

Comments of the International Center for Law & Economics

RE: Advancing IP Interconnection, Accelerating Network Modernization, and Call Authentication Trust Anchor (WC Docket No. 25-304, WC Docket No. 25-208, WC Docket No. 17-97)

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I. Introduction and Overview

The International Center for Law & Economics (ICLE) submits these comments in response to the Federal Communications Commission's (FCC) notice of proposed rulemaking (NPRM) on advancing internet-protocol (IP) interconnection. ICLE is a nonprofit, nonpartisan research center that promotes the use of law & economics methodologies to inform public policy. ICLE's work is intended to ensure that competition policy and regulation are grounded in sound economic analysis and promote consumer welfare, particularly in dynamic, technology-driven markets such as media and telecommunications.

The transition to all-IP networks offers substantial benefits for both providers and consumers. Maintaining legacy copper networks imposes significant and growing costs that divert resources away from new services and infrastructure. Copper networks have limited remaining value and require continued investment in aging, active components. By contrast, passive fiber networks cost less to maintain, operate more efficiently, and deliver higher-quality service.

Current FCC rules require incumbent carriers to maintain legacy time-division multiplexing (TDM) switches so that rural and competitive local exchange carriers can continue to serve their customers. These requirements impose real costs. They force incumbents to support obsolete infrastructure, constrain investment in next-generation networks, and ultimately raise prices for consumers. The rules also distort incentives by allowing providers that continue to rely on TDM technology to benefit from intercarrier compensation arrangements, reducing their incentive to upgrade even when doing so would benefit their customers.

For these reasons, the FCC should forbear from applying the Section 251(c)(2) and Section 251(c)(6) interconnection requirements, as proposed in the NPRM. The commission has both the legal authority and a strong policy rationale to adopt these changes. Doing so would remove barriers to investment, accelerate the transition to IP-based networks, and better serve consumers in an increasingly broadband-centric communications market.

II. Advancing IP Interconnection Requires Modernizing Legacy Rules

The FCC has taken several steps to facilitate the transition to IP-based networks. These include eliminating the "functional equivalency" test for replacement services, streamlining the Section 214 discontinuance process, and updating consumer protections, such as requiring providers to offer backup battery options.¹ The commission adopted these reforms to capture the substantial benefits that all-IP networks deliver to both providers and consumers.² As the FCC considers changes to its

¹ See *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, WC Docket No. 17-84 (2017), <https://docs.fcc.gov/public/attachments/FCC-17-154A1.pdf>; see also *Ensuring Continuity of 911 Communications*, Report and Order, PS Docket No. 14-147 (Aug. 7, 2015), <https://docs.fcc.gov/public/attachments/FCC-15-98A1.pdf>.

² Statement of Ajit Pai, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, WC Docket No. 17-84 (2017),

interconnection rules, it should weigh any potential risks against the significant economic and consumer benefits of completing the transition.

A. Dynamic Competition Requires Removing Barriers to IP Transition

In prior comments, ICLE highlighted the dynamic competition that has driven creative destruction in voice markets.³ As the FCC considers changes to its interconnection rules—particularly their effects on rural and competitive carriers—it should facilitate, not hinder, this process by removing barriers to innovation and market entry.

Dynamic competition analysis treats competition as an ongoing process of innovation and adaptation, not a static comparison among existing providers. New products and services often displace older ones entirely, delivering better performance and greater value to consumers.⁴ This perspective encourages regulators to look beyond today’s market participants and consider how emerging technologies can replace legacy offerings.

Voice markets illustrate this dynamic clearly. Mobile and voice-over-internet-protocol (VoIP) services have largely replaced traditional switched-access lines, increasing competition and improving consumer welfare.⁵ Yet in this proceeding, the FCC is considering rules that would effectively prevent carriers from completing the transition to all-IP networks simply because some competitors choose not to upgrade. While the commission should carefully assess the effects of any rule changes, it should do so with the understanding that modern IP-based voice and data services can fully replace legacy landline communications—and will continue to do so until the next technological shift occurs.

B. Retiring Copper Networks Unlocks Cost Savings and Investment

Transitioning to all-IP networks will significantly reduce operating costs and free resources for greater investment and expanded coverage. The largest savings come from replacing legacy copper infrastructure with fiber.⁶

<https://docs.fcc.gov/public/attachments/FCC-17-154A1.pdf> (“One study found that a package of reforms-including many we adopt today- would make it economically viable for the private sector to deploy fiber to the premises in millions of additional rural locations...The FCC can either strand investments in the modern equivalent of the fax machine, or it can deliver value for consumers, today and tomorrow.”)

³ Comments of the International Center for Law & Economics, *Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization*, Docket No. 25-209, Docket No. 25-208 (Aug. 22, 2025), <https://laweconcenter.org/wp-content/uploads/2025/08/Comments-on-Copper-Retirement.pdf>.

⁴ *Id.* at 2.

⁵ *Id.* at 3-4.

⁶ Comments of Corning Inc., *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Attach. A (Jun. 15, 2017), <https://www.fcc.gov/ecfs/document/106151419705353/1> (“All told, copper retirement can result in savings of \$45-50 per home passed per year. This too may be conservative, as in 2006 Verizon estimated that in a full decommission scenario they may be able to save \$110 of opex per line per year.”)

Copper networks rely on electrically powered equipment distributed throughout neighborhoods to maintain signal quality.⁷ Data travels through copper as electrical pulses, and resistance in the wire degrades the signal over distance. To compensate, providers must deploy repeaters, amplifiers, remote terminals, and TDM switches to clean and retransmit the signal.⁸ These active components drive up maintenance, power, and labor costs.

Fiber networks operate differently. They rely primarily on passive infrastructure between the central office or interconnection point and the customer's premises.⁹ Fiber transmits data as pulses of light, which travel much longer distances without signal degradation. Aside from equipment at the central office and the customer's modem, fiber networks require little powered infrastructure in the field.

This shift reduces operating expenses in several key ways. First, fiber networks cost less to maintain than aging copper systems, which depend on numerous active components and a shrinking pool of specialized technicians.¹⁰ Second, fiber networks consume far less electricity because they eliminate power-hungry TDM switches and neighborhood-level electronics.¹¹ Third, IP networks allow providers to bypass large central offices filled with copper termination and switching equipment, enabling consolidation and lower real-estate costs. Finally, copper networks face frequent theft and vandalism, forcing providers to replace facilities more often;¹² fiber infrastructure is far less vulnerable.

The transition to IP networks also reduces costs by eliminating the need to operate parallel systems. Until full IP migration is achieved, providers must maintain both circuit-switched networks for voice and packet-switched networks for data.¹³ Running dual networks requires separate technical expertise, supply chains, and power arrangements. Rules that force providers to retain TDM switches for interconnection prevent full network convergence and lock in unnecessary costs.

Beyond cost savings, IP and fiber networks strengthen competition. Higher bandwidth and improved service quality increase average revenue per user and reduce customer churn.¹⁴ As

⁷ Paroma Sanyal et al., *Economic Benefits of Fiber Deployment*, BRATTLE GROUP (Nov. 20, 2024), at 20, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5370089.

⁸ *Operational Expenses for All-Fiber Networks are Far Lower Than for Other Access Networks*, FBR. BROADBAND ASS'N (Jun. 2020), at 7, <https://fiberbroadband.org/wp-content/uploads/2023/03/Access-Network-OpEx-Analysis-White-Paper.pdf> ("Fiber OpEx White Paper").

⁹ Sanyal et al., *supra* note 7, at 5.

¹⁰ Fiber OpEx White Paper, *supra* note 8, at 8.

¹¹ *Id.* at 7-8.

¹² Comments of USTelecom – The Broadband Association, *Reducing Barriers to Network Improvements and Service Changes et al.*, WC Docket No. 25-209 et al. (Sep. 29, 2025), at 17, <https://www.fcc.gov/ecfs/document/109291513505400/1>.

¹³ NPRM at ¶ 13.

¹⁴ *FFB Week 44: Two Decades of Broadband Growth: How Fiber is Powering Modern Life*, FBR. BROADBAND ASS'N (Oct. 29, 2025), <https://fiberbroadband.org/2025/10/29/ffb-week-44-two-decades-of-broadband-growth-how-fiber-is-powering-modern-life/#:~:text=Consumers%20consistently%20rank%20fiber%20highest,highest%20average%20revenue%20per%20user.>

competitors migrate to fiber and modern cable platforms, retaining legacy voice infrastructure puts providers at a competitive disadvantage.

Finally, retiring copper networks creates additional value. Providers can recover revenue through copper salvage, helping offset removal costs and further encouraging network upgrades in more communities.

C. IP Networks Deliver Clear Consumer Benefits

The benefits providers gain from transitioning to IP networks flow directly to consumers through broader coverage, better service quality, and lower costs.

IP-based networks deliver greater reliability than legacy TDM systems. Aging copper lines are highly sensitive to rain, humidity, and temperature changes, which introduce noise and degrade service quality.¹⁵ Fiber networks transmit signals as light and rely on far fewer active components. As a result, environmental conditions that disrupt copper networks do not impair call quality on fiber-based IP networks.¹⁶

IP networks also offer higher call quality. Copper systems compress audio into narrow channels, while IP networks support wideband audio that provides greater clarity and more natural sound.¹⁷ Clearer calls particularly benefit consumers who are hard of hearing or who struggle to understand speakers with strong accents.¹⁸ In addition, deploying fiber enables providers to offer advanced data services that copper networks cannot support.

As the NPRM recognizes, IP networks also play a critical role in combating robocalls.¹⁹ Robocalls remain the FCC's top consumer complaint, and effective implementation of STIR/SHAKEN requires IP-based infrastructure.²⁰ STIR/SHAKEN attaches an encrypted digital signature to calls to verify caller identity. When verification fails, providers can label calls with a spam-risk warning.²¹ TDM networks cannot carry these signatures, and even a single TDM hop can strip the

¹⁵ *How Fiber Internet Stays Reliable in Bad Weather Conditions*, C SPIRE (Jan. 2, 2025), <https://blog.cspire.com/home-fiber-tv-phone/how-fiber-internet-stays-reliable-in-bad-weather-conditions>.

¹⁶ *Id.*

¹⁷ Williard Joshua Jose, *AMRConvNet: AMR-Coded Speech Enhancement Using Convolutional Neural Networks*, ARXIV (Aug. 2020), at 1, <https://arxiv.org/pdf/2008.10233>.

¹⁸ Linda Kozma-Spytek & Christian Vogler, *Factors Affecting the Accessibility of Voice Telephony for People with Hearing Loss: Audio Encoding, Network Impairments, Video and Environmental Noise*, 14 ACM TRANS. ACCESS. COMPUT. 21:30 (Oct. 2021), <https://dl.acm.org/doi/epdf/10.1145/3479160>.

¹⁹ NPRM at ¶ 14.

²⁰ CGB – *Consumer Complaints Data*, FCC OPEN DATA (updated Jan. 14, 2026), https://opendata.fcc.gov/Consumer/CGB-Consumer-Complaints-Data/3xyp-aqki/about_data; NPRM at ¶ 14.

²¹ Comments of Cloud Communications Alliance, *Call Authentication Trust Anchor et al.*, WC Docket No. 17-97 *et al.* (May 15, 2020), at 2, <https://www.fcc.gov/ecfs/document/1051525807181/1>.

authentication information. As long as legacy copper networks remain in service, robocallers can exploit them to evade detection and make their traffic appear legitimate.

D. Current Interconnection Rules Block Full IP Transition

To realize the full benefits of all-IP networks, providers must retire large, energy-intensive TDM switches and replace them with more efficient IP equipment. As the FCC notes, however, many competitive local exchange carriers (CLECs) and rural local exchange carriers (RLECs) still rely on copper-based TDM networks to complete calls.²² While these carriers can interconnect with IP networks, current rules effectively prevent incumbent local exchange carriers (ILECs) that have migrated to IP from fully retiring their legacy copper infrastructure.

Under the existing framework, ILECs must maintain media gateways to convert IP calls for delivery to TDM networks. These gateways are costly to operate and retain many of the same inefficiencies as legacy systems, including high power consumption and the need to maintain large central offices for interconnection.

The core problem is not simply that ILECs must keep some conversion equipment, but how much of it they must maintain. Legacy copper networks interconnected at the local loop, requiring hundreds of local switches and offering competitors many points of interconnection. By contrast, an all-IP network can replace hundreds of local switches with a single regional IP router.²³ If the FCC preserves the current rules, it will force ILECs to maintain extensive copper infrastructure even in markets where they have already deployed fiber to every home.²⁴

As the commission considers rule changes and potential forbearance in this proceeding, it should weigh the transitional costs to CLECs and RLECs against the substantial efficiency gains for ILECs and the broader communications network. Allowing full IP transition would reduce unnecessary costs, accelerate modernization, and better serve consumers across the network.

E. Intercarrier Compensation Rules Distort Investment Incentives

Current interconnection rules do more than impose costs on ILECs that have transitioned to IP networks. They also encourage CLECs and RLECs to retain legacy copper systems that deliver little value to consumers. Many of these carriers rely on higher per-minute access charges available under

²² NPRM at ¶ 12.

²³ Petition of AT&T, *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition* at 12 (Nov. 7, 2012), <https://www.fcc.gov/ecfs/document/6017153130/1>.

²⁴ Jericho Casper, *Twenty-One States Push to Scrap Carrier-of-Last-Resort Laws*, BROADBAND BREAKFAST (Apr. 11, 2025), <https://broadbandbreakfast.com/twenty-one-states-push-to-scrap-carrier-of-last-resort-laws>.

TDM-based intercarrier compensation rules.²⁵ Those rules treat local and long-distance calls differently and pay higher compensation for terminating long-distance traffic.

In an all-IP environment, the distinction between local and long-distance calls disappears. IP networks support a “bill-and-keep” framework, under which providers recover costs directly from their own customers rather than through per-minute termination charges.²⁶ This model aligns incentives toward efficiency, investment, and consumer value.

If the FCC’s goal is to deliver better service at lower cost, its rules should encourage network upgrades rather than regulatory arbitrage that extracts rents and creates deadweight loss. The current framework effectively requires ILECs to subsidize CLECs’ and RLECs’ decisions to delay modernization.

Forbearance from Section 251(c)(2) would correct these incentives. CLECs and RLECs would either need to upgrade their networks to IP or operate their own gateways to convert TDM traffic before interconnecting with ILEC IP networks. Without the ability to rely on intercarrier compensation arbitrage, carriers would face stronger incentives to transition to IP, accelerating modernization across the network and ultimately benefiting consumers.

III. Weighing Transitional Costs Against the Benefits of IP Interconnection

Rule changes that allow providers to retire TDM switches will impose transition costs on carriers that still rely on legacy infrastructure to serve their customers. As the FCC considers forbearance from its interconnection rules, it should weigh these transitional costs against the substantial economic and consumer benefits of completing the shift to IP-based networks.

A. Who Should Bear the Costs of TDM–IP Interconnection?

The central issue in this proceeding is how to allocate the costs of interconnecting legacy TDM networks with all-IP networks. Under the current rules, ILECs that have upgraded to fiber-based IP networks effectively subsidize CLECs and RLECs by maintaining multiple TDM tandem switches to support legacy interconnection.

If the FCC adopts the proposed forbearance, those costs would shift to CLECs and RLECs. Without a continuing duty to interconnect “at any technically feasible point,” ILECs could retire legacy TDM switches and rely instead on a smaller number of regional IP routers. This change would affect CLECs and RLECs in two ways: it would limit their ability to rely on TDM-based intercarrier

²⁵ *Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage*, Report and Order and Modification of Section 214 Authorization, WC Docket No. 18-155 ¶¶ 1-2 (Sep. 27, 2019), <https://www.fcc.gov/ecfs/document/0927225032050/4>.

²⁶ Comments of the Digital Progress Institute, *In Re Delete, Delete, Delete*, GN Docket No. 25-133 (Apr. 14, 2025), at 5, <https://www.fcc.gov/ecfs/document/1041199587219/1>.

compensation, and it would encourage them to upgrade their own networks to reach IP interconnection points that may sit farther from existing TDM facilities.

Higher costs for CLECs and RLECs following these rule changes would not mean that the rules themselves caused those costs, nor would they justify requiring ILECs to subsidize continued reliance on legacy technology. Market forces are driving the transition to IP networks because they offer clear efficiency and consumer benefits. Carriers that choose not to upgrade make a business decision, but other providers should not bear the cost of that choice.

B. Managed IP Networks Ensure Voice Quality and Reliability

The NPRM raises concerns that voice traffic routed over the public internet could suffer degradation under a “best-efforts” quality-of-service model, particularly during congestion or outages. Those concerns, while understandable, overstate the practical risks.

First, most IP voice traffic does not traverse the open public internet. Carriers typically transport calls over private, managed fiber-backhaul networks using multiprotocol label switching (MPLS).²⁷ These networks incorporate high redundancy and reliability standards and often deliver better call quality than legacy copper-based systems. Beyond individual carrier networks, the industry has coordinated interconnection through common technical standards, most notably IP Exchange (IPX).²⁸ IPX functions as a global private interconnection framework that allows carriers to interconnect through highly reliable hubs, rather than negotiate bilateral peering arrangements. Where call quality and reliability matter, carriers can and do enforce performance through contractual commitments.

Second, IP networks allow operators to prioritize traffic based on use case.²⁹ Under the current Title I framework, providers can offer specialized services that give voice traffic higher priority when needed. This capability ensures that time-sensitive communications, such as voice calls, receive appropriate treatment without degrading overall network performance.

Third, forbearance would improve public-safety communications. Allowing full transition to IP networks would extend the reliability and quality of IP-based communications to public-safety calls. Improved call quality can have direct, positive effects for consumers and first responders alike. As the NPRM notes, Next Generation 911 (NG911) relies on IP-based architecture and Session

²⁷ Joseph Gillan & David Malfara, *The Transition to an All-IP Network: A Primer on the Architectural Components of IP Interconnection*, NRRI 12-05 (May 2012), at 5-6, <https://pubs.naruc.org/pub/FA866A60-BB97-47F1-16BE-8520597FF45F>.

²⁸ *IP eXchange*, GSMA (last visited Jan. 14, 2026), <https://www.gsma.com/get-involved/working-groups/networks-group/ip-exchange>.

²⁹ See *Restoring Internet Freedom*, Declaratory Ruling, Report and Order, and Order, WC Docket No. 17-108 ¶¶ 253–260 (2018), (explaining that bans on prioritization block “efficient pricing” and prevent operators from guaranteeing quality of service (QoS) for latency-sensitive applications, thereby effectively reducing overall consumer welfare.).

Initiation Protocol (SIP), not legacy circuit switching.³⁰ Carriers that delay network upgrades risk limiting the effectiveness and functionality of NG911 services.

IV. Forbearance from Legacy Interconnection Rules Is Consistent with the Telecommunications Act

Section 10 of the Telecommunications Act directs the FCC to forbear from applying statutory requirements when specific conditions are met. The act provides that the FCC shall forbear if it 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.³¹

The FCC’s forbearance authority does not operate in isolation. Section 706 further instructs that “[t]he Commission ... shall encourage the deployment on a reasonable and timely basis advanced telecommunications capability to all Americans.”³² Section 706 thus provides the proper framework for evaluating forbearance. The commission should remove outdated regulatory requirements that impede innovation and delay the deployment of advanced services, including IP-based voice networks.

Forbearance from Section 251(c)(2) and relevant portions of Section 251(c)(6) satisfies these statutory standards.

A. COMPTTEL Confirms Forbearance Is Appropriate in Competitive Voice Markets

The first prong of the forbearance analysis focuses on preventing market-power abuse and protecting competition. *COMPTTEL v. FCC* provides useful guidance.³³ In that case, as in this proceeding, the court reviewed forbearance from Section 251 obligations—specifically requirements related to leasing network elements to CLECs and “avoided-cost resale.”³⁴ Congress adopted those provisions to promote competitive entry into telecommunications markets.

The court concluded, however, that market conditions had changed. ILECs compete vigorously for voice services in a national market, and any advantage from legacy copper infrastructure is “of rapidly

³⁰ NPRM at ¶ 12.

³¹ 47 U.S.C. § 160(a).

³² 47 U.S.C. § 1302.

³³ *COMPTTEL v. FCC*, 978 F.3d 1325 (D.C. Cir. 2020).

³⁴ *Id.* at 1328.

declining importance.”³⁵ As a result, the court rejected the notion that continued regulatory obligations were necessary to constrain market power.

The concern raised by opponents of forbearance from Section 251(c)(2) does not rest on a credible risk that ILECs will exploit market power to extract supracompetitive rents from CLECs or RLECs. Instead, the concern is that CLECs and RLECs will lose access to subsidized interconnection with a larger legacy voice network. As the court explained, “it is myopic to look at the incumbents’ possession of copper loops as giving them meaningful market power in the national voice market,” and there is no sound economic justification for forcing incumbents to provide legacy facilities to competitors at subsidized rates.³⁶ While the interconnection obligations at issue here do not impose explicit price subsidies, they function in much the same way by requiring ILECs to support CLECs’ and RLECs’ continued reliance on obsolete TDM infrastructure.

The court also confirmed that the FCC may reasonably rely on a national market perspective when making national policy. As it explained, although competitive alternatives may be less robust in isolated geographic areas, the commission is not required to assess market power on a locality-by-locality basis when adopting nationwide rules.³⁷ That reasoning applies here. The FCC is setting national policy to encourage deployment of advanced telecommunications capabilities, and a national market framework provides an appropriate and reasonable basis for its forbearance analysis.

B. Forbearance Promotes Consumer Welfare

The second prong of the forbearance analysis focuses on consumer protection. Forbearance from the FCC’s interconnection rules would not harm consumers; it would benefit them.

As discussed above, current interconnection requirements force ILECs to maintain legacy TDM-based voice networks to support interconnection with CLECs and RLECs. These obligations impose significant costs on ILECs, and those costs ultimately fall on consumers.

First, legacy interconnection rules impose technical constraints that limit the benefits of all-IP networks, particularly in areas where voice traffic still travels over copper facilities. TDM networks require audio to be “down sampled” to narrowband, reducing call quality. Consumers often attribute poor call quality to their provider, which undermines trust and satisfaction. TDM networks also prevent consumers from fully benefiting from IP-based protections, such as STIR/SHAKEN and Rich Call Data, which improve caller identification and reduce unwanted calls. In addition, TDM systems generally do not support end-to-end encryption, limiting the availability of modern privacy and security features.

Second, these requirements divert resources away from investment in advanced telecommunications services that deliver greater value to consumers. Broadband networks support data-intensive

³⁵ *Id.* at 1332.

³⁶ *Id.*

³⁷ *Id.*

applications such as video streaming, gaming, and web access, and IP-based voice networks enable Next Generation 911 (NG911), which does not operate over copper infrastructure. When the FCC requires providers to maintain legacy TDM switches to accommodate carriers that choose not to upgrade, it constrains investment that would otherwise improve service quality, coverage, and reliability for consumers.

Third, forcing carriers to operate parallel legacy and IP networks increases costs that consumers ultimately bear. Allowing the market to converge on a single, more efficient IP standard would reduce operating costs and improve efficiency. In the competitive voice market described in *COMPTEL*, providers have strong incentives to pass those savings on to consumers through lower prices, improved quality, or both.

C. Public-Interest Analysis Focuses on Competition, Not Competitors

The FCC's public-interest analysis for forbearance begins with the text of the Telecommunications Act. The act directs the FCC to consider whether forbearance "will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications."³⁸ In this context, the public interest turns on competition—specifically, whether forbearance strengthens competitive conditions.

Modern antitrust law offers useful guidance. The Supreme Court has long distinguished competition from the fortunes of individual competitors.³⁹ Conduct that disadvantages a particular firm may still promote competition if it improves efficiency, lowers prices, or increases quality. Antitrust analysis therefore evaluates competition through the lens of consumer welfare.

The FCC's public-interest inquiry should follow the same approach. Forbearance should promote consumer welfare, consistent with Section 706's directive to encourage the deployment of advanced telecommunications capability. When assessing whether forbearance serves the public interest, the commission should give substantial weight to policies that expand access to modern, IP-based communications services and accelerate network investment.

V. Conclusion

Forbearance from Sections 251(c)(2) and relevant portions of Section 251(c)(6), as proposed in the NPRM, would remove these barriers. Allowing providers to retire obsolete TDM switches would accelerate network modernization, reduce operating costs, and promote efficient interconnection based on IP architecture. As the FCC has recognized, IP-based networks offer superior reliability,

³⁸ 47 U.S.C. § 160.

³⁹ Sam Bowman, *The Consumer Welfare Standard: Bringing Objectivity to Antitrust*, INT'L CTR. FOR LAW & ECON. (Feb. 2021), <https://laweconcenter.org/wp-content/uploads/2021/02/tldr-Consumer-Welfare-Standard.pdf>.

improved call quality, stronger robocall mitigation through STIR/SHAKEN, and essential support for next-generation services such as NG911.

Forbearance would also better align regulatory incentives with market realities. Competitive voice markets no longer depend on legacy copper infrastructure, and continued reliance on outdated interconnection mandates risks subsidizing delay rather than encouraging innovation. Carriers that choose to maintain legacy networks may continue to do so, but the FCC should not require other providers to bear the costs of that decision.

Adopting the proposed forbearance would advance the commission's statutory objectives under Sections 10 and 706 of the Telecommunications Act. It would promote competition, enhance consumer welfare, and encourage the timely deployment of advanced telecommunications capability to all Americans. For these reasons, the FCC should move forward with the proposed forbearance and allow the transition to all-IP networks to proceed.