

Section 214: Ensuring Consistent and Reliable Communications Service as Defined by Law

Background: America's phone network is transitioning and carriers seek to replace their copper wires with updated technology like fiber or wireless and route calls through Internet Protocol. Public Knowledge welcomes this transition and advocates that it be handled responsibly to ensure reliable, consistent service throughout all phases of the transition.

What is Section 214?

Section 214 of the Telecommunications Act of 1996 ensures that consumers have access to consistent, reliable communications service. The statute states when and how carriers can extend, change, discontinue the services they offer, with oversight by the FCC and/or State commissions. Among other provisions in the statute, Section 214(a) stipulates:

- Carriers are prohibited from building, buying, or operating new lines without approval by the FCC
- Carriers are prohibited from discontinuing, reducing, or impairing service without approval by the FCC after finding that doing so won't adversely affect the "public convenience and necessity"

Additionally, if there are areas un-served by telecom carriers, the FCC or State commission has the authority to require one or multiple carriers to provide service to the area, in which case the carrier(s) will be eligible for universal service support. Any carrier required to provide service must provide service that are supported by federally recognized universal service mechanisms in Section 254(c). These mechanisms focus on services that:

- Are essential to education, public health, or public safety
- Have been, through the operation of market choices by customers, subscribed to by a substantial majority of residential customers
- Are being deployed in public telecom networks by telecom carriers
- Are consistent with the public interest, convenience, and necessity

In short, under Section 214, consumers are entitled to have access to phone service and telecom carriers are prohibited from changing the services they provide unless the FCC or state agency deems those changes will serve the public interest.

In the FCC's Order setting out values-based experiments for new network technologies in the transition to IP, the FCC explicitly confirmed that carriers implementing trials cannot discontinue legacy services without authorization under section 214.

Over the course of the phone transition carriers and regulators will discuss and debate various technical features of the phone network. As carriers conduct trials we should remember that consistent, reliable phone service is a necessity for all communities, regardless of geographic size, population, or location. Furthermore, it is not only a necessity, but also a right.

