentives for all service providers to modernize their networks.

Moreover, the proposed forbearance, standing alone, would not meet the statutory requirements for forbearance under Section 10. WTA suggests that the Commission adopt a Further Notice of Proposed Rulemaking to address in greater detail the obligation to negotiate in good faith, and WTA further urges the Commission more comprehensively to address issues concerning interconnection as the various networks migrate towards all IP technology, rather than simply addressing these issues on a piece-meal, *ad hoc* basis.

Whether There is a Continuing Need for the Two Provisions in Section 251(c) that are Identified as Candidates for Forbearance in the *NPRM*

In 1996, Congress amended the Communications Act of 1934 by passing significant revisions to the Telecommunications Act ("1996 Act") with the intent to spur competition in the local telephone service marketplace, which at the time exhibited almost no competitors to the incumbent local exchange carriers. Some thirty years after enactment, the telecommunications marketplace has been significantly transformed. As the *NPRM* observes, the ILECs' share of the local switched services market has decreased from 99.7% to 3.1%.² Thus, the Commission properly asks whether it still makes sense to apply two special

² *NPRM* at ¶ 9.

obligations – (i) interconnecting at any technically feasible point of interconnection and (ii) collocation – solely on a subset of the ILECs.³ Rather than imposing these obligations on all local exchange carriers, the 1996 Act imposed these particular Section 251(c) obligations only on ILECs, and additionally exempted “rural telephone companies” from the Section 251(c) requirements until a State Commission determines that any interconnection request “is not unduly economically burdensome, is technically feasible, and is consistent with section 254 of this title (other than subsections (b)(7) and (c)(1)(D) thereof).”⁴

There would appear to be reduced benefits from the 251(c) obligation to provide collocation -- applied just to some ILECs -- in light of the significant transformation of the marketplace. Conversely, maintaining that requirement imposes costs unnecessarily on a segment of the providers. Such asymmetric regulation distorts the marketplace, and money spent on such meeting such unnecessary regulatory requirements would be much better spent on network and service upgrades. On the other hand, WTA is concerned that forbearance from the obligation to interconnect at any technically feasible point would exacerbate the problem

³ *NPRM* at ¶¶ 30-31.

⁴ 47 U.S.C. § 251(f)(1)(a). The Communications Act in turn defines a “rural telephone company” as:

(44) Rural telephone company. -- The term “rural telephone company” means a local exchange carrier operating entity to the extent that such entity— (A) provides common carrier service to any local exchange carrier study area that does not include either— (i) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or (ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993; (B) provides telephone exchange service, including exchange access, to fewer than 50,000 access lines; (C) provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or (D) has less than 15 percent of its access lines in communities of more than 50,000 on February 8, 1996.

rural companies face presently, whereby certain large LECs demand that companies continue to interconnect with them via TDM circuits, rather than allowing them to interconnect using IP technologies.

WTA contends that interconnection remains essential, particularly given the wide variety of different networks and technologies that exist presently. The value of a network expands exponentially when you can connect with everyone else. And being able to reach emergency services is critical. Therefore, as explained below, WTA urges the Commission to retain and refine the interconnection obligations that would apply to all local exchange carriers. But the particular provision in Section 251(c) that mandates collocation, which applies to a subset of ILECs, would seem to be a vestige of a long, bygone era. Thus, the Commission properly seeks to forbear from that provision.

WTA does not believe, however, that the statutory requirements for forbearance under Section 10 would be met for the Section 251(c)(2)(B) “at any technically feasible” provision if the Commission simply forbore from applying that provision without also providing additional guardrails on what would constitute the “good faith” negotiations that would continue to apply to both the ILECs and the carriers requesting interconnection. WTA’s members are concerned, because several of the large ILECs have been adamant about requiring them to interconnect via TDM, despite the WTA members’ having already upgraded their networks to IP. Requiring IP to TDM conversion may be “technically feasible,” but not certainly not economically viable.

As the Commission explained in the *NPRM*:

Section 10 of the Act requires the Commission to forbear from applying any requirement of the Act or of our regulations to a telecommunications carrier or telecommunications service, or class of telecommunications carriers or telecommunications services, if the Commission determines that: (1) enforcement of the requirement “is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or

telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory”; (2) enforcement of that requirement “is not necessary for the protection of consumers”; and (3) “forbearance from applying such provision or regulation is consistent with the public interest.”⁵

Forbearing from Sections 251(c)(2) -- without simultaneously strengthening the remaining obligation to negotiate in good faith -- would disserve the public interest, in light of the disparate bargaining power typically faced by WTA’s rural service provider members.

Allowing the largest carriers to leverage their bargaining power unabated will disadvantage the small, rural carriers and their customers, costing them money and/or leaving them with inferior service. It could also allow the largest ILECs to continue to defer their own upgrades to IP networks by foisting onto the smaller ILECs that have already made that transition the costs of converting their IP transmissions to TDM.

Moreover, the problem has been exacerbated by the outrageous increases in the rates charged by the largest ILECs for their TDM transport services.⁶ All of these increased costs imposed on rural service providers are inconsistent with Section 151 of the Communications Act of 1934, which proclaims that the Commission was created:

For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, *to all the people of the United States*, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio

⁵ *NPRM* at ¶ 33.

⁶ One of our members received a notification recently that effective March 1, 2026, month-to-month rates for these services will increase approximately 35%. This proposed increase was preceded by increases every six months for the prior two-year period of around 25%, 66%, 35% and 35%. Other WTA members experienced similar (or even greater) increases in such rates by the largest ILECs. Indeed, one member saw a rate increase in TDM transport charges from a large ILEC between April 2024 and January 2025 of over 225%, in one case, and over 380% for a different capacity circuit during that same time period. A different large ILEC’s TDM transport rate increases to that member increased by over 405% between January 2025 and December 2025.

communication service *with adequate facilities at reasonable charges*. (emphasis added)

And Congress reinforced those principles when, in the 1996 Act, it stated in Section 254(b)(3):

(3) Access in rural and high cost areas

Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.

The Commission Needs to Strengthen the Continuing Obligation to Negotiate in Good Faith and Eliminate Disincentives for Converting to IP Networks

Regardless of whether the Commission proceeds with its proposal to forbear from applying the Section 251(c)(2) and (c)(6) provisions that apply to certain ILECs, all carriers would still have an obligation to interconnect:

“(a) General duty of telecommunications carriers. -- Each telecommunications carrier has the duty -- (1) to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers;”⁷

In addition, the *NPRM* mentions its previous “expectation” that carriers will negotiate interconnection agreements in good faith.⁸ But the obligation to negotiate in good faith is more

⁷ 47 USC § 251(a)(1).

⁸ *NPRM* at ¶ 61:

The Commission in 2011 espoused its expectation that all carriers negotiate in good faith in response to requests for IP-to-IP interconnection for the exchange of voice traffic and that such good faith negotiations will result in interconnection arrangements between IP networks. [citing *USF/ICC Transformation Order and FNPRM*, 26 FCC Rcd at 18126, ¶1341] We seek comment on whether the Commission’s expectation has been realized in the past decade and a half. Was the Commission’s stated expectation sufficient to ensure that IP interconnection arrangements for the exchange of voice traffic came to fruition in a timely manner? If not, how can the Commission ensure that all providers of voice services negotiate in good faith in response to requests for IP-to-IP interconnection for the exchange of voice traffic?

than a mere expectation – it is a statutory obligation. Even with the proposed forbearance, Section 251 would continue to require all LECs (including ILECs), to bargain in good faith with regard to the terms of interconnection, because the duty to negotiate in good faith is imposed both on the ILECs and requesting carrier.⁹ Nor is the statutory obligation to negotiate in good faith an “out of the ordinary” requirement. WTA observes that Congress imposed a similar obligation in the context of retransmission consent negotiations,¹⁰ and more broadly the Uniform Commercial Code imposes a “good faith” obligation with respect to all contracts.¹¹

But this longstanding statutory obligation to negotiate in good faith -- on its own -- has not always sufficed to produce fair and reasonable interconnection agreements. WTA members have encountered refusals to upgrade the capacity and quality of middle mile facilities, take-it-or-leave-it offers rather than *bona fide* negotiations of IP interconnection and traffic exchange terms and conditions, and demands that broadband traffic be converted from IP to TDM, as well as accepted at and delivered to large carrier facilities in distant cities at the WTA

⁹ 47 USC § 251(c)(1) (emphasis added):

(c) Additional obligations of incumbent local exchange carriers In addition to the duties contained in subsection (b), *each incumbent local exchange carrier has the following duties:*

(1) Duty to negotiate. *The duty to negotiate in good faith* in accordance with section 252 of this title the particular terms and conditions of agreements to fulfill the duties described in paragraphs (1) through (5) of subsection (b) and this subsection. *The requesting telecommunications carrier also has the duty to negotiate in good faith the terms and conditions of such agreements.*

¹⁰ See, 47 U.S.C. § 325(b). The Commission’s rules implementing this requirement are contained in 47 C.F.R. § 76.65.

¹¹ See, U.C.C § 1-304: “Obligation of Good Faith: Every contract or duty within the Uniform Commercial Code imposes an obligation of good faith in its performance and enforcement.”

member's expense. Whereas WTA members and other RLECs are investing large sums and working hard to both implement IP networks and deploy high-speed broadband networks and provide state-of-the-art BIAS and other broadband services in their rural service areas, high-quality and affordable BIAS and other IP interconnection and middle mile transport are necessary for their customers to receive broadband and voice services reasonably comparable to those offered in urban areas at reasonably comparable rates.

The prospect of "final offer" arbitration under Section 252(b)(2) of the Communications Act has encouraged many of the negotiating parties to reach acceptable compromises to resolve disputed interconnection and traffic exchange issues without resorting to arbitration. That process would most likely continue to be a helpful device to encourage dominant large carriers to negotiate reasonable BIAS and other IP interconnection arrangements with RLEC and other small ISPs, while involving state commissions or the Commission in arbitration settlements or full arbitration proceedings only in those instances when the parties cannot reach agreement on certain issues. Such (hopefully) infrequent arbitration proceedings would have the added benefit of giving state commission or Commission personnel valuable insight and exposure with respect to developing industry issues and problems that might warrant more general investigation and action. But despite this arbitration backstop, our members still encounter unreasonable demands in current requests and negotiations. And the costs of arbitration are not insignificant, and disproportionately so for small providers.

The current rules in Section 51.301 governing interconnection negotiations are procedural rather substantive than in nature. By way of contrast, some of the provisions relating to the retransmission consent negotiation rules are substantive, rather than just

procedural.¹² In this regard, WTA believes the Commission should designate certain practices to violate the obligation to negotiate in good faith. For example, the rules could specify that demanding the ILEC convert IP transmissions to TDM for interconnection was an indication of negotiating in bad faith. Likewise, the rules could provide that demanding interconnection occur at a location outside of the LEC's territory with the rural ILEC bearing all of the transport cost to the distant location was an indication of negotiating in bad faith. Such a geographic consideration would certainly be consistent with Section 251(c)(2)'s focus on local exchange competition.¹³ And it would also be consistent with the Commission's geographic

¹² Cf., 47 C.F.R. §§ 76.65(a) and (b).

¹³ Below are relevant portions of Section 251(c) of the Communications Act, with bold and italics added to the germane language for emphasis:

(c) Additional obligations of incumbent local exchange carriers In addition to the duties contained in subsection (b), each incumbent local exchange carrier has the following duties:

...

(2) Interconnection The duty to provide, for the facilities and equipment of any requesting telecommunications carrier, *interconnection with the local exchange carrier's network* —

(A) for the transmission and routing *of telephone exchange service and exchange access;*

(B) at any technically feasible point *within the carrier's network;*

...

(3) Unbundled access The duty to provide, to any requesting telecommunications carrier for the provision of a telecommunications service, *nondiscriminatory access to network elements on an unbundled basis* at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory in accordance with the terms and conditions of the agreement and the requirements of this section and section 252 of this title. An incumbent local exchange carrier shall provide such unbundled network elements in a manner that allows requesting carriers to combine such elements in order to provide such telecommunications service.

...

(5) Notice of changes The duty to provide reasonable public notice of changes in the information necessary for the transmission and routing of services *using that local exchange carrier's facilities or networks*, as well as of any other changes that would affect the interoperability of *those facilities and networks*.

constraints on points of interconnection in other contexts.¹⁴

WTA observes that addressing these concerns and utilizing a Further Notice of Proposed Rulemaking to formalize these “good faith negotiation” parameters would not delay the implementation of the proposals in this *NPRM* in light of the Commission’s plan to delay the effective date of any forbearance to December 31, 2028.¹⁵ WTA supports that implementation date, both to allow for the refinements proposed in these comments, as well as providing the Commission with sufficient time to also coordinate these changes with other issues concerning IP implementation, as discussed below.

Additional Issues the Commission Must Address

Interconnection is certainly an important factor with regard to the transition to all-IP networks. But in addition, there are several other issues with regard to the transition to IP networks that will need to be addressed by the Commission in order to both accelerate that process and to ensure that the changes do not harm consumers or disadvantage rural service providers. Thus, the Commission must consider all of these issues in a holistic and coordinated manner in the various rulemakings that are addressing these concerns.¹⁶

(6) Collocation The duty to provide, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for *physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier*, except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.

¹⁴ *Cf.*, *Facilitating Implementation of Next Generation 911 Services (NG911); Location-Based Routing for Wireless 911 Calls*, 39 FCC Rcd 8137, July 19, 2024 at ¶ 136 (Delivery Points must be within the state).

¹⁵ *See*, *NPRM* at ¶¶ 3, 44-51.

¹⁶ One approach would be to use the model applied by the Commission with regard to the implementation of local number portability, where the Commission developed a complex and comprehensive set of obligations, rather than just relying on incentives and “good faith.” But

IP services can be more efficient and support a wide range of innovative offerings, as the rapid development and deployment of videoconferencing services during the pandemic demonstrated. But there are also potential drawbacks. Call routing becomes more complicated if there is no longer a Tandem switch, because of the need for access to third party data bases. In addition, when any problems arise, troubleshooting becomes much more convoluted. Moreover, as the *NPRM* observed, the general “best efforts” quality of service (“QoS”) of the public Internet could have adverse repercussions for voice quality and reliability.¹⁷ Solutions for that drawback, such as dedicated SIP lines for NG911 interconnection, increase costs as well as impacting capacity for “capacity sharing” broadband technologies, such as mobile services and low-Earth orbit satellite services.

There are other reasons that service quality can be degraded for IP-based networks, compared to the wireline networks. Many IP-based networks and/or component elements are reliant on cloud servers, which have exhibited severe outages recently, including Cloudflare and Amazon Web Services.¹⁸ These problems can be exacerbated because of the additional

WTA notes that such a regulatory construct required significant resources by both the industry and the Commission, and took some nine years to develop and implement. The number portability Notice of Proposed Rulemaking was adopted in 1995, then codified as part of the 1996 Act (in Section 251(b)(2)), with implementation in 2003 for wireless in the top 100 MSAs and extended to the rest of the country in 2024. *See, Telephone Number Portability*, 10 FCC Rcd 12350 (1995) (NPRM); *Telephone Number Portability*, 11 FCC Rcd 8352 (1996) (Number Portability First Report and Order); *Telephone Number Portability*, 12 FCC Rcd 7236 (1997) (Number Portability First Order on Reconsideration); *Telephone Number Portability*, 12 FCC Rcd 12,281 (1997) (Second Report and Order); *Telephone Number Portability*, 18 FCC Rcd 23697 (2003) (Third Report and Order).

¹⁷ *NPRM* at ¶ 25.

¹⁸ *E.g.*, <https://blog.cloudflare.com/18-november-2025-outage/> (Cloudflare November 18, 2025 outage); <https://blog.cloudflare.com/5-december-2025-outage/> (Cloudflare December 5, 2025 outage); <https://www.theguardian.com/technology/2025/oct/24/amazon-reveals-cause-of-aws-outage> (Amazon Web Services outage). In addition, as the Commission observed in the context of the NextGen 911 Further Notice of Proposed Rulemaking, networks have

potential vulnerability of IP-based networks to ransomware attacks, Distributed Denial of Service (DDoS) attacks, and other cyberattacks by malevolent hackers.

Some of these issues with regard to service reliability are being addressed by the Commission in the context of NG911.¹⁹ And many of these issues are implicated in the context of general Section 251 local services interconnection. The Commission and the industry must work to resolve these issues in a comprehensive manner, before the suggested effective date of December 31, 2028 for the *NPRM*'s proposed Section 251 forbearance. In addition, to the extent that the solutions developed through these efforts imposes costs on rural carriers, the Commission must address such “unfunded mandates” in the context of USF support and/or implement a support mechanism like the Telecommunications Relay Service (TRS), North America Numbering Plan Administrator (NANPA) and Local Number Portability (LNP) funding collected via the Form 499 that would be used to help carriers recover these costs.²⁰ Burdening rural service providers and their customers with these costs could render service unaffordable, and thus inconsistent with Congress’s directives in Sections 151 and 254 to support affordable service to all Americans.

experienced a wide range of “sunny day” and “sympathetic” outages. *Facilitating Implementation of Next Generation 911 Services (NG911); Improving 911 Reliability*, 40 FCC Rcd 2668, March 28, 2025. (“*NG911 Further NPRM*”) at ¶¶ 16 and 18.

¹⁹ *Ibid*, at ¶¶ 15-69. *See also*, Remarks of Commissioner Trusty to the Hudson Institute on January 12, 2026 (available at <https://www.fcc.gov/document/trusty-hudson-institute-remarks>) at pp. 4-6.

²⁰ *Cf.*, Remarks of Commissioner Trusty, *ibid.* at p. 7:

And as discussions around the future of the Universal Service Fund continue in Congress and at the FCC, it is worth recognizing that resilient networks in rural America are as important to national security as those in major hubs.

Conclusion

WTA supports the Commission's efforts to accelerate network modernization and advance IP interconnection. But simply relieving two particular burdens imposed on a small segment of the market under the Telecommunications Act of 1996 through use of forbearance is likely to provide little help in those efforts. However, as explained above, there are other steps the Commission must undertake to ensure that rural service providers are not disproportionately bearing the burdens of this transition.

Respectfully submitted,

WTA – ADVOCATES FOR RURAL BROADBAND

/s/ Derrick B. Owens
Derrick B. Owens
Senior Vice President of Government
and Industry Affairs
400 Seventh Street, NW, Suite 406
Washington, DC 20004
(202) 548-0202

/s/ Stephen L. Goodman
Stephen L. Goodman
Regulatory Counsel
400 Seventh Street, NW, Suite 406
Washington, DC 20004
(202) 607-6756

Date: January 20, 2026