

Retiring Copper and Section 214 Discontinuances

What is a Section 214 Discontinuance?

Federal law states that “no carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until” the FCC deems that “neither the present nor future public convenience and necessity will be adversely affected.” To get approval to discontinue a service and transition to another, carriers must file a “Section 214 discontinuance” with the FCC.

Why Does Section 214 Matter?

Section 214 discontinuances often come up when carriers want to retire copper networks. Copper is used to offer DSL internet and phone service, and although outdated, is still widely used in rural America and low-income neighborhoods. Since it is expensive to maintain, carriers often want to retire the technology, or simply let their copper networks deteriorate until they no longer work.

Currently, companies are not required to replace their copper networks with a service that is as good or better, for all consumers. For example, [AT&T](#) recently retired its DSL services, offering certain customers only wireless internet as a replacement. Wireless internet, with its data caps, makes it hard to do homework. On [Fire Island](#), Verizon replaced its DSL with Voicelink, a voice only service that left the island’s residents without internet altogether, and without the ability to use certain technologies that relied upon DSL, like credit card machines. Thus, the customers who receive a subpar replacement could be left without the ability to connect.

How does Section 214 Work?

When utilized properly, the Section 214 process prevented carriers from replacing the services offered through copper wires with a service that was “good enough.” In order to discontinue a service, carriers must get approval from the FCC. The carriers themselves have the burden of determining if the transition would reduce or impair service (and hence if they need to file), and analyzing the impact on consumers. Once filed, the FCC can decide if the company’s analysis is correct - and usually -- they do. It’s only when an outside group -- like, Public Knowledge -- says that the retirement would negatively impact consumers that the FCC will do a thorough analysis. Unfortunately, in 2017, FCC Chairman Ajit Pai changed how the analysis on consumer impact is conducted so much as to render Section 214 effectively useless. Now, it mostly serves as a rubber stamp to allow companies to do what they want.

In order to protect consumers, Congress should require that carriers cannot retire or impair older technology without ensuring that an adequate replacement is available *for everyone* before it does.