

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
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Advancing IP Interconnection) WC Docket No. 25-304
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**COMMENTS OF PUBLIC KNOWLEDGE, CENTER FOR RURAL STRATEGIES, AND
COMMUNICATIONS WORKERS OF AMERICA**

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Public Knowledge, The Center for Rural Strategies, and Communications Workers of America, file these comments in the above captioned proceeding. As explained in detail below, the Commission can only fulfill its responsibility to maintain a functioning “rapid, efficient, Nation-wide and World-wide wire and radio communication service”¹ by recognizing interconnected VoIP is a Title II telecommunications service, and creating a scalable framework for interconnection to replace the existing regime.

The Commission can no longer avoid classifying interconnected Voice over Internet Protocol (VoIP) service as a Title II, common carrier, telecommunications service. For over two decades, the Commission has declined to decide whether interconnected VoIP is telecommunications or an information service, instead relying on ancillary authority tied to the Title II, TDM-based² public switched telephone network (PSTN). That approach is no longer viable. As carriers retire copper

¹ 47 U.S.C. § 151.

² TDM, or Time Division Multiplexing, is the circuit-switched technology that has carried voice traffic over the traditional telephone network since the 1960s. TDM works by dividing a transmission path into fixed time slots, with each call assigned a dedicated slot for the duration of the connection. This contrasts with packet-switched IP networks, where voice is broken into data packets that share transmission capacity with other traffic. As carriers transition to IP-based networks, they are retiring TDM infrastructure and the copper facilities that support it.

loops and discontinue TDM service, the jurisdictional anchor for ancillary regulation disappears. The Commission must classify interconnected VoIP as a Title II telecommunications service or forfeit regulatory authority over voice service entirely.

The classification question is straightforward. Interconnected VoIP meets the statutory definition of telecommunications: the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.³ A consumer speaks into a handset, and the service transmits that voice to the recipient. The service does not store, process, or transform the communication; it transmits it. The Sixth Circuit's recent decision in *Ohio Telecom Association v. FCC* supports this conclusion, drawing a clear line between broadband, which provides the capability to retrieve stored data, and voice service, which "merely transmits" what the user creates.⁴ VoIP falls on the voice side of that line.

Classification matters because Commission authority depends on it. Without a Title II service somewhere in the network, the Commission cannot require interconnection on just and reasonable terms. If VoIP providers are not common carriers, the Commission cannot compel them to interconnect, fragmenting the telephone network and allowing dominant carriers to refuse to complete calls from competitors, or to charge rates that make service to rural areas uneconomic.

Classification also determines whether the Commission can protect public safety. The Commission's authority to impose 911 obligations on VoIP providers has rested on VoIP's interconnection with the Title II PSTN. Without Title II classification, that jurisdictional basis

³ 47 U.S.C. § 153(50). When offered for a fee to the public, it is a "telecommunications service." 47 U.S.C. § 153(53). No one disputes that the providers under discussion here offer the service to the public for a fee.

⁴ 124 F.4th 993, 1007 (6th Cir. 2025).

disappears along with the TDM-based PSTN. A VoIP provider could shut down overnight, leaving subscribers without phone service and without access to emergency services. The Commission would have no authority to prevent it.

Classifying VoIP as Title II would not require the Commission to reverse any prior decision. The Commission has never determined that interconnected VoIP is an information service. It has simply declined to decide. Resolving this open question now is not “reclassification.” It is classification—and it is long overdue.

I. THE STATUTE AND PRECEDENT DEFINE VoIP AS A TELECOMMUNICATIONS SERVICE.

Even before the Communications Act created the Federal Communications Commission, the common law defined “common carriers.” As explained by the D.C. Circuit in *NARUC I*,⁵ the concept of “common carrier” evolved from centuries of common law.⁶ In examining the use of the term “carrier” and “common carrier” in the Communications Act and over decades of interpretation by the Commission, the D.C. Circuit distilled down the key factor that the provider of communications service “offer indiscriminate service to whatever public its service may legally and practically be of use.”⁷ Over the years, the D.C. Circuit repeatedly emphasized that the use of specialized equipment or limitations on the potential audience did not disqualify a service from designation as common carriage – as long as the provider offered to serve all members of the public capable of receiving service in an indifferent manner rather than

⁵ *National Association of Regulatory Utility Commissioners v. FCC*, 525 F.2d 630 (D.C. Cir. 1976) (“*NARUC I*”).

⁶ *Id.* at 640-42 (tracing history).

⁷ *Id.* at 642. As noted in the NPRM, citing *National Association of Regulatory Utility Commissioners v. FCC*, 533 F.2d 601, 608-609 (D.C. Cir. 1976) (*NARUC II*), the D.C. Circuit and other courts have consistently upheld this as the central criterion for treatment as a common carrier.

negotiating individual agreements.⁸ Critically, this definition was technology agnostic. *NARUC I* involved a wireless messaging service.⁹ *NARUC II* involved non-video communication over cable lines.¹⁰ The technology was irrelevant, as long as the provider held itself out (or was required by law or regulation to hold itself out) as serving all members of the public indifferently.¹¹

As part of the Telecommunications Act of 1996, Congress for the first time adopted formal definitions of “telecommunications service” and “information service.” Almost immediately following passage of the 1996 Act, both the Commission and the D.C. Circuit found that Congress intended that “telecommunications service” codified the definition of “common carrier” under *NARUC I* and *NARUC II*.¹² Accordingly, providers that hold themselves out as offering to transmit information of the user’s choosing to a destination of the user’s choosing, for a fee, “indifferently” to the public, provide “telecommunications services.”

Looking to voice over IP, the Commission first identified direct phone-to-phone IP-based services as “likely” Title II services as early as the *Stevens Report*.¹³ The Commission decided to

⁸ *Nat’l Ass’n of Regulatory Util. Comm’rs v. FCC*, 533 F.2d 601, 608-09 (D.C. Cir. 1976) (“*NARUC II*”); *State of Iowa v. FCC*, 218 F.3d 756, 759 (D.C. Cir. 2000) (“a carrier offering its services only to a legally defined class of users may still be a common carrier if it holds itself out indiscriminately to serve all within that class”).

⁹ *NARUC I*, 525 F.2d at 632-33.

¹⁰ *NARUC II*, 533 F.2d at 606.

¹¹ In 1993, Congress modified the application of common carriage to mobile services. Congress did so because it found that as the number of wireless providers increased, the Commission’s application of the *NARUC* test was producing ‘inconsistent’ results. H.R. Rep. No. 103-111, at 240, 244-46 (1993). Congress therefore established a specific test for commercial mobile radio services (CMRS). Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, § 6002, 107 Stat. 312, 387-92 (1993) (codified at 47 U.S.C. § 332); see H.R. Rep. No. 103-213, at 491-96 (1993) (Conf. Rep.).

¹² See Federal-State Joint Board on Universal Service, *Report to Congress*, 13 FCC Rcd 11501, 11516, 41 (1998) (“*Stevens Report*”); *Virgin Islands Tel. Corp. v. FCC*, 198 F.3d 921, 926 (D.C. Cir. 1999); *Iowa Utils. Bd. v. FCC*, 120 F.3d 753, 810 (8th Cir. 1997) (*rev’d in part sub nom. AT&T Corp. v. Iowa Utils Bd.*, 525 U.S. 366 (1999)).

¹³ *Stevens Report*, 13 FCC Rcd at 89.

generally avoid classifications, and to make decisions on a case by case basis.¹⁴ In 2004, the Commission classified plain VoIP services—VoIP services that require a subscription to a separate broadband service, did not use traditional phone numbers, and could not reach the telephone network—as “unregulated” Title I information services.¹⁵ The Commission explicitly reserved the question of how to classify interconnected VoIP for a general proceeding, called the *IP-Enabled Services Proceeding*.¹⁶ For over 25 years, the Commission has repeatedly avoided making a definitive decision on the proper classification of phone-to-phone VoIP. But the Commission can no longer delay its decision.

A. Unlike Broadband Access, A Provider of Interconnected VoIP Offers a Single, Title II Service.

It is important to distinguish the classification of interconnected VoIP presented here from the Commission’s initial analysis of broadband. In the Cable Modem Declaratory Ruling,¹⁷ the Commission found that an internet access provider offered two distinct-but-intertwined services, an underlying telecommunications service (the transport of bits at the direction of the subscriber) and Title I information processing. Because the broadband access provider “offered” both the Title II service and the Title I service together, the Commission classified the entire offering as Title I. The Supreme Court upheld this reading of the word “offer” in the statute as a matter of deference to the expert agency as required under *Chevron*.¹⁸ Subsequent reclassifications of broadband as Title II never altered this fundamental analysis. Rather, the

¹⁴ *Id.* at 90.

¹⁵ Petition for Declaratory Ruling That Pulver.com’s Free World Dial Up Service Is Neither Telecommunications Nor A Telecommunications Service, WC Docket No. 03-45, *Memorandum Opinion and Order*, 19 FCC Rcd 3307 (2004) (“*Pulver Petition*”).

¹⁶ *In the Matter of IP-Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004) (“*IP-Enabled Services Proceeding*”).

¹⁷ Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities, Declaratory Ruling and Notice of Proposed Rulemaking, 17 FCC Rcd 4798 (2002).

¹⁸ *National Cable & Telecommunications Ass’n v. Brand X Internet Services*, 545 U.S. 967 (2005).

2015 Open Internet Order and the 2024 Open Internet Order found that the nature of the “offer” had changed over time so that broadband access providers were primarily offering a Title II service rather than a mixed bundle of Title II and Title I services.¹⁹

Changes in both law and fact make any such analysis impossible here. Following *Loper Bright*,²⁰ the Commission must find a single “best meaning” of the relevant statute and apply it without deference. A reviewing court will determine *de novo*, using standard tools of statutory construction, whether the Commission has properly discerned the single “best reading” of the statute or not.²¹ As noted above, the longstanding interpretation of Section 153(53) is that it codifies the definition of “common carrier” from *NARUC I*.

In this case, the mechanical application of the relevant statute is straightforward. Interconnected VoIP clearly meets the definition of a telecommunications service as set forth in *NARUC I*, and therefore in Section 153(53). Unlike broadband, managed VoIP services are a single service identical to traditional telephone service. Providers offer a service to the general public to take voice traffic from piece of customer premise equipment using a North American Numbering Plan (NANP) number to another CPE that uses a properly delegated number pursuant to the International Telecommunications Union E.164 standard and relevant international treaties. The information originates with the subscriber, and is transported to the appropriate destination at the direction of the subscriber. There is no bundled service as part of

¹⁹ Protecting and Promoting the Open Internet, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5758, 356 (2015) (“Today, broadband providers are offering stand-alone transmission capacity[.]”); Safeguarding and Securing the Open Internet, Declaratory Ruling, Order, Report and Order, and Order on Reconsideration, 39 FCC Rcd 4975, 182 (2024).

²⁰ 603 U.S. 369 (2024).

²¹ *Id.* at 400.

the offer that is sufficiently intertwined with the provision of managed VoIP that would make the “offer” anything but an offer of a telecommunications service.²²

B. Congress, the FCC, and consumers view interconnected VoIP services and traditional phone service as functionally indistinguishable from each other.

Just as traditional phone service is classified as a telecommunications service, interconnected VoIP services should also be classified as telecommunications services because consumers use such services in the same way as they do traditional telephone services. As the FCC itself acknowledged in its 2009 IP-Enabled Services Order, “disparate treatment of entities providing the same or similar services is not in the public interest as it creates distortions in the marketplace that may harm consumers.”²³

1. Congress Has Increasingly Imposed Common Carrier-like Obligations on VoIP Providers.

As explained in *NARUC I* and *NARUC II*, a provider can become a common carrier in two ways. Either the provider itself “holds itself” as “indifferently” providing service to the general public, or it is required by law to operate as a common carrier. Beginning with the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Improvement Act),²⁴ Congress has imposed responsibilities on interconnected VoIP providers that are consistent (and in some cases, mandate) with indifferent service to the general public. For example, the NET 911 Improvement Act requires all interconnected VoIP carriers to provide 911 access, and requires that any other provider that controls access to the public safety access points (PSAPs) to interconnect.²⁵ The Improving Rural Quality Call Quality and Reliability Act of 2017²⁶ imposes

²² As discussed in greater detail in Part II, the Sixth Circuit’s recent opinion on classification provides further reason to classify managed VoIP as a Title II service.

²³ In the Matter of IP-Enabled Services, WC Docket No. 04-36, *Report and Order*, 24 FCC Rcd 6039, 6053–15 (2009) (“2009 IP-Enabled Services Order”).

²⁴ Pub. L. No. 110-283, 122 Stat. 2620 (2008) (codified at 47 U.S.C. § 615a).

²⁵ P.L. 110-283, codified at 47 U.S.C. § 615a-1(b).

²⁶ P.L. 115-129, codified at 47 U.S.C. § 262.

obligations on interconnected VoIP providers to ensure that voice calls made on their networks will reach rural exchanges. The Twenty-First Century Communications and Video Accessibility Act of 2010 requires that all CPE designed for use with “advanced communications services” (including VoIP) be designed to accommodate the deaf and hard of hearing.²⁷

2. The FCC has already applied many of the same regulations that are applicable to traditional phone services to interconnected VoIP.

Because the FCC regards interconnected VoIP services to be functionally equivalent to traditional phone service, it has already subjected them to many of the same regulations that are applicable to traditional telephone service. The force of this logic compels the Commission to acknowledge this reality by formally classifying interconnected VoIP as Title II telecommunications.

As previously discussed above, in its 2005 IP-Enabled Services Order, the FCC adopted rules and initiated rulemaking proceedings to extend a variety of consumer protection obligations that were then applicable to traditional wireline phone service providers to interconnected VoIP providers. This included requiring interconnected VoIP providers to supply enhanced 911 (“E911”) services to their customers. In the subsequent 2009 IP-Enabled Service Order, the Commission imposed the same discontinuance obligations as domestic non-dominant carriers on interconnected VoIP providers. In 2006, the Commission established universal service contribution obligations for interconnected VoIP providers. In 2007, the Commission imposed numerous Title II obligations on interconnected VoIP carriers in recognition that they served the same purpose as traditional telephone service – and that therefore the same “social” policies should apply. It extended the customer privacy requirements of §222 of the Telecommunications Act to interconnected VoIP providers. Separately, the Commission extended the §255 disability

²⁷ P.L. 111-260 Sec. 102.

access obligations to providers of interconnected VoIP services and to manufacturers of specially designed equipment used to provide these services. The Commission also extended the Telecommunications Relay Services (“TRS”) requirements to providers of interconnected VoIP services, requiring them to contribute to the Interstate TRS Fund under the Commission’s existing contribution rules, and to offer 711 abbreviated dialing for access to relay services. Finally, to promote competition with traditional and mobile voice services, the Commission extended local number portability (LNP) obligations and numbering administration support obligations to interconnected VoIP providers and their numbering partners.²⁸

3. Consumers use interconnected VoIP services like a traditional telephone service and expect them to function exactly the same.

More than 15 years ago in the *2009 IP-Enabled Services Order*, the Commission itself acknowledged that consumers increasingly used interconnected VoIP service as a replacement for traditional voice service, and as interconnected VoIP service improves and proliferates, consumers’ expectations for this type of service trend toward their expectations for other telephone services.²⁹ In that same Order, the Commission adopted rules imposing discontinuance notification obligations on interconnected VoIP providers on par with similar obligations imposed on traditional phone service providers.³⁰ In justifying this requirement, the Commission further stated that “we believe that interconnected VoIP service is functionally indistinguishable from traditional telephone service. It is therefore reasonable for American consumers to have similar expectations for these services.”³¹

²⁸ See Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; Numbering Resource Optimization, WC Docket Nos. 07-243, 07-244, 04-36, CC Docket Nos. 95-116, 99-200, *Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking*, 22 FCC Rcd 19531 (2007) (“*VoIP LNP Order*”).

²⁹ *Id.* at 2.

³⁰ *Id.*

³¹ *Id.* at 12.

Taking these three points together reinforces that interconnected VoIP is a telecommunications service under the *NARUC* test. Congress and the Commission already impose common carrier duties on interconnected VoIP providers. For the public, the IP interconnected voice service they buy is – not simply as a matter of market choice but as a matter of Congressional and Commission insistence – indistinguishable from traditional telephone service. The “best reading,” indeed the only reading, of the statute makes interconnected VoIP a telecommunications service. The Commission has consistently acknowledged as much since the *Stevens Report*, although it has found endless reasons to delay making a definitive pronouncement. But the time for delay has ended. As discussed in greater detail below, the Commission cannot fulfill its most basic functions without a Title II service *somewhere* in the communications network.

II. THE SIXTH CIRCUIT’S DECISION SUPPORTS CLASSIFYING VOIP AS A TITLE II TELECOMMUNICATIONS SERVICE

The Sixth Circuit’s January 2025 decision in *Ohio Telecom Association v. FCC* struck down the prior Commission’s attempt to reclassify broadband Internet access as a Title II telecommunications service.³² The court viewed broadband as an “information service,” which is defined in the statute as “offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications,” 47 U.S.C. § 153(24), and not a telecommunications service, which “means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.”

The court held that broadband is an “information service” under the Communications Act because, in its view, broadband provides consumers the “capability” to “retrieve” data stored on

³² *Ohio Telecom Ass’n v. FCC*, 124 F.4th 993, 1003-04 (6th Cir. 2025) (“Ohio Telecom”).

third-party servers.³³ Whatever one makes of that holding,³⁴ it has no bearing on VoIP classification. To the contrary, the court’s reasoning supports classifying interconnected VoIP as a Title II telecommunications service.

In reaching its conclusion about broadband, the court drew a distinction between broadband and voice services. According to the court, broadband provides access to stored information on Netflix, Amazon, Google, and similar platforms, while voice service “merely transmits” what the user creates without accessing stored data. Because VoIP performs the same function as traditional telephone service—transmitting voice between points specified by the user—under the Sixth Circuit’s test, it is telecommunications.

A. The Court Explicitly Distinguished Voice from Broadband

The Sixth Circuit was not convinced by the FCC’s argument that treating broadband as an information service would necessarily drag voice services along with it. To the court, the distinction was obvious: voice is simply different.

The FCC at the time argued that if broadband providers fall within the “information service” category because they facilitate access to third-party content, telephone services would logically fall within the same category. The court disagreed, explaining that “[i]t is true, in one sense, that a telephone user retrieves information from a third-party in a phone conversation with a friend or customer-service agent. But that is not the sense meant by the statute.”³⁵

The court grounded this distinction in what it characterized as the nature of “information” as the Communications Act uses that term. “The existence of a fact or a thought in one’s mind is not ‘information’ like 0s and 1s used by computers,” the court wrote. “The former implies

³³ *Id.* at 1003-04.

³⁴ See John Bergmayer, *After the Sixth Circuit, What’s Next for Broadband Oversight?*, Public Knowledge (Aug. 25, 2025),

<https://publicknowledge.org/after-the-sixth-circuit-whats-next-for-broadband-oversight>.

³⁵ *Ohio Telecom*, 124 F.4th at 1007.

knowledge qua knowledge, while the latter is knowledge reduced to a tangible medium.”³⁶ Under this reading, the statute’s definition of “information service” refers to data stored on computers, not to the exchange of ideas between human beings in conversation.

From this premise, the court explained how telephone service works and why it differs from broadband. “But during a phone call, one creates audio information by speaking, which the telephone service transmits to an interlocutor, who responds in turn. Crucially, the telephone service merely transmits that which a speaker creates; it does not access information.”³⁷ The telephone network carries the caller’s voice to the recipient, but it does not retrieve data from a server.

The court then stated its conclusion directly: “In sum, the ‘capability’ of ‘retrieving’ ‘information’ does not refer to a phone call with a friend; it refers to an interaction with data stored on a computer.”³⁸ Whatever questions might be raised about other aspects of the court’s analysis, this particular distinction between voice and data services supports classification of VoIP as a Title II service.

B. VoIP Performs the Same Function as Traditional Telephone Service

Under the Sixth Circuit’s reasoning, the distinction between telecommunications service and information service turns on whether the service provides access to stored data or merely transmits what the user creates. The court treated traditional telephone service as telecommunications because it “merely transmits” voice without accessing stored information. The court characterized this as a straightforward application of statutory text and regulatory history stretching back to the Commission’s Second Computer Inquiry.³⁹

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* at 1008.

³⁹ *See* Amendment of Section 64.702 of the Commission’s Rules and Regulations (Second Computer Inquiry), Final Decision, 77 F.C.C.2d 384 (1980) (“Computer II”).

VoIP performs the identical function as TDM. When a consumer places a VoIP call, the user creates audio information by speaking, and the VoIP service transmits that audio to the recipient, who responds in turn. At no point does the service access stored data or provide the “capability” to retrieve information from third-party servers. This is exactly how the court described traditional telephone service, and the only difference between the two is the transmission protocol. Traditional service uses circuit-switched TDM networks, and VoIP uses packet-switched IP networks. But the court’s test turns only on what the service does for the user.

A grandmother calling her grandkids doesn’t care if her voice is being routed via TDM circuits or IP packets; she is not “accessing stored data” or browsing a database on a server. She is talking. For twenty years, the Commission has recognized this reality by applying E911, USF contributions, and CPNI rules to interconnected VoIP. As Public Knowledge and other petitioners explained in the 2022 Petition for Declaratory Ruling on VoIP classification, “[t]o an ordinary consumer, there is no discernible difference between a call that uses interconnected VoIP, traditional copper wire landline, or a mobile wireless network.”⁴⁰ Congress designed the statutory definitions to be technology-neutral for precisely this reason.

The Sixth Circuit’s test for what constitutes “telecommunications” applies with equal force to VoIP. A VoIP call does not retrieve data stored on Netflix’s servers, offer the ability to purchase goods from Amazon, or permit the user to search Google’s database. It transmits voice between two points specified by the user, without change in form or content. That is the statutory definition of telecommunications under 47 U.S.C. § 153(50), and the court’s opinion provides no basis for treating VoIP differently from traditional telephone service.

⁴⁰ Petition for Declaratory Ruling that Facilities-Based Interconnected VoIP and Nomadic Interconnected VoIP Are Title II Services, at 5 (filed Mar. 2, 2022) (“VoIP Petition”).

C. Classification of VoIP Would Not Affect Broadband

The Sixth Circuit’s reasoning creates a clear boundary between voice services and broadband Internet access, and the Commission can rely on that boundary in this proceeding.

Under the court’s analysis, broadband is an “information service” because it offers the “capability” to “retrieve” data stored on third-party servers. The court identified Netflix, Amazon, Facebook, and Google as paradigmatic examples of edge providers whose stored content broadband users can access. Consumers use broadband to stream videos, purchase products, view social media posts, and conduct searches, all of which the court characterized as interactions with data stored on computers.⁴¹

Voice service sits on the other side of the line the court drew. According to the court, voice service is a “telecommunications service” because it “merely transmits” without accessing stored information.⁴² The court explicitly preserved this distinction when it addressed the prior FCC’s arguments about telephone service, and nothing in the opinion suggests that the court intended to disturb settled expectations about voice services. The court’s holding rests on what the service does, not on what technology it uses. VoIP uses IP technology, but it performs the same function as traditional telephone service: transparent transmission of voice communications between user-specified points.

The court explicitly addressed ancillary features like voicemail in a passage that applies directly to VoIP. The FCC at the time had argued that voicemail and call menus allow telephone users to interact with stored data, which would bring telephone service within the “information service” definition. The court rejected this argument, stating that “These ancillary services may themselves be information services. But they do not transform the categorization of telephone

⁴¹ *Id.* at 1003-04.

⁴² *Id.*

service because its core standalone offering is the transparent transmission of telecommunications.”⁴³ The same logic applies to VoIP. The mere fact that VoIP utilizes IP protocols is a technological detail without legal significance. Just as the addition of a “star-code” call-forwarding feature did not magically turn the PSTN into an information service in the 1990s, the IP-nature of VoIP does not change its core identity as a transmission service. VoIP’s “core standalone offering” remains “the transparent transmission of telecommunications.”⁴⁴ VoIP may include features like voicemail, call forwarding, or visual voicemail, but those features do not change the fundamental nature of the service. The test the court articulated looks to what the service offers as its primary function, and VoIP’s primary function is voice transmission.

III. THE COMMISSION AND THE STATES MUST RETAIN SUPERVISION OVER INTERCONNECTION OR THE TELEPHONE NETWORK WILL NOT FUNCTION.

Ensuring that carriers can interconnect in order to provide service on a nation-wide and global basis is the oldest, and most central function of the FCC. The requirement to provide interconnection to facilitate competition and universal service goes back to the Kingsbury Commitment. The first power granted the Commission in Title II is the power to order physical interconnection between networks.⁴⁵ The states have similarly and consistently been on the “front lines” of ensuring interconnection between networks to ensure the phone network works seamlessly for everyone.

As history – including the history of IP interconnection – demonstrates, this oversight is necessary because carriers have no incentive to provide interconnection to smaller networks on just and reasonable terms. To the contrary, carriers have every economic incentive to leverage

⁴³ *Ohio Telecom*, 124 F.4th at 1008 (citing Federal-State Joint Board on Universal Service, Report to Congress, 13 F.C.C. Rcd. 11501, 11530, 60 (1998) (“Stevens Report”); Computer II, 77 F.C.C.2d at 421, 98).

⁴⁴ *Id.*

⁴⁵ 47 U.S.C. § 201(a).

their access to customers via interconnection. AT&T would not provide access to its “long lines” until required by antitrust. AT&T (and later the “Baby Bells” and other ILECs) would not provide access for providers of enhanced services without direct Commission action (or, when the Commission did not act, antitrust enforcement).⁴⁶ Landline providers would not allow competing wireless carriers to interconnect until Congress required it in 1993.⁴⁷ As disparities in size among wireless carriers grew, the Commission was required to declare voice roaming a Title II service to ensure reasonable terms for smaller carriers.⁴⁸ Carriers would not even give VoIP providers access to PSAPs without a direct command from Congress.⁴⁹

In addition to the temptation to use market power to exact unjust rates or smother rivals, modern providers of interconnections also face significant transaction costs to negotiate interconnection on a case by case basis. Literally thousands of entities rely on TDM-gateways

⁴⁶ See Regulatory and Policy Problems Presented by the Interdependence of Computer and Communication Services and Facilities, Docket No. 16979, *Final Decision and Order*, 28 F.C.C.2d 267 (1971) (Computer I Final Decision); Amendment of Section 64.702 of the Commission’s Rules and Regulations (Second Computer Inquiry), CC Docket No. 20828, *Final Decision*, 77 F.C.C.2d 384 (1980) (Computer II Final Decision) (establishing basic/enhanced services distinction and requiring carriers to provide transmission capacity to enhanced service providers on the same tariffed terms they used for their own enhanced offerings); In re Furnishing of Customer Premises Equip. & Enhanced Servs. by AT&T., 102 F.C.C.2d 655 (1985) (Order) (adopting non-accounting safeguards prohibiting AT&T from using proprietary information obtained from competing enhanced service providers to benefit its own affiliates); In re Furnishing Customer Premises Equip. by the Bell Operating Tel. Cos. & the Indep. Tel. Cos., 2 F.C.C. Rcd 143 (1987) (Report and Order) (extending non-accounting safeguards to Bell Operating Companies and independent telephone companies).

⁴⁷ Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, § 6002, 107 Stat. 312, 387-92 (1993) (codified at 47 U.S.C. § 332); see also H.R. Rep. No. 103-213, at 491-96 (1993) (Conf. Rep.) (explaining that CMRS definition was adopted to require wireless carriers providing interconnected service to operate as common carriers subject to mandatory interconnection).

⁴⁸ Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers, WT Docket No. 05-265, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15817 (2007) (declaring that automatic roaming for voice is a common carrier obligation under Title II and requiring CMRS providers to offer automatic roaming on reasonable and not unreasonably discriminatory terms).

⁴⁹ New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620 (2008) (codified at 47 U.S.C. § 615a).

because TDM gateways are, as a matter of regulation, open and available. Neither the phone networks that control the gateways nor the entities using them need to engage in individual negotiations in a market plagued with information asymmetry as well as economic asymmetry.

It is little wonder that the Commission has waited in vain for over two decades for direct IP-interconnection to emerge and TDM gateways to fade away. The basic rules of economics all work against such a result emerging as a natural function of markets. To the contrary, the natural functioning of network economics virtually ensures that seamless, simple to implement interconnection at just and reasonable rates and conditions will *never* emerge without some regulatory entity authorized to take action – including requiring physical interconnection when necessary.

Furthermore, for the phone network to operate effectively, the Commission (and states) must have the power to intervene when circumstances require. Two examples from the past illustrate how without Commission oversight the complex network of interconnected networks on which we all rely can break down. In 2004, a rural LEC called Madison River began blocking ports used for VoIP calls, effectively blocking VoIP calls to its customers. The Enforcement Bureau commenced an investigation, and entered into a consent decree under which Madison River agreed to stop interfering with its customers' VoIP calls and to pay a fine of \$15,000.⁵⁰ In 2007, multiple large LECs and national wireless carriers – including Sprint/Nextel, AT&T/Cingular, and Qwest – began blocking calls to free conference call services that used rural LECs in Iowa to collect substantial termination fees.⁵¹ Because the free conference call services

⁵⁰ *Madison River, LLC and Affiliated Companies*, 20 FCC Rcd 4295 (EB 2005).

⁵¹ See Jacqui Cheng, “AT&T Cellular Blocks Cellular Customers From Free Conference Call Service,” *Ars Technica* (March 19, 2007).

<https://arstechnica.com/information-technology/2007/03/atcingular-blocks-cellular-customers-from-free-conference-call-services/>; Benton Institute for Broadband & Society, “Phone Firms Hung Up Over Fees,” (April 9, 2007)

<https://www.benton.org/headlines/phone-firms-hung-over-fees>.

attracted large volumes of inbound traffic, these inflated fees cost the originating carriers millions of dollars in termination fees. The Commission made it clear in a Declaratory Ruling that while phone companies could object to the tariffs at the Commission, request that the fees be suspended, or seek other relief from the Commission for wrongly inflated fees, carriers **could not** unilaterally refuse to complete calls to another common carrier network.⁵²

In both these cases, the clear authority of the Commission to act was essential in preventing the spread of blocking behavior that threatened to deprive people of the services on which they depended. If the Commission lacks clear authority, it will lack the capacity to act when necessary. As we have seen repeatedly, relying on persuasion is no substitute for the authority to act quickly and decisively.

The same is true for the states. Since the creation of the 1934 Act, Congress has recognized the importance of state commissions. The FCC has limited resources. It must take a broad, national view. It falls to the state Commissions to address intrastate issues that impact local populations and require a detailed understanding of local circumstances. In any event, the Commission's authority to preempt the states has its limits. Purely intrastate matters are left to the states as a function of Section 152(b).⁵³ As the Supreme Court found in *La Public Service Comm'n v. FCC*,⁵⁴ the mere fact that the same facility is used for both interstate and intrastate communication is not sufficient to override the plain jurisdictional bar of Section 152(b).⁵⁵

⁵² *Establishing Just and Reasonable Rates for Local Exchange Carriers Call Blocking by Carriers*, Declaratory Ruling, 22 FCC Rcd 11629 (WCB 2007).

⁵³ 47 U.S.C. § 152(b); see *Louisiana Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 370 (1986) (“Under the Act’s statutory scheme, the FCC is given regulatory authority over interstate communication, and the States retain regulatory authority over intrastate communication.”).

⁵⁴ 476 U.S. 355 (1986)

⁵⁵ *Id.* at 385-86.

Control over physical interconnection is inherently local, and necessary for intrastate communication.⁵⁶

In addition to keeping sufficient authority to act when necessary, the Commission must ensure that whatever mechanism replaces the existing TDM gateways can scale sufficiently to meet the needs of the thousands of diverse stakeholders that rely on the existing interconnection regime. As the last two decades have shown, this cannot mean individual negotiations. Nor can it simply mean access to the internet. Relying simply on public internet access is what created the rural call completion crisis. We can see from the operation of non-NANP over-the-top communications that the lack of quality of service does not support a reliable phone system. Nor is there a direct, reliable connection between the public internet and PSAPs.

Forcing carriers to rely on the public internet for routing calls would require them to violate their responsibilities under the Rural Call Quality Act. Carriers originating calls to rural exchanges must guarantee the quality of the call as required by Section 262 – something impossible to do using over-the-top routing. Similarly, VoIP carriers cannot provide the necessary reliable service to 911 through over-the-top routing. Finally, there are still areas reliant on rural carriers that lack access to broadband.

To summarize, while Commenters do not have a definite scheme to replace the existing interconnection regime, three elements are essential. First, the FCC and state commissions must retain adequate oversight power to ensure both the creation of a functioning interconnection regime and the clear authority to intervene and order interconnection when necessary. This

⁵⁶ Additionally, if the Commission classifies VoIP as a Title I service, it has no power to preempt the states regardless of whether Section 152(b) applies. “A federal agency may preempt state law only when and if it is acting within the scope of its congressionally delegated authority.” *Louisiana Pub. Serv. Comm’n*, 476 U.S. at 385. Additionally, as the Commission first observed in the *Stevens Report*, although forbearance prevents a state from enforcing the relevant federal rule, it does not prevent a state from enforcing its own, pre-existing rules. *Stevens Report*, 13 FCC Rcd. at 48.

requires classifying interconnected VoIP as a Title II service. Second, the new regime must be able to scale rapidly to safely transition the thousands of stakeholders that currently use the existing interconnection regime. Finally, the Commission must reject proposals that the public internet provides a suitable substitute for mandatory physical interconnection.

IV. FAILURE TO CLASSIFY VOIP AS TITLE II TERMINATES FCC AUTHORITY OVER CRITICAL COMMUNICATIONS FUNCTIONS

The Commission has declined to classify interconnected VoIP for over twenty years. When imposing regulations on VoIP providers, the Commission acted without deciding whether interconnected VoIP is a telecommunications service or an information service. The Commission simply put off the classification question for another day. In practice, this meant that the Commission's authority was limited to what it could exercise as ancillary to its Title II authority over the public switched telephone network. This approach was always precarious. Now, as the PSTN sunsets and the Sixth Circuit has foreclosed prior understandings of broadband classification, it has become untenable. The Commission no longer has a choice between formal classification and continued regulatory ambiguity. It must classify interconnected VoIP as a Title II telecommunications service or forfeit regulatory authority over voice service entirely.

Classifying VoIP as Title II would not require the Commission to reverse any prior decision. The Commission has never determined that interconnected VoIP is an information service. It has simply declined to decide. Resolving this open question now, while the Commission still has authority to act, is not reclassification. It is classification.

A. The Classification Question Can No Longer Be Avoided.

Ancillary jurisdiction requires a jurisdictional anchor in a statute that grants the Commission direct authority.⁵⁷ The Commission's ability to act without deciding VoIP's classification rested

⁵⁷ *Am. Library Ass'n v. FCC*, 406 F.3d 689, 702-05 (D.C. Cir. 2005).

on the continued existence of the PSTN as a Title II service. VoIP's interconnection with the PSTN and its functional equivalence to traditional phone service provided the hook for regulation ancillary to the Commission's explicit Title II authority.

This logic depended on the PSTN existing as a Title II service. As carriers retire copper loops and discontinue TDM service, the anchor disappears. Once TDM is fully retired, there is no Title II service for VoIP regulation to be ancillary to, meaning that ancillary authority is no longer available.⁵⁸ The Commission cannot regulate voice service as ancillary to a Title II service that no longer exists.

The Sixth Circuit's decision in *Ohio Telecom Ass'n v. FCC* does not change this analysis. As explained in Section II, the court drew a clear distinction between broadband, which provides the capability to retrieve stored data, and voice service, which "merely transmits" what the user creates. VoIP performs the same function as traditional telephone service and falls on the voice side of the line the court drew. The Commission can and should classify VoIP as a Title II telecommunications service consistent with the Sixth Circuit's reasoning.

B. Section 253 and Section 224 Protections Require Title II Classification.

Section 253(a) of the Communications Act prohibits state and local governments from adopting regulations that "prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."⁵⁹ This provision has been the basis for Commission action and litigation striking down state and local barriers to competitive entry.⁶⁰

⁵⁸ See *Motion Picture Ass'n of Am., Inc. v. FCC*, 309 F.3d 796, 806 (D.C. Cir. 2002); *Comcast Corp. v. FCC*, 600 F.3d 642, 644 (D.C. Cir. 2010).

⁵⁹ 47 U.S.C. § 253(a).

⁶⁰ See, e.g., *Petition of CRC Communications of Maine, Inc. and Time Warner Cable Inc. for Preemption Pursuant to Section 253 of the Communications Act*, Declaratory Ruling, 26 FCC Rcd 8259 (2011); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, *Third Report and Order*, 33 FCC Rcd 7705 (2018).

Without Title II classification for VoIP, Section 253 becomes unavailable for voice service providers. A state or local government could adopt regulations that effectively prohibit VoIP service, and providers would have no Section 253 remedy. As the Commission explained in the 2024 Safeguarding Order, Section 253 “only applies to those state and local legal requirements that affect the provisioning of ‘telecommunications service.’”⁶¹ Providers that offer only services classified as information services cannot invoke Section 253 protections.

Similarly, Section 224 pole attachment rights depend on telecommunications carrier status.⁶² VoIP providers that are not classified as Title II carriers cannot claim mandatory pole attachment access at regulated rates. They would need to negotiate access with each pole owner individually, raising costs and delaying deployment.⁶³

C. Without Mandatory Interconnection, the Phone Network Fragments.

Mandatory interconnection has been the foundation of a unified national telephone network since the Communications Act of 1934. Without it, the phone system fragments. Carriers with market power have no obligation to connect calls from competitors. Calls between networks may simply fail to go through. This is how telephone networks operated before mandatory interconnection, and it is happening today with IP-based services. As Professor Gerald Brock (Chief of the FCC Common Carrier Bureau from 1987-89) explained in his study of telecommunications market structure: “If telephone companies refused to connect their wires and exchange calls with each other, each would have to build a complete network in order to provide the communication desired by its customers. A nonconnected network reduces the value of service provided by all carriers, but makes the least reduction in the value of the largest carrier.

⁶¹ Safeguarding and Securing the Open Internet, 39 FCC Rcd. 4975, 76 (2024).

⁶² 47 U.S.C. § 224(a)(4).

⁶³ See Safeguarding Order at ¶¶ 70-75 (discussing how Title I classification deprives providers of Section 224 rights).

Consequently interconnection conditions, permissions, and prices can be an important means of attaining and maintaining market power.”⁶⁴

This asymmetry explains why dominant carriers may refuse to interconnect absent legal compulsion. A large carrier serving customers that a smaller carrier also serves “has no incentive to provide interconnection. It gains no enhanced value from interconnection because it could serve all the customers by itself that it could serve with interconnection. Thus it is unlikely to provide connecting privileges except under legal constraint.”⁶⁵ The smaller network needs the larger network’s customers more than the larger network needs the smaller network’s customers. This dynamic enables the dominant carrier to squeeze competitors, raise their costs, or refuse to deal with them entirely.⁶⁶

The Bell System demonstrated this dynamic before the Kingsbury Commitment of 1913. A key strategy of the Bell System was to refuse to connect its long-distance network with independent carriers. Without the prospect of long-distance services, the market position of many independent operators became untenable. This strategic refusal to interconnect crushed smaller competitors and drove the government’s antitrust challenge. But “[r]ather than risk legal action that could be adverse to the system, the Bell system entered into negotiation with the attorney general and in December 1913 reached an agreement known as the Kingsbury Commitment.”⁶⁷ In that agreement, AT&T promised to dispose of its Western Union stock, allow interconnection with the independents, and refrain from acquiring any more directly competing companies.

⁶⁴ G.W. Brock, *The Telecommunications Industry: The Dynamics of Market Structure* 5 (Harvard University Press 1981) (“Brock”).

⁶⁵ *Id.* at 19.

⁶⁶ See Petition for Declaratory Ruling that Facilities-Based Interconnected VoIP Is a Title II Service, at 44 (filed Mar. 2, 2022) (“VoIP Petition”).

⁶⁷ Brock at 155.

Congress made mandatory interconnection a core requirement of the Communications Act precisely because it had seen this dynamic play out.⁶⁸

The problem is already visible in the IP interconnection context. Large carriers routinely refuse to provide IP-based interconnection to smaller providers. Even where IP interconnection is technically feasible, incumbents force competitors to use legacy TDM gateways, raising costs and degrading service. NCTA has reported that “most IP-based providers have struggled to negotiate [IP-IP interconnection] arrangements with large incumbent local exchange carriers,” forcing them “to either maintain their own TDM equipment or use a third party to facilitate the TDM interconnection.”⁶⁹

Without Title II classification, this problem gets worse. The Commission has no authority to require VoIP providers to interconnect with each other or with legacy carriers on just and reasonable terms. A dominant carrier could simply refuse to complete calls from a competitor’s network. Consumers would find that calls to certain numbers do not go through, or that calls to friends and family on a different carrier’s network fail unpredictably. The carrier could even market this as a reason to switch: “Our network is more reliable because we guarantee calls will connect.”

Rural communities face particular risk. Rural carriers depend on interconnection with larger networks to complete calls to and from their subscribers. Without mandatory interconnection, a large carrier could refuse to terminate calls to rural areas, or charge rates that make service to those areas uneconomic. NTCA has warned that “absent Commission attention to ‘what happens on the other side’ of this transition, the affordability of voice service in rural areas will be

⁶⁸ See 47 U.S.C. § 201(a) (codifying interconnection duty).

⁶⁹ Ex Parte of NCTA, PS Docket No. 21-479, at 1 (June 11, 2025).

undermined.”⁷⁰ Rural Americans could find themselves cut off from the national telephone network, unable to call or be called by subscribers on major carriers.

The failure to require IP interconnection is already undermining consumer protection. The STIR/SHAKEN call authentication framework, designed to combat robocalls and caller ID spoofing, depends on digital call information being transmitted at every step in the call path. When calls pass through TDM gateways, the digital “token” carrying authentication information is lost. The Commission has found that “as many as 57.2% of calls that may be signed by the originating provider reach their destination unsigned” because of TDM-in-the-middle problems.⁷¹ Robocallers exploit these gaps to continue spoofing caller ID despite the STIR/SHAKEN mandate. Only IP-to-IP interconnection can solve this problem, and only mandatory interconnection rules can ensure that all carriers provide it.

D. The Impact on 911 and Public Safety.

The Commission’s authority to impose 911 obligations on interconnected VoIP providers has rested on its ability to act without deciding classification, a position that depended on VoIP’s interconnection with the Title II PSTN. In the 2005 IP-Enabled Services Order, the Commission required interconnected VoIP providers to offer E911 services. IP-Enabled Services, First Report and Order, 20 FCC Rcd 10245 (2005). Without Title II classification, the jurisdictional basis for these rules disappears along with the PSTN.

911 failures cost lives. In 2014, a preventable coding error in a single router caused a 911 outage affecting more than 11 million people across seven states.⁷² In 2020, a network configuration error in Georgia triggered a massive routing failure that caused a nationwide

⁷⁰ Comments of NTCA, WC Docket No. 25-208, at 10 (Sept. 29, 2025).

⁷¹ Call Authentication Trust Anchor, Notice of Proposed Rulemaking, FCC 25-25, at 3 n.12 (Apr. 29, 2025), <https://docs.fcc.gov/public/attachments/FCC-25-25A1.pdf>.

⁷² April 2014 Multi-State 911 Outage: Cause and Impact, Report and Recommendations, PS Docket No. 14-72 (2014), <https://docs.fcc.gov/public/attachments/DOC-330012A1.pdf>

blackout of T-Mobile’s voice and text services, including 911 access.⁷³ During recent California wildfire seasons, power shutoffs and infrastructure damage caused widespread cell tower failures, leaving residents unable to call 911 or receive emergency evacuation alerts.⁷⁴ A January 14, 2026, software issue resulted in a nationwide Verizon outage, including 911 access, and emergency alert notifications from multiple cities.⁷⁵ As the D.C. Circuit observed in *Mozilla*, when communications networks fail, people die.⁷⁶

The Commission’s 2009 IP-Enabled Services Order found it “critically important” to extend discontinuance requirements to interconnected VoIP providers because “if customers were to lose their telephone service without sufficient notice, they would also lose access to 911 service—possibly with disastrous consequences.”⁷⁷ Without Title II authority, the Commission cannot require VoIP providers to notify customers before discontinuing service. A provider could shut down overnight, leaving subscribers without phone service and without access to emergency services.

While states have authority over aspects of VoIP, the exact scope of this jurisdiction is unclear, and legal decisions have been inconsistent. The Eighth Circuit found broad preemption of state authority while viewing VoIP as an “information service.”⁷⁸ California has rejected this

⁷³ June 15, 2020 T-Mobile Network Outage Report, PS Docket No. 20-183, at 4, 11–13 (Pub. Safety & Homeland Sec. Bureau Oct. 2020), <https://docs.fcc.gov/public/attachments/DOC-367699A1.pdf>.

⁷⁴ Order Instituting Rulemaking Regarding Emergency Disaster Relief Program, Decision 20-07-011, at 2–3, 127 (Cal. Pub. Utils. Comm’n July 16, 2020), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M344/K021/344021480.pdf>.

⁷⁵ *Widespread Verizon outage resolved after prompting emergency alerts in Washington, New York City*, NBC News, <https://www.nbcnews.com/business/consumer/verizon-outage-new-york-washington-rcna25405;Verizon-outage-cause-revealed>, Mashable, <https://mashable.com/article/verizon-outage-cause-revealed>.

⁷⁶ *Mozilla Corp. v. FCC*, 940 F.3d 1, 62 (D.C. Cir. 2019).

⁷⁷ 24 FCC Rcd at 6041, 8.

⁷⁸ *Charter Advanced Servs. (MN) v. Lange*, 903 F.3d 715 (8th Cir. 2018).

reasoning, asserted state jurisdiction, and issued an order extending minimum service quality standards to fixed interconnected VoIP.⁷⁹ The Vermont Supreme Court reversed its state regulator for failing to address the federal classification threshold, holding that the state must first determine if a VoIP service is an “information service” (which would likely rule out common carrier obligations) before asserting jurisdiction.⁸⁰ After years of proceedings, the Vermont PUC reversed itself and found no authority to regulate any aspect of intrastate interconnected VoIP.⁸¹

The Commission cannot simply hope that states will fill all regulatory gaps. When the Commission ordered VoIP providers to offer 911 services in 2005, it “did not require entities—typically LECs... to give VoIP providers access” to the necessary infrastructure.⁸² Consequently, providers were forced to navigate “commercial arrangements” without statutory rights to “the same rates, terms, and conditions” as wireless carriers until Congress intervened.⁸³ It took an act of Congress to force ILECs to provide access to PSAPs. Without clear federal authority over VoIP, similar standoffs will recur, and Congress cannot be expected to legislate solutions to every interconnection dispute that threatens public safety.

CONCLUSION

The Commission can no longer avoid classifying interconnected VoIP. The TDM-based PSTN that anchored its ancillary authority is disappearing, and with it the Commission's jurisdiction over voice service. The statutory text, common law precedent, and the Sixth Circuit's

⁷⁹ See Order Instituting Rulemaking Regarding Emergency Disaster Relief Program, Decision 20-09-012, at 20-21, 24-25 (CPUC Sept. 15, 2020); See also Decision Adopting General Order 133-E, R.22-03-016 (CPUC Sept. 18, 2025), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M580/K308/580308515.PDF>.

⁸⁰ In re Investigation into Regulation of Voice Over Internet Protocol (VoIP) Services, 70 A.3d 997, 1006-08 (Vt. 2013).

⁸¹ In re Investigation Into Voice over Internet Protocol (VoIP) Services, VT PUC, Docket No. 7316 (Apr. 5, 2021).

⁸² H.R. Rep. No. 110-442, at 6 (2007).

⁸³ *Id.*

distinction between voice and broadband all support the same conclusion: interconnected VoIP is a Title II telecommunications service.

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