

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

In the Matter of

Reducing Barriers to Network
Improvements and Service Changes

Accelerating Network Modernization

WC Docket No. 25-209

WC Docket No. 25-208

**COMMENTS OF
GEORGETOWN CENTER FOR BUSINESS AND PUBLIC
POLICY**

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The Georgetown Center for Business and Public Policy (GCBPP) hereby submits these Reply Comments in response to the Notice of Proposed Rulemaking (NPRM) in the above-captioned proceeding.

The GCBPP wholeheartedly supports the goal of promoting network modernization. In that regard, the GCBPP applauds the Commission's efforts to examine "deregulatory options to encourage providers to build, maintain, and upgrade their networks" to deliver high-speed broadband and to "take a long overdue comprehensive look at [its] rules implementing Section 214(a) of the Communications Act", a provision Congress enacted in the telegraph era.

The rules governing the requirements for discontinuing particular telephone services were crafted in the original Communications Act of 1934, nearly 100 years ago. Those rules specified that the discontinuation of any telecommunications service be predicated on a determination by the FCC that "neither the present nor future public convenience and necessity will be adversely affected."¹ Importantly, this active regulatory requirement was established in an industry with two distinct features: (1) the pace of technological change in the provision of telephony was slow; and (2) telephone service was provided by local monopoly providers. In that world, the possibility of discontinuance of a service that was inconsistent with the public need and necessity was real.

¹47 U.S.C. § 214(a).

Both these background features of the industry have changed dramatically over the years. Technological change in the provision of telecommunications services has exploded in recent years. The move from narrowband copper wire services to broadband services, provided with a variety of specific technologies, has facilitated consumers' ability to consume voice, data, and video services with speeds and quality that was unthinkable only a few short years ago. In this more dynamic environment, rapidly changing technology and consumer demands necessarily dictate that providers move quickly to implement new and attractive services and discontinue outdated services. And, as is widely anticipated, the advent and rapid dissemination of AI technologies over the next few years will inevitably drive essentially all businesses to seek to both reduce costs and improve the quality of the goods and services they provide.

Additionally, telecommunications services have now evolved from monopoly-based provision to conditions of "effective competition."² The presence of such competition imposes real constraints on telecommunications providers that simply did not exist during the monopoly era. In particular, in the face of modern effective competition, carriers are compelled to increase quality, minimize prices and rapidly innovate or they risk losing their customer bases. The possibility that a provider discontinues service against consumers' interests evaporates in the presence of rapid technological change and effective competition.

Against this evolved backdrop, governmental policies that complement, rather than retard, these emergent trends offer the promise to accelerate technological progress and consumer

² Amanda B. Delp and John W. Mayo "The Evolution of 'Competition': Lessons for 21st Century Telecommunications Policy," *Review of Industrial Organization*, Vol. 50, June 2017, pp. 393-416.

welfare. In the telecommunication industry, there is perhaps no better opportunity facing the Commission for advancing such “complementary policies” than through the present docket that has the promise to end backward-facing regulatory constraints that are wedded to last-century technologies.

The benefits of eliminating unnecessary regulation go well beyond the telecommunications industry. In particular, to the extent that investment dollars that are required by regulation today to provide legacy telephone services are freed, the consequence will inevitably be accelerated investment in new technologies and services.³ The new technologies and services provide the assurance of both enhanced productivity across a variety of economic sectors of the economy as well as direct benefits to consumers. As Chairman Carr explains, there is work to be done “to free up billions of dollars for new networks, instead of forcing providers to keep investing in old ones.”

In light of the important objectives the FCC is seeking to achieve and its common-sense approach to addressing them, the GCBPP was not at all surprised to find a great deal of agreement among the Commenting parties on multiple topics. Even those with historic differences are finding common cause on several of the suggestions to remove regulatory obstacles that impede or slow down ongoing investment in our country’s digital infrastructure.⁴

³ The potential impact of regulation on investment – both its level and its mix are well established. See, e.g., Alberto Alesina, Silvia Ardagna, Guiseppe Nicoletti and Fabio Schiantarelli “Regulation and Investment,” *Journal of the European Economic Association*, June 2005, pp. 791-825; Graeme Guthrie “Regulating Infrastructure: The Impact on Risk and Investment,” *Journal of Economic Literature*, December 2006, pp. 925-972; and Michał Grajek and Lars-Hendrik Röller “Regulation and Investment in Network Industries: Evidence from European Telecoms,” *The Journal of Law & Economics*, February 2012, Vol. 55, pp. 189-216. and John W. Mayo “Regulation and Investment: Sk(r)ewing the Future for 21st Century Telecommunications?” Economic Policy Vignette, Georgetown Center for Business and Public Policy, June 2016. Available [HERE](#).

⁴ Comments of USTelecom – The Broadband Association, WC Docket Nos. 25-208 & 25-209 (filed Sept. 29, 2025), Submission ID 109291513505400, available at <https://www.fcc.gov/ecfs/search/search-filings/filing/109291513505400>; Comments of NTCA – The

In summary, the GCBPP agrees with the commenters who expressed support for the following Commission proposals. First, GCBPP believes it makes perfect sense for the FCC to forbear from the anachronistic and copper-network based Section 214 discontinuance requirements.⁵ Should the FCC decline to forbear, the GCBPP agrees with Commenters urging the FCC to bring more clarity, specificity and speed to the processing of discontinuance notices including making it much more clear what is considered a “replacement service.”

Second, the GCBPP also agrees with Commenters that urge the Commission to seize this pivotal moment in time and make it clear that federal regulation has preemptive effect when it comes to the upgrading of the nation’s interstate communications networks, whether they be powered by fiber, spectrum or cable. Many trees have been felled in service to the decades of litigation and case law finding that interstate services are best regulated at the federal level per the Interstate Commerce Clause.⁶

Rural Broadband Association, WC Docket Nos. 25-208 & 25-209 (filed Sept. 29, 2025), Submission ID 10929253329250, available at <https://www.fcc.gov/ecfs/search/search-filings/filing/10929253329250>; Comments of Jeffrey Westling, WC Docket Nos. 25-208 & 25-209 (filed Sept. 25, 2025), Submission ID 10929063962034, available at <https://www.fcc.gov/ecfs/document/10929063962034/1>; Comments of Citizens Against Government Waste, WC Docket Nos. 25-208 & 25-209 (filed Sept. 29, 2025), Submission ID 10929235493600, available at <https://www.fcc.gov/ecfs/search/search-filings/filing/10929235493600>; Comments of Digital Liberty, WC Docket Nos. 25-208 & 25-209 (filed Sept. 25, 2025), Submission ID 10930053219942, available at <https://www.fcc.gov/ecfs/document/10930053219942/1>; Comments of Taxpayers Protection Alliance, WC Docket Nos. 25-208 & 25-209 (filed Sept. 26, 2025), Submission ID 10926056014857, available at <https://www.fcc.gov/ecfs/document/10926056014857/1>; Comments of Digital Progress Institute, WC Docket Nos. 25-208 & 25-209 (filed Sept. 29, 2025), Submission ID 1001096866143, available at <https://www.fcc.gov/ecfs/document/1001096866143/1>.

⁵ *Id.*

⁶ These decisions emphasize that when a good or service crosses state lines (or when intrastate activity has substantial interstate effects), federal regulation via Congress (and federal agencies) is appropriate. They also often involve limiting state regulatory authority when it burdens or conflicts with interstate commerce or uniform federal regulation. The more recent Communications-sector decision (*FCC v. Consumers’ Research*) underscores that modern interstate services (telecommunications, broadband) continue to fall under federal regulatory frameworks. *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1 (1824); *Wabash, St. Louis & Pacific Railway Co. v. Illinois*, 118 U.S. 557 (1886); *United States v. Carolene Products Co.*, 304 U.S. 144 (1938); *United States v. Darby Lumber Co.*, 312 U.S. 100 (1941); *Bibb v. Navajo Freight Lines, Inc.*, 359 U.S. 520 (1959); *Hodel v. Virginia Surface Mining & Reclamation Ass’n*, 452 U.S. 264 (1981); *FCC v. ITT World Communications, Inc.*, 466 U.S. 463 (1984); *United States v. ICC*, 337 U.S. 426 (1949); *Alabama Public Service Commission v. Southern Railway Company*, 341 U.S. 341 (1951); *FCC v. Consumers’ Research*, 606 U.S. (2025).

