

INTRODUCTION AND SUMMARY

The Information Technology and Innovation Foundation (ITIF) appreciates the opportunity to reply to comments regarding accelerating network modernization and reducing barriers to network improvements and service changes.¹ The record shows broad support for eliminating regulatory roadblocks to the retirement of legacy copper networks and the transition to next-generation broadband technologies, and ITIF supports this effort, as well.²

Robust competition in the broadband market and the rollout of newer technologies make copper networks, and the regulations preventing their retirement, obsolete. Maintenance of legacy networks is becoming untenable, and consumers are best served when ISPs use resources to upgrade and deploy next-generation networks instead of sinking them into propping up a worse technology. As such, removing barriers to network improvements and upgrades is necessary for ensuring every American has the best service that modern broadband has to offer.

BROADBAND CONVERGENCE IS CREATING COMPETITION, AND RULES PREVENTING NETWORK RETIREMENT ARE OUT OF STEP WITH MARKET REALITIES

Technologies like fiber, fixed wireless, coax cable, and low-earth-orbit satellite now offer substitutable services. This technological convergence has created greater competition in the broadband market.³ This competition leads to consumer benefits like lower service prices and bundle options as providers try to find ways to differentiate from competitors.⁴ Today, over 94% of broadband serviceable locations have at least two providers to choose from.⁵ Today's marketplace features robust competition, so outdated regulations that

¹ Founded in 2006, ITIF is an independent 501(c)(3) nonprofit, nonpartisan research and educational institute—a think tank. Its mission is to formulate, evaluate, and promote policy solutions that accelerate innovation and boost productivity to spur growth, opportunity, and progress. ITIF's goal is to provide policymakers around the world with high-quality information, analysis, and recommendations they can trust. To that end, ITIF adheres to a high standard of research integrity with an internal code of ethics grounded in analytical rigor, policy pragmatism, and independence from external direction or bias. For more, see: "About ITIF: A Champion for Innovation," <https://itif.org/about>; Notice of Proposed Rulemaking: Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization (WC Docket Nos. 25-209, 25-208), FCC, July 3, 2025, <https://docs.fcc.gov/public/attachments/DOC-412688A1.pdf> (NPRM).

² Comments of DPI, "Reducing Barriers to Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization," (WC Docket Nos. 25-209, 25-208), September 29, 2025, <https://www.fcc.gov/ecfs/document/1001096866143/1>; Comments of US Telecom – The Broadband Association, "Reducing Barriers to Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization," (WC Docket Nos. 25-209, 25-208), September 29, 2025, <https://www.fcc.gov/ecfs/document/109291513505400/1>; Comments of NTCA – The Rural Broadband Association, "Reducing Barriers to Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization," (WC Docket Nos. 25-209, 25-208), September 29, 2025, <https://www.fcc.gov/ecfs/document/10929253329250/1>.

³ Ellis Scherer and Joe Kane, "Broadband Convergence is Creating More Competition," (ITIF, July 2025), <https://itif.org/publications/2025/07/07/broadband-convergence-is-creating-more-competition/>.

⁴ See Scherer and Kane at 6.

⁵ See Scherer and Kane at 6.

were enacted when incumbent local exchange carriers dominated the market are no longer relevant and should be eliminated.

ANY RESOURCE SPENT MAINTAINING LEGACY NETWORKS COULD HAVE GONE TO DEPLOYING NEXT-GENERATION NETWORKS INSTEAD

Outdated rules, like notice requirements under section 251(c)(5), harm consumers by standing in the way of timely network upgrades and are no longer necessary for creating a competitive market. Forbearance from section 251(c)(5) rules is a good approach because it will prevent unnecessary rules from continuing to slow the pace of progress and will allow incumbent local exchange carriers to upgrade their networks to become stronger competitors.

Only about eight percent of U.S. homes still use copper for broadband access, as almost everyone in the country is covered by newer technologies.⁶ But these regulations prevent ISPs from retiring unused copper networks in areas already served by these newer technologies. Money, workers, and equipment cannot be used on modern high-capacity networks if they are instead being used for upkeep on obsolete copper ones. Meanwhile, the tools and components needed to fix copper systems are becoming rare and expensive because they are no longer widely manufactured.⁷ That means longer outages and slower repairs for anyone still stuck with a copper connection.

CONCLUSION

As the record supports, it is high time for the Commission to remove unnecessary regulations that stand in the way of next-generation network deployment, and to do so in a manner that ensures consumers do not lose access to critical emergency services. Careful, strategic regulatory reform will create a future where every American has a high-speed broadband connection provided by the modern technology of their choice.

Thank you for your consideration.

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⁶ Office of Economics and Analytics, “Internet Access Services Status as of June 20, 2024,” (FCC, May 2025), <https://docs.fcc.gov/public/attachments/DOC-411463A1.pdf>.

⁷ Ellis Scherer, “California Should Modernize Its Carrier-of-Last-Resort Requirements,” (ITIF, June 2025), <https://itif.org/publications/2025/06/23/california-should-modernize-its-carrier-of-last-resort-requirements/>.