NPRMs Update: IP, USF and More

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Agenda

- BDS NPRM, Third FNPRM and Order
- Advancing IP Interconnection NPRM
- Intercarrier Compensation NPRM
- High-Cost Modernization Initiative NPRM
- Conclusion

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BDS NPRM, Third FNPRM and Order

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BDS NPRM, Third FNPRM and Order

- Notice of proposed rulemaking, third further notice of proposed rulemaking and order FCC 25-44
  - WC Docket 21-17, Price Cap Business Data Services
  - WC Docket 17-144, Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers
- Adopted Aug. 4, 2025, and released Aug. 8, 2025
  - Published in the Federal Register Sept. 4, 2025
- Comment cycle was 30 days after published in Federal Register, Oct. 6, 2025
- Reply comment cycle closed on Oct. 20, 2025

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BDS NPRM, Third FNPRM and Order

- Key takeaways – the FCC sought comment on the following:
  - Elimination of ex ante pricing regulation and tariffing obligations for end user channel termination services provided by all ILECs
  - Detariffing all end user channel termination services and transport services for all rate-of-return carriers versus alternatives like requiring for only fixed support companies and legacy companies not in the NECA tariff
  - Whether to allow additional or annual election periods for rate-of-return companies to choose incentive regulation
  - The competitive market test and framework changes

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BDS NPRM, Third FNPRM and Order

- Key takeaways – the FCC is issuing the following:
  - Order to waive next triennial update of the competitive market test
- Comment cycle and reply comment cycle have now been completed. What was said?



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BDS NPRM, Third FNPRM and Order

- Comments on the NPRM and FNPRM
  - Nine parties filed comments
    - Rural associations, consultants and competitive entities
  - Overwhelmingly opposed mandatory deregulation of BDS
    - Would cause price disruptions
    - Instability and uncertainty regarding recovery of investments
    - If FCC moves forward, urged to do it on a voluntary or permissive basis
    - Several parties noted the benefits of NECA pooling
  - One commenter (CPAC) urged the FCC to eliminate tariffing and ex ante rate regulation for TDM-based BDS in competitive areas and for all noncritical applications

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Advancing IP Interconnection NPRM

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Advancing IP Interconnection NPRM

- Notice of proposed rulemaking FCC 25-73
  - WC Docket No. 25-304, Advancing IP Interconnection
  - WC Docket No. 25-208, Accelerating Network Modernization
  - WC Docket No. 17-97, Call Authentication Trust Anchor
- Adopted Oct. 28, 2025, and released Oct. 29, 2025
  - Published in the Federal Register on Nov. 26, 2025
- Comment cycle extended beyond the 30 days after published in the Federal Register. Moved through Jan. 5, 2026
- Reply comments cycle was 30 days after comment cycle, Feb. 4, 2026

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Advancing IP Interconnection NPRM

- Key takeaways – the FCC sought comment on the following:
  - The current status of TDM interconnection for voice services
  - The current status of IP interconnection for voice services
  - Elimination of interconnection obligations, known as forbearance, under Section 251(c)(2) to transition to an all-IP network
  - Establishing a sunset date for the TDM interconnection rules as Dec. 31, 2028
  - What the regulatory framework could be for IP voice services

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Advancing IP Interconnection NPRM

- Key takeaways – the FCC is sought comment on the following (cont.):
  - The FCC's authority to govern IP interconnection for voice services
    - Including how it should define VoIP providers
  - A cost benefit analysis of moving from a TDM-based network to an IP-based network for voice services
- Hints at future proceedings impacting tariffing and access charge requirements
- Comment cycle and reply comment cycle have now been completed. What was said?

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Advancing IP Interconnection NPRM

- Comments and reply comments on the NPRM
  - 45 parties filed comments and 36 filed reply comments
    - Mainly rural representation (associations, ILECs and consultants), USTelecom and large ILECs, competitive entities and states
  - Rurals
    - Clear, light touch interconnection rules for smooth transition to IP voice
    - Suggest TDM sunset date as a goal, not a mandate
    - Suggest a new FNPRM to explore good faith negotiation obligations as networks transition
    - Possible voluntary direct or virtual SIP interconnections for rural carriers, an IP transition deadline and a price freeze until affordable access is achieved

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Advancing IP Interconnection NPRM

- Comments and reply comments on the NPRM (cont.)
  - USTelecom and large ILECs
    - TDM rules are outdated and legacy POTS requirements are barriers to all-IP voice
    - Current two-party negotiated agreements are impractical for universal IP interconnection
    - Suggests a market-driven, agreementless IP interconnection on a bill-and-keep basis, requiring large providers to accept traffic at designated connection points
    - Endorsement for industry collaboration for efficient IP voice exchange without individual agreements between every provider
    - FCC does not need to decide VoIP's regulatory classification in this proceeding

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Advancing IP Interconnection NPRM

- Comments and reply comments on the NPRM (cont.)
  - Competitive entities
    - No single path forward, as competitive entities were not all aligned
    - Remove outdated rules that slow IP migration while advocating for a simplified IP tariff exchange and fewer regulations
    - TDM interconnection requirements should stay until a fair and enforceable transition framework exists
    - Proposed Dec. 31, 2028 forbearance is premature and removing TDM obligations without an FCC framework could disrupt 911 and caller ID services
    - FCC should maintain current interconnection rules, require providers to negotiate in good faith and uphold bill-and-keep

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Advancing IP Interconnection NPRM

- Comments and reply comments on the NPRM (cont.)
  - Competitive entities (cont.)
    - Forbearance could impact voice service costs, saying potential increases in interconnection fees with ILECs or refusals to interconnect could raise costs for providers
    - Urged FCC to reject proposals for mandated IP interconnection locations and classify retail VoIP as telecommunications
    - The record does not justify a Title II classification for interconnected VoIP services

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Advancing IP Interconnection NPRM

- Comments and reply comments on the NPRM (cont.)
  - States
    - Questions the FCC's view that Section 251(c)(2) forces ILECs to keep outdated TDM interconnection, saying there is no requirement for ILECs to use any specific technology under this section
    - Any new regime should be proposed for public comment and state commissions should continue to play a central role
    - Discussed the challenges of rural deployment due to high costs and said rapid removal of legacy TDM could leave some customers without service where IP replacements are not available or equivalent
    - Urged the FCC to classify interconnected VoIP as a telecommunications service and recommended states retain oversight in the IP environment

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Intercarrier Compensation NPRM

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Intercarrier Compensation NPRM

- Notice of proposed rulemaking FCC 26-11
  - WC Docket No. 25-311, Reforming Legacy Rules for All-IP Future
  - WC Docket No. 25-208, Accelerating Network Modernization
- Adopted Feb. 18, 2026, and released Feb. 19, 2026
  - Published in the Federal Register March 24, 2026
- Comment cycle was 60 days after published in Federal Register, May 26, 2026
- Reply comment cycle closed 90 days after published in the Federal Register, June 22, 2026

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Intercarrier Compensation NPRM

- Key takeaways – the FCC is sought comment on the following:
  - How current intercarrier compensation rules are affecting the move to an IP-network structure
  - How to transition current access charges to bill-and-keep
  - The need to define the network edge
  - How to transition to bill-and-keep and the need for tariffs during this transition
  - Forbearance from tariffing obligations for intercarrier access charges and end user charges

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Intercarrier Compensation NPRM

- Key takeaways – the FCC is sought comment on the following (cont.):
  - Deregulating and detariffing telephone access charges
  - Phasing out of CAF ICC
  - Deregulating long-distance interexchange services
  - Sunsetting rules, closing dockets and dismissing related filings
  - The benefits and costs of these proposals
- Comment cycle and reply comment cycle have now been completed. What was said?

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Intercarrier Compensation NPRM

- Comments and reply comments on the NPRM
  - 35 parties and over 50 individuals (express) filed comments with 27 reply comments
    - Mainly rural representation (associations, ILECs and consultants), USTelecom and Verizon, competitive entities, states and express comments
  - Rurals
    - FCC should not speed up the transition to bill-and-keep and/or all-IP interconnection unless it provides sufficient replacement support for lost ICC and CAF ICC revenues
    - Rural carriers cannot absorb these losses or recover them from customers without significant rate increases
    - IP transition will be longer and costlier in rural areas, as carriers may need to maintain both legacy and IP systems and may need to deal with unresolved interconnection and federal/state jurisdictional issues

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Intercarrier Compensation NPRM

- Comments and reply comments on the NPRM (cont.)
  - Rurals (cont.)
    - Replacement fund for CAF ICC should be adopted or repurpose fund to an IP transition fund with the following: longer transition fund, establish a clear network edge and transit rules and no preemption of state authority
  - USTelecom and Verizon
    - Support the transition of remaining ICC charges to a bill-and-keep framework at a 24-month timeline
    - FCC reforms should reduce, rather than expand, legacy tariffing and regulatory obligations, avoid mandatory detariffing of telephone access charges and prevent policies that prolong or incentivize continued reliance on TDM interconnection
    - Proposed an extended phaseout of CAF ICC over 11 years

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Intercarrier Compensation NPRM

- Comments and reply comments on the NPRM (cont.)
  - Competitive entities
    - Generally expressed support for the IP transition, and some supported a bill-and keep framework and the elimination of legacy support mechanisms
    - Competitive Carriers Association did express caution about negative impacts to rural carriers
    - INCOMPAS and Inteliquent stated federal preemption is needed
  - States
    - FCC should not use the IP transition as a basis for federal preemption of state authority
    - FCC lacks authority to preempt key state roles

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Intercarrier Compensation NPRM

- Comments and reply comments on the NPRM (cont.)
  - States (cont.)
    - Expressed concern over the elimination of ICC and CAF ICC support mechanisms
  - Individual (express) comments
    - Almost universally urged the FCC to maintain copper connections and structures

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High-Cost Modernization Initiative NPRM

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High-Cost Modernization Initiative NPRM

- The notice of proposed rulemaking FCC 26-35
  - WC Docket No. 26-96, Reforming the High-Cost Program for an All-IP Future
  - WC Docket No. 10-90, Connect America Fund: A National Broadband Plan for our Future High-Cost Universal Support
- Adopted May 20, 2026, and released May 21, 2026
  - Published in the Federal Register June 5, 2026
- Comment cycle is 60 days after published in Federal Register, Aug. 4, 2026
- Reply comment cycle closes 90 days after published in the Federal Register, Sept. 3, 2026

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High-Cost Modernization Initiative NPRM

- This NPRM has the potential to impact many rate-of-return carriers in terms of USF high-cost support
- Key takeaways – the FCC is seeking comment on the following:
  - Potential changes to the High-Cost Program for both legacy and A-CAM support mechanisms, including three possible paths forward
  - Whether support should continue in areas already served by unsubsidized competitors or subject to enforceable deployment commitments
  - What deployment obligations for USF support should be and what support would be appropriate for legacy and various A-CAM support recipients
  - The extent to which LEO satellites can meet broadband service needs

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High-Cost Modernization Initiative NPRM

- Also seeking comment on:
  - The role of the Universal Service Fund in helping to encourage IP-based transition
  - Extending A-CAM I to 2028 to align terminating date with other A-CAM mechanisms
  - The benefits and costs of these proposals
  - Its legal authority to make the proposed changes
- Comment cycle and reply comment cycle have now been completed. What was said?

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High-Cost Modernization Initiative NPRM

- Comments and reply comments on the NPRM
  - 33 parties filed comments with 22 reply comments
    - Mainly rural representation (associations, ILECs and consultants), competitive entities (associations, CLECs, wireless and cable), states and think tanks/miscellanous
  - Rurals
    - Universally supportive of USF High-Cost Fund
    - High-cost support must continue and account for both capital investment and ongoing operations, maintenance, cybersecurity and replacement costs
    - Parties opposed allowing A-CAM or legacy RoR mechanisms to sunset unless a sufficient successor mechanism is in place
    - Many support extending A-CAM I to 2028 or longer

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High-Cost Modernization Initiative NPRM

- Comments and reply comments on the NPRM (cont.)
  - Rurals (cont.)
    - Some said fiber or terrestrial networks are the most reliable, cost-effective, future-proof options for rural broadband, and satellite should be viewed as complementary service and not a substitute
    - Many expressed concerns over competitive overlap reductions simply because another provider is reported as present
    - Several commenters supported model-based mechanisms if they are voluntary and are updated for inflation and urge the FCC to adopt a voluntary extended A-CAM program (e.g., 300/50 Mbps service)
    - Some argued grant programs, like BEAD, can help with deployment but do not cover ongoing operating and maintenance costs

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High-Cost Modernization Initiative NPRM

- Comments and reply comments on the NPRM (cont.)
  - Rurals (cont.)
    - Many noted the importance of voice, carrier of last resort, and ETC responsibilities
    - Some commenters discussed USF contribution reform
  - Competitive entities
    - Mixed bag with some expressing general support of USF High-Cost Fund and others opposed, with mentions of modernizations or phasing down
    - Several associations and companies supported the continuation of high-cost support in some form. Some said any modernization of the high-cost mechanism must include a reasonable transition to avoid service disruption and rate increases
    - SpaceX and NCTA supported phasing down, reforming, or replacing legacy high-cost mechanisms

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High-Cost Modernization Initiative NPRM

- Comments and reply comments on the NPRM (cont.)
  - Competitive entities (cont.)
    - Several entities said USF should not fund areas already served or committed to being served
    - Several supported a technology-neutral approach and said satellite could be useful in some areas but is not a full substitute for terrestrial broadband
    - Some commenters said universal service is not just deployment, but also maintaining affordable broadband
  - States
    - Most said rural networks still require ongoing support for operations and maintenance and warned against abrupt reductions or sunsetting of support mechanisms without adequate replacements

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High-Cost Modernization Initiative NPRM

- Comments and reply comments on the NPRM (cont.)
  - States (cont.)
    - Several argued BEAD addresses deployment but does not provide long-term support for sustaining rural networks
    - Satellite service is complementary and not a substitute for terrestrial/fiber networks
    - Stressed coordination among FCC, states and NTIA to avoid duplication
  - Think tanks and miscellaneous
    - Generally critical of USF High-Cost Fund
    - Views were mostly critical of continuing legacy high-cost support without significant reform

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High-Cost Modernization Initiative NPRM

- Comments and reply comments on the NPRM (cont.)
  - Think tanks and miscellaneous (cont.)
    - Several argued support should be phased down where broadband is already available or funded through other programs
    - Many emphasized technology neutrality, including greater reliance on satellite and fixed wireless for high-cost areas
    - Commenters were divided on contribution reform, particularly whether edge providers or digital services should contribute to USF

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Conclusion

- A lot is occurring in the state of the industry that can impact ILECs from a regulatory perspective
- Comments from all over the industry are being made to take the perspective of rural America to the FCC
- NECA will be there to help navigate through the changes as they come

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Acronyms

- A-CAM — Alternative Connect America Cost Model
- BDS — Business Data Services
- CAF BLS — Connect America Fund Broadband Loop Support
- CAF ICC — Connect America Fund Intercarrier Compensation
- DS3 — Digital Signal Level 3
- DS1 — Digital Signal Level 1
- EA-CAM — Enhanced Alternative Connect America Cost Model
- FCC — Federal Communications Commission
- FNPRM — Further Notice of Proposed Rulemaking
- ILEC — Incumbent Local Exchange Carrier
- IP — Internet Protocol
- LEC — Local Exchange Carrier
- NECA — National Exchange Carrier Association
- NG911 — Next-Generation 911

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Acronyms

- NPRM — Notice of Proposed Rulemaking
- OC3 — Optical Carrier 3
- POI — Point of Interface/Interconnection
- Rcd — Record
- RoR — Rate of Return
- RRQ — Revenue Requirement
- SPA — Special Access
- STIR/SHAKEN — Secure Telephone Identity Revisited/Signature-based Handling of Asserted Information Using Tokens
- SWA — Switched Access
- TAC — Telephone Access Charge
- TDM — Time Division Multiplexing
- TS — Traffic Sensitive
- VoIP — Voice over Internet Protocol
- WCB — Wireline Competition Bureau

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