

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

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

**REPLY COMMENTS OF THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission (Pa. PUC) hereby provides its reply to comments filed in relation to the FCC’s June 25, 2025 *Notice of Proposed Rulemaking* (NPRM) in the above-referenced docket.¹ These comments should not be construed as binding on the Pa. PUC in any matter pending before it. Moreover, the Pa. PUC’s position set forth in these comments could change in response to later events, including *ex parte* filings, the review of other filed comments, and legal proceedings or other regulatory developments at the state or federal level.

The NPRM “seeks comment on deregulatory options to encourage providers to build, maintain, and upgrade their networks such that all consumers and businesses can benefit from technological strides in the communications marketplace, while safeguarding consumers’ access to critical emergency services such as 911.” NPRM ¶ 2. Specifically, and as pertinent to these reply comments, the NPRM sought comments relating to (1) the FCC’s proposal to simplify the Communications Act Section 214(a), 47

¹ Unless otherwise indicated, all filings referenced herein are from this docket.

USC § 214(a) (CA 214) process for technology transitions discontinuance applications,² including by granting forbearance relief, pursuant to 47 USC § 160 (CA 160),³ from discontinuance obligations under CA 214, NPRM ¶ 4; and (2) the potential impact of reforms on 911 service, noting that network transitions may occur in areas where 911 authorities and originating service providers (OSPs) have not yet transitioned to Next Generation 911 (NG911) and will therefore continue for some time to rely on legacy selective routers and other TDM-based infrastructure for delivery of 911 calls to public safety answering points (PSAPs). NPRM ¶ 20.

Comments on the NPRM were due on September 29. Comments were submitted by a multitude of individuals and organizations including, as relevant to these reply comments Intrado, the National Association of State 911 Administrators (NASNA), the National Emergency Number Association (NENA) and USTelecom. The Pa. PUC hereby replies to (1) the comments submitted by USTelecom proposing preemption of

² See, NPRM at ¶ 3, n. 5 (“[S]ection 214(a)’s discontinuance obligations apply to interstate voice and data telecommunications services, and to interconnected VoIP service to which the Commission has extended section 214(a)’s discontinuance requirements. They do not apply to any carrier’s provision of information services, to data or other services offered on a private carriage basis, or to any other communications or non-communications lines of business in which a carrier is engaged that do not come within the purview of Title II of the . . . Act . . .”), quoting, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Second Report and Order, 33 FCC Rcd 5660, 5662, ¶ 6 (2018). The FCC has read CA 214 to require carriers to seek approval of any “technology transition”, defined as “any change in service that would result in the replacement of a wireline TDM-based voice service with a service using a different technology or medium for transmission to the end user, whether internet Protocol (IP), wireless, or another type.” 47 CFR § 63.60(i).

³ Also known as “Section 10”, CA 160 states the FCC “shall forbear” from application of any FCC regulation or Communications Act provision if it determines that “(1) enforcement of such regulation or provision 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 such regulation or provision is not necessary for the protection of consumers; and (3) forbearance from applying such provision or regulation is consistent with the public interest.” 47 USC § 160(a).

state-imposed carrier of last resort (COLR) obligations; and (2) the comments of Intrado, NASNA and NENA regarding safeguarding existing TDM-based transport links that enable 911 service.

USTelecom’s Proposal to Preempt State COLR Obligations

While in theory the FCC’s proposal to streamline or eliminate current requirements relating to discontinuance of telecommunications services (including technology transitions such as copper retirements) only extends to the FCC’s interstate jurisdiction under CA 214, USTelecom proposes that the FCC “declare that federal law preempts [state] COLR obligations for jurisdictionally mixed services that meet the Commission’s criteria for discontinuance.”⁴ USTelecom’s proposal is overly broad or ambiguous in two key respects: (1) it fails to define the “COLR obligations” it seeks to preempt; and (2) it fails to define who determines when the conditions for discontinuance are satisfied, i.e., when preemption should occur. From the Pa. PUC’s perspective, the USTelecom proposal is problematic in that it implicates a wide array of important regulatory safeguards, setting the stage for unnecessary disruption of state commission regulatory structures and protracted and costly legal disputes.

In Pennsylvania, the COLR obligation arises from the statutory duty of all public utilities to provide reasonably adequate service, including line extensions, pursuant to Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501.⁵ This COLR obligation is

⁴ USTelecom Comments (September 29, 2025) at 27.

⁵ See, *Rulemaking to Comply with the Competitive Classification of Telecomm. Retail Servs. Under 66 Pa. C.S. § 3016(a); Gen. Rev. of Reguls. 52 Pa. Code, Chapter 53, Chapter 63 & Chapter 64*, No. L-2018-3001391, 2021 WL 5881971, at *38 (Dec. 9, 2021) (“COLR obligations derive from the Public Utility Code... a statutory obligation exists under Section 1501 of the Code to make reasonable line

interrelated with the Pa. PUC’s authority to regulate matters such as service quality requirements and public safety obligations.⁶ The COLR obligation also intersects with the Pa. PUC’s regulation of carriers’ market entry (certification) and exit (abandonment) pursuant to Sections 1101 through 1103 of the Public Utility Code, 66 Pa.C.S. §§ 1101-1103.⁷ Finally, Chapter 30 of the Public Utility Code imposes a COLR-like broadband deployment obligation on incumbent carriers who elect alternative regulation pursuant to a network modernization plan.⁸ The Pa. PUC, however, does not review or approve carriers’ technology transitions, whether in terms of a COLR obligation or as an abandonment of service.⁹ Thus, because USTelecom’s proposal is so broadly worded, it

extensions, and this obligation applies to all LECs. Thus, the Commission has the ability under the Code to ensure that a LEC readily makes line extensions servicing applicants within its certificated territory.”).

⁶ See, *Investigation Regarding Intrastate Access Charges & Intralata Toll Rates of Rural Carriers & the Pennsylvania Universal Serv. Fund AT&T Commc'ns of Pennsylvania, et al.*, No. C-2009-2098380, 2011 WL 3001636 (June 30, 2011) (“RLECs are required universally to provide adequate, safe and reliable service and facilities for the convenience of the public and the interconnected telecommunications carriers throughout their respective service areas. Such COLR obligations extend to the provision of retail telecommunications services anywhere within the RLEC’s service territory, include service quality requirements and public safety obligations in terms of handling 911/E911 call traffic, and telecommunications carrier connectivity requirements that are governed by both Pennsylvania and federal law.”)

⁷ See, *Application of MFS Intelenet of Pennsylvania, Inc.*, No. A-310203F0002, 1995 WL 945205, at *12 (Sept. 27, 1995) (“COLR issues relate to the obligation to serve and scope of operating authority.”).

⁸ See, *Petition of Drive for A Declaratory Ord. Regarding the Expansion of Its Cmty. Broadband Network*, No. P-2021-3025296, 2023 WL 5011987, at *14 (Aug. 2, 2023) (“Chapter 30 of the Code, 66 Pa. C.S. §§ 3011-3019 (66 Pa. C.S. §§ 3001-3009 *repealed*), imposes a Provider/Carrier of Last Resort (POLR/COLR) obligation on ILECs to provide broadband within ten days of a request”), citing, 66 Pa. C.S. § 3014(b)(5) (“A local exchange telecommunications company that elects under paragraph (1), (2) or (3) may amend its network modernization plan to extend the period of time within which broadband service must be made available to a customer to up to ten business days after the customer’s request for broadband service.”).

⁹ See, e.g., *Cynthia Mosco v. Verizon Pennsylvania, LLC*, No. C-2018-3006579, 2022 WL 1423613, at *10 (Apr. 25, 2022) (“We note that the retirement of copper telephone lines is regulated primarily by the FCC. However, whatever technology Verizon PA uses to provide landline telephone service, it must support the provision of adequate, reliable, safe, efficient, reasonable, and reasonably continuous service. At the same time, the Complainant cannot control the type of facilities Verizon PA uses to provide her telephone service, and the Commission does not have the authority to require Verizon PA to provide a copper line to the Complainant.”).

could be read to encompass preemption of a wide swathe of legitimate Pa. PUC regulatory activity, which is specifically protected from preemption by CA 253(b).¹⁰

USTelecom’s real complaint appears to be with specific states: California in particular.¹¹ However, Pennsylvania can be distinguished from other states in part because the Pa. PUC has established and maintains the Pennsylvania Universal Service Fund (Pa. USF) to provide support for rural incumbents.¹² The Pa. PUC is currently reviewing the Pa. USF and is considering a range of options to potentially address the COLR obligation, including a rural local exchange carrier (RLEC) proposal to trade relinquishment of Pa. USF support in exchange for regulatory relief from COLR and other traditional requirements.¹³ Further, as noted above, Pennsylvania does not require approval for technology transitions. If California or another state is impeding technology transitions, the proper avenue for relief would be a petition for preemption under CA 253(a) and (d).¹⁴

¹⁰ 47 USC § 253(b) (“Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254 of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.”).

¹¹ See, USTelecom Comments at 28-30 (referencing California’s COLR rules five times but only one other state, Oregon, just once).

¹² See, 52 Pa. Code § 63.161(3) (“The purpose of the Fund is to maintain the affordability of local service rates for end-user customers while allowing rural telephone companies to reduce access charges and intraLATA toll rates, on a revenue-neutral basis, thereby encouraging greater competition.”).

¹³ See, Secretarial Letter, *Rulemaking to Amend 52 Pa. Code §§ 63.161-171 (relating to Universal Service)*, No. L-2023-3040646 (Oct. 10, 2025).

¹⁴ 47 USC § 253(a) (“No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”); and (d) (“If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b), the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.”).

Pennsylvania should not be harmed by concerns that pertain to other states.

Concerns Over Retirement of TDM Circuits Used to Provision 911 Service

The importance of emergency services cannot be understated.¹⁵ 911 service provider Intrado argues that “the Commission must ensure that forbearance from the requirements of section 251(c)(5) and any revisions to the section 214(a) discontinuance process and related Commission rules do not undermine 911 availability and reliability by allowing incumbent local exchange carriers (ILECs) to disconnect 911 circuits without sufficient advance notice to affected parties and migration of legacy 911 traffic to an adequate substitute.”¹⁶ NASNA proposes that carriers retiring 911 circuits should be required to (1) certify to the FCC that all 911 traffic has been migrated from copper to an adequate substitute; and (2) provide advance notice of the retirements to the relevant PSAPs, 911 administrators and state commissions.¹⁷ Similarly, NENA observes that “[i]t is important to transition from TDM in the United States, however there must be sufficient notification to the 9-1-1 Authority when existing Enhanced 9-1-1 (E9-1-1) services will be affected.”¹⁸

The Pa. PUC supports the comments of Intrado, NASNA and NENA. In particular, the Pa. PUC supports ensuring the continued adequate provision of 911

¹⁵ See, e.g., *In the Matter of Facilitating Implementation of Next Generation 911 Servs. (Ng911) Location-Based Routing for Wireless 911 Calls*, No. 18-64, 2024 WL 3507091, at *4 (OHMSV July 19, 2024) (“911 service is a vital part of our nation's emergency response and disaster preparedness system.”).

¹⁶ Intrado Comments (September 29, 2025) at 1-2.

¹⁷ NASNA Comments (September 29, 2025) at 2-3.

¹⁸ NENA Comments (September 29, 2025) at 2.

service. As such, the Pa. PUC also supports NASNA’s proposal that carriers retiring copper-based 911 circuits provide advance notice to state commissions. Retirement of these circuits implicates the Pa. PUC’s oversight of Pennsylvania’s certificated 911 service providers and the facilities used by jurisdictional telecommunications utilities to enable the flow of 911 traffic from caller to PSAP via a series of interconnecting networks.¹⁹ Even next generation 911 networks depend on the availability of transport facilities in rural areas and the record reflects that many of these transport links are still provisioned over copper-based TDM.²⁰

¹⁹ *Citizens Tel. Co. of Kecksburg, Commonwealth Tel. Co. LLC d/b/a, Frontier Commc'ns Commonwealth Tel. Co., Frontier Commc'ns of Breezewood, LLC, Frontier Commc'ns of Lakewood, LLC, Frontier Commc'ns of Oswayo River, LLC, Frontier Commc'ns of Pennsylvania, LLC, Consol. Commc'ns of Pennsylvania, Inc., Hickory Tel. Co., Lackawaxen Telecommunications*, No. P-2024-3045797, 2025 WL 506081, at *18 (Feb. 10, 2025) (“Pennsylvania law provides that 911 service is a feature of basic telephone service in Pennsylvania. Commission regulations require that 911 and other critical public telecommunications services, such as TRS, be provided by certificated public utilities under the Code. The VoIP Freedom Act, 73 Pa.C.S. § 2251.1 *et seq.* preserves the Commission's jurisdiction over IP services, including IP 911 or NG911, as a component of protected service provided under tariff, *i.e.*, basic local exchange service.”).

²⁰ Intrado Comments at 4-6.

CONCLUSION

For the reasons stated above, the Pa. PUC respectfully requests that the FCC (1) reject USTelecom's proposal to preempt state COLR obligations; and (2) ensure that incumbent LEC copper retirements and technology transitions do not unduly threaten the viability of 911 networks which rely on legacy transport links provisioned over TDM.

Respectfully submitted,

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