

**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 THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission (Pa. PUC) hereby provides its comments responding to the FCC’s October 29, 2025 *Notice of Proposed Rulemaking* (NPRM) in the above-referenced docket.<sup>1</sup> These comments should not be construed as binding on the Pa. PUC in any matter pending before it.

The NPRM begins with the premise that the FCC’s “incumbent LEC-specific interconnection requirements—mandated under the Telecommunications Act of 1996 (1996 Act) to promote competition—force providers to maintain costly, outdated infrastructure installed across the nation to ensure interconnection with other carriers using legacy time-division multiplexing (TDM) equipment.” NPRM ¶ 1. Based on this premise, the FCC proposes “to forbear from incumbent LEC-specific interconnection and related obligations in sections 251(c)(2) and (c)(6) of the Communications Act of 1934,

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<sup>1</sup> Unless otherwise indicated, all filings referenced herein are from this docket. 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.

as amended (the Act), and to eliminate the Commission’s rules implementing those provisions, by December 31, 2028.” NPRM ¶ 3. The NPRM seeks also comment “on ways the Commission can facilitate a successful transition to all-IP interconnection for voice services while retaining critical oversight in areas of public safety and consumer protection, and ensuring competition,” NPRM ¶ 2, and “what, if any, regulatory framework for IP interconnection should replace the current interconnection framework under section 251(c)(2), and on the scope of the Commission’s authority to regulate IP interconnection under any such framework.” NPRM ¶ 3.

At the outset, the Pa. PUC questions the FCC’s conclusion that Section 251(c)(2)’s incumbent LEC-specific interconnection requirements force incumbents to maintain outdated TDM interconnections. First, nothing in Section 251(c)(2) requires incumbent LECs to interconnect using any specific technology or protocol: TDM or otherwise. *See, In the Matter of Connect Am. Fund*, 26 F.C.C. Rcd. 17663, 18045 (2011) (“The duty to negotiate in good faith has been a longstanding element of interconnection requirements under the Communications Act and does not depend upon the network technology underlying the interconnection, whether TDM, IP, or otherwise.”). Notably, even if Section 251(c)(2) did mandate TDM interconnection, which it does not, Section 252(a)(1) permits incumbent LECs to “negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to” Section 251. 47 U.S.C § 252(a)(1).

Indeed, the FCC in 2011 “expect[ed] all carriers to negotiate in good faith in response to requests for IP-to-IP interconnection for the exchange of voice traffic” and that these negotiations would “result in interconnection arrangements between IP networks for the purpose of exchanging voice traffic.” *In the Matter of Connect Am. Fund*, 26 F.C.C. Rcd. at 18045. Thus, incumbent LECs have been free to interconnect using IP pursuant to Section 251, or, to negotiate IP interconnection without regard to Section 251, for decades. Given this, and before embarking on the path of forbearance, the FCC should examine whether incumbent LECs are generally entering into voluntary IP interconnection agreements with their competitors and if not, why not. If incumbent LECs voluntarily offered all-IP interconnection it seems likely that competitors would be receptive and Section 251(c)(2) would simply be bypassed and become irrelevant, without forbearance.

Before eliminating Section 251, the FCC should also examine whether there are TDM roadblocks *within* incumbent LEC networks. Statements in the FCC’s NG911 docket suggest that TDM is still prominent within at least some incumbent LEC networks. For example, the FCC noted that “[w]hile the Commission has, for the last decade, encouraged providers to transition to all-IP networks, some wireline carriers continue to use TDM switching facilities for voice traffic within portions of their networks.” *In the Matter of Facilitating Implementation of Next Generation 911 Servs. (NG911)*, 38 F.C.C. Rcd. 6204 (2023). If there is TDM within incumbent LEC networks, then converting interconnections from TDM to IP will not result in all IP networks, it

would merely shift the point at which traffic is converted from TDM to IP further within those networks.

If the FCC is determined to forbear from Section 251(c) or modify the Section 251(c) interconnection regime, the Pa. PUC urges the FCC to articulate the regulatory regime that will apply to all-IP interconnection, including the legal basis for such a regime, well in advance. Whether the FCC relies on Section 251(c), Section 201, Section 251(a) of the Communications Act, or some combination, the FCC should declare its intention and propose specific regulations in a further notice of proposed rulemaking so that interested parties, including state commissions, have a concrete proposal on which to comment.

Regardless of the statutory regime selected, the FCC should maintain a prominent role for state commissions. The Pa. PUC notes that “the 1996 Act largely displaced the traditional mode of dual jurisdiction, which divides the *subject matter* of telecommunications regulations into mutually exclusive federal and state spheres, with a new model of cooperative federalism in which the FCC and the states often work together in complementary roles on the same subject matter.”<sup>2</sup> Under the current regime, state commissions are designated to “arbitrate any open issues” with respect to a request for interconnection made pursuant to Section 251 and “shall resolve each issue set forth in the petition and the response.” 47 U.S.C. § 252(b). Further, any interconnection

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<sup>2</sup> Jonathan E. Nuechterlein and Philip J. Weiser, *Digital Crossroads: American Telecommunications Policy in the Internet Age* 422 (2007).

agreement adopted by negotiation or arbitration must be submitted for approval to the state commission. 47 U.S.C. § 252(d). The Pa. PUC currently regulates 140 certificated competitive local exchange carriers and 37 incumbent local exchange carriers. These LECs have entered into 1,217 ICAs or amendments approved by Pa. PUC, using established procedures, since 2004.

States have their own interests in promoting an all-IP interconnection regime that fosters public safety, service quality, and competition. Any all-IP interconnection regime will involve intrastate traffic: calls that originate and terminate within the same state. The rural call completion problem illustrates that states have a real interest in ensuring reliable interconnection.<sup>3</sup> Further, the Pa. PUC has a statutory mandate to encourage competition. Under the Pa. PUC’s enabling law, it is Pennsylvania policy to:

Promote and encourage the provision of competitive services by a variety of service providers on equal terms throughout all geographic areas of this Commonwealth without jeopardizing the provision of universal telecommunications service at affordable rates.

66 Pa.C.S. § 3011(8). Therefore, the FCC should involve the state commissions in any such regime.

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<sup>3</sup> See, e.g., *In the Matter of Rural Call Completion*, 33 F.C.C. Rcd. 4199, 4201 (2018) (“The Commission has long recognized that providers’ incentives to minimize their intercarrier compensation payments contributes to problems involving carriers blocking or degrading traffic to rural areas.<sup>9</sup> Due to the high rates that long-distance providers incur to terminate long-distance calls to rural rate-of-return carriers, long-distance providers have an incentive to reduce the per-minute cost of calls to rural areas by handing them off to less expensive intermediate providers. In addition, both long-distance and intermediate providers may have poor incentives to ensure that calls to rural areas are actually completed properly.”).

With these considerations in mind, the Pa. PUC offers the following recommendations for an all-IP interconnection regime:

1. Jurisdiction. IP interconnections, like TDM interconnections, impact intrastate traffic, services, and customers. Where such impacts occur, the FCC should provide state commissions with explicit authority to continue ensuring public safety, service quality, and a competitive playing field.
2. Dispute Resolution. State commissions have extensive experience resolving interconnection disputes, including disputes involving IP services, traffic, and interconnection.<sup>4</sup> The FCC should involve state commissions in the dispute resolution processes that support all IP interconnection.
3. Points of Interconnection. All carriers should be required to interconnect directly or indirectly to a degree sufficient to ensure call completion rates in each state and in each region of each state, and that state commissions be afforded authority to address carriers' network architecture in a way that preserves the joint authority of the FCC and the States.

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<sup>4</sup> See, e.g., *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 (Feb. 10, 2025) (resolving interconnection dispute between Pennsylvania rural incumbent local exchange carriers and a Pa. PUC-certificated carrier designated by the Pennsylvania Emergency Management Agency (PEMA) to implement a next generation 911 system throughout Pennsylvania).

4. Declare VOIP to be telecommunications. The Pa. PUC recommends that the FCC finally find that all voice calls – whether TDM or VOIP – are “telecommunications” and subject to joint federal and state oversight. This would be a welcome step towards regulatory certainty for carriers and state commissions alike, and such a declaration would not be synonymous with burdensome state regulation.<sup>5</sup>

5. Quality of Service –The Pa. PUC encourages the FCC to carefully consider service quality concerns and enlist the state commissions to help ensure that reliability and service quality are maintained through all-IP interconnections.

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<sup>5</sup> Under Pennsylvania’s Voice-Over-Internet Protocol Freedom Act, 73 P.S. §§ 2251.1 to 2251.30, the Pa. PUC may not enact or enforce, either directly or indirectly, any law, rule, regulation, standard, order or other provision having the force or effect of law that regulates, or has the effect of regulating, the rates, terms and conditions of VoIP service or IP-enabled service, with exceptions for the authority of the Pa. PUC to enforce applicable Federal or State statutes or regulations relating to (i) the provision and administration of enhanced 911 service and nondiscriminatory enhanced 911 fees; (ii) telecommunications relay service fees; (iii) universal service fund fees; (iv) switched network access rates or other intercarrier compensation rates for interexchange services provided by a local exchange telecommunications company; and (v) rates, terms or conditions of protected services provided under tariffs.

## CONCLUSION

For the reasons stated above, the Pa. PUC respectfully requests that the FCC reconsider its premise that Section 251(c)(2) is a barrier to an all-IP network. Further, and regardless of what regulatory framework is adapted for IP interconnection, the Pa. PUC implores the FCC to preserve and enhance the role of state commissions in enforcing nationwide interconnection rules and ensuring public safety, reliable service at reasonable rates, and fair competition.

Respectfully submitted,

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