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

In the Matter of	)	
	)	
Wireline Competition Bureau Seeks Comment on AT&T's Petition for Preemption and Declaratory Ruling	)	WC Docket No. 26-125
	)	

COMMENTS OF THE WIRELESS INFRASTRUCTURE ASSOCIATION

Stephen Keegan
Senior Counsel, Government & Legal Affairs

Garin Kim
Legal Intern

WIA – The Wireless Infrastructure Association
2111 Wilson Blvd., Suite 210
Arlington, VA 22201
800.759.0300

July 7, 2026

Table of Contents

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

In the Matter of	)	
	)	
Wireline Competition Bureau Seeks Comment on AT&T's Petition for Preemption and Declaratory Ruling	)	WC Docket No. 26-125

COMMENTS OF THE WIRELESS INFRASTRUCTURE ASSOCIATION

I. Introduction and Summary.

The Wireless Infrastructure Association ("WIA")[1] respectfully urges the Commission to grant AT&T's Petition for Preemption and Declaratory Ruling in the above-captioned proceeding.[2] By eliminating outdated Carrier of Last Resort ("COLR") obligations and other rules that require continued maintenance of legacy copper networks, the Commission can enable providers to redirect resources toward modern, resilient communications infrastructure while maintaining the availability of adequate replacement services.

Requiring a provider to maintain these aging networks is a misguided proposition considering the majority of Americans already rely on mobile wireless and broadband services as their primary sources of connectivity.[3] Consumers across the country have clearly and consistently demonstrated their preference to move away legacy landline networks as demonstrated by the

---

[1] The Wireless Infrastructure Association ("WIA") represents the businesses that build, develop, own, and operate the nation's wireless infrastructure. Members include infrastructure providers, wireless carriers, and professional services firms that are responsible for telecommunications facilities around the globe.

[2] AT&T Services, Inc., *Petition for Preemption and Declaratory Ruling*, WC Docket No. 26-125 (filed May 20, 2026) ["AT&T COLR Petition"].

[3] *See Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2024*, https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202506.pdf (providing that 78% of U.S. adults currently live in a household that subscribes to a mobile service but not a landline); AT&T COLR Petition at 10 (noting that their COLR-eligible networks only serve about three percent of households within the service footprint).

steady decline in voice telephony subscriptions—yet one state's regulations mandate their continued offering for this shrinking subscriber base. The harms from this are more than theoretical. As AT&T highlights in its petition, these networks are disproportionately costly compared to modern connectivity infrastructure; requiring substantial capital investments that could otherwise be used to expand and enhance service offerings throughout the state and country.[4]

AT&T's Petition aligns with the Commission's modernization policies, including the recent Report and Order adopted as part of its *Network Modernization* proceeding,[5] which seeks to remove regulatory barriers impeding the transition to next-generation networks. As WIA highlighted in its Reply Comments in the proceeding leading up to that Order, "a frozen regulatory structure has led to inefficient investment in backwards-looking technologies."[6] This petition appropriately challenges the type of regressive policies the Commission sought to eliminate through that proceeding. By granting AT&T's petition, the Commission will "allow network operators to invest more efficiently in forward-looking broadband technologies, like wireless."[7]

II. California's COLR Requirements Conflict with Federal Rules and Produce Ineffective Business Practices.

Section 214 of the Communications Act expressly grants the Commission the authority to issue a certificate of "discontinuance, reduction, or impairment of service."[8] The statute also makes clear that, once the Commission issues this certificate, a carrier may execute that

---

[4] AT&T COLR Petition at 10.

[5] *See Reducing Barriers to Network Improvements and Service Changes*, WC Dkt. No. 25-209, Report and Order, FCC 26-19, (Mar. 27, 2026) ["*Network Modernization Report and Order*"].

[6] Reply Comments of WIA, *Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization*, Notice of Proposed Rulemaking, and Orders or Reconsideration, WC Docket Nos. 25-209, 25-208, FCC 25-37 (rel. July 25, 2025) ["WIA Network Modernization NPRM Reply Comments"].

[7] *Id.* at 1.

[8] 47 U.S.C. § 214(c).

authorization without securing any additional authorizations.[9] On May 20, AT&T filed concurrently with its preemption petition two applications requesting authority to discontinue Plain Old Telephone Services ("POTS") to residential and business customers respectively in areas of California where a superior, alternative service, such as its AT&T Phone Advanced ("AP-A") is available. As AT&T demonstrated in its applications, AP-A fully satisfies the Commission's adequate replacement test for discontinuance of legacy voice services and thus is entitled to streamlined review. The Commission previously has granted AT&T authorization to discontinue POTS in multiple states, including its most recent petition to discontinue these networks, consistent with the Commission's objective of "spur[ring] the deployment of new advanced services . . . as a replacement for legacy services."[10]

Through its filings in this proceeding, California has made clear that it has no intention of respecting the Commission's grant of authority to AT&T to discontinue POTS in California but rather will seek to force AT&T to obtain approval from the CPUC before it may do so. But California's requirement that AT&T seek additional regulatory approval directly conflicts with the Commission's goal of incentivizing investments into forward-looking broadband technologies and Section 214, which expressly provides that once the Commission authorizes discontinuance, providers may proceed without securing any other approval.[11]

California's COLR requirements perpetuate an outdated regulatory regime that requires AT&T to maintain a century-old telephone network, likely to the detriment of its subscribers. AT&T offers its California customers several alternatives to POTS that can seamlessly replace

---

[9] AT&T COLR Petition at 7.

[10] WIA Network Modernization NPRM Reply Comments at 5.

[11] 47 U.S.C. § 241(c).

legacy copper networks. Californians in this service territory have access to modern, IP-based fixed services while wireless connectivity is widely available throughout this area from multiple providers.[12] AT&T further highlights the availability of its AP-A service for customers who want a more traditional phone experience. However, the CPUC does not currently recognize any of these wireless alternatives as "adequate" substitutions for POTS, despite greater reliability and capabilities.

As these alternatives continue to advance, consumers have consistently demonstrated their desire and preference for modern, high-capacity, and reliable solutions. Wireless communications—mobile and fixed—has become the dominant means of connecting for the American public with "79 percent of American adults liv[ing] in households that rely solely on cell phones for voice calling."[13] Due to availability of wireless communications and other alternatives, only three percent of households in AT&T's service territory subscribe to POTS; this percentage continues to shrink every day as customers seek more affordable, reliable, and capable services.[14]

The COLR regime further imposes procedural and substantive barriers to discontinuance. Even after the FCC has given AT&T authorizations to discontinue service, the CPUC still requires AT&T to seek its permission under an unduly burdensome set of requirements in order to discontinue service. This process creates unnecessary delays, or presents an impossible barrier to

---

[12] AT&T COLR Petition at 10.

[13] *See* WIA Network Modernization NPRM Reply Comments at 1.

[14] AT&T COLR Petition at 10.

replacement, as AT&T must navigate "years-long proceedings, obtain multiple layers of approval, and satisfy extensive notice and customer-migration requirements."[15]

California also follows an "equal access" standard, meaning basic-service POTS must include equal access to presubscribed long-distance carriers, which by nature makes it an interstate service. For AT&T's VoIP and mobile wireless services to meet the COLR requirements, it would have to tariff the jurisdictionally mixed service and subject it to CPUC's regulations. This is in direct violation of Section 2 of the Communications Act, which grants the Commission exclusive authority over interstate services.[16] This contradiction of regulatory obligations creates unnecessary delays and burdens. California's standard continues to prove that it is misaligned and interfering with the Commission's goal of implementing an efficient and modern regulatory structure.

AT&T further notes that it has developed modern alternatives to POTS, namely its AT&T AP-A service.[17] AP-A allows customers to use their traditional landline phones but submits calls in an IP-based, internet friendly way to ensure the service delivers improved reliability and efficiency through AT&T's wireless network.[18] The use of wireless systems not only delivers massive reliability to consumers, but also "turbo-charg[es] public safety operations" in a way that

[15] *Id*. at 4.

[16] AT&T COLR Petition at 14. *See also* 47 U.S.C. § 214(c).

[17] *See* AT&T COLR Petition at 9.

[18] *Id*. at 5.

legacy copper networks cannot support.[19] In fact, the Commission has already declared AP-A a better and affordable replacement for POTS.[20]

Beyond simple telephony services, consumers throughout the service footprint also have access to a host of broadband solutions from multiple providers. In addition to traditional wireline broadband providers, millions of Americans have already made the switch to Fixed Wireless Access ("FWA") broadband—recognizing the speed, efficiency, and cost savings delivered by this solution.[21] Yet even where consumers have access to these services, California's COLR regulations require continued offering of obsolete solutions under a theory that consumers would otherwise be stranded without connectivity.

Despite the Commission's support and the public moving towards more reliable, advanced services, the COLR rules present persistent barriers to implementation. Due to the CPUC's regulatory hostility towards wireless service, it is "highly unlikely" that the CPUC would approve AT&T's satisfaction of its COLR obligation through serving all locations using AP-A.[22] Once again, the CPUC's outdated requirements stand at direct odds with the Commission's priorities.

---

[19] WIA Network Modernization NPRM Reply Comments at 4.

[20] AT&T COLR Petition at 5.

[21] *See* Patrick Halley, *Over 13 Million Homes and Counting: Maximizing the Promise of 5G Home Internet Service with Smart Policies*, WIA (Aug. 21, 2025), https://wia.org/over-13-million-homes-and-counting-maximizing-the-promise-of-5g-home-internet-service-with-smart-policies/ (highlighting that 5G FWA is, for the third year in a row, the fastest growing form of home broadband—capturing 99% of new subscriptions, including a one-year subscribership increase of 2.7 million homes, for a total of nearly 12 million homes with the total expected to increase to over 20.4 million over the next three years). *See also* Patience Haggin, *A Fight Between Cable and Wireless Providers Means Cheaper Home Internet for You,* WALL ST. J., (June 24, 2025), *https://www.wsj.com/business/telecom/a-fight-between-cable-and-wireless-providers-means-cheaper-home-internet-for-you-b36cc086*; Madeline Sorg, *Why 5G Home Means Savings for You—Even if You Have Cable,* WIA (Dec. 11, 2025), https://wia.org/why-5g-home-means-savings-for-you-even-if-you-have-cable/.

[22] *Id*. at 44.

III. The FCC Should Grant AT&T's Petition to Preempt California's COLR Regime.

AT&T's Petition presents a prime opportunity for the FCC to exercise its authority to ensure state regulations do not trap certain consumers in amber with backwards-facing policies that require carriers to "divert important resources to the maintenance of aging and deteriorating legacy networks."[23] Modern IP-based networks provide greater reliability and capabilities for consumers while eliminating a threat vector particular to copper networks.[24] In addition to the service improvements enabled by this technology, allowing copper retirement eliminates a deadweight loss for communications providers that are required to subsidize this expensive and outdated equipment, freeing capital to expand and enhance service offerings.

WIA further agrees with AT&T that this issue is ripe for federal preemption.[25] California's COLR regime is both in direct conflict with the FCC's rules and presents an "impossibility" issue by attempting to divide inherently interstate services between inter- and intra-state offerings.[26] By granting AT&T's petition, the Commission can properly maintain the nationwide framework that should be applied to these services.

a. California's COLR Rules Force Inefficient Investment in Vulnerable Legacy Copper Infrastructure While Preventing the Deployment of Adequate, or Superior, Alternatives.

The continued enforcement of COLR obligations is fundamentally inconsistent with the Commission's longstanding efforts to modernize communications networks and eliminate regulatory barriers that impede investment in advanced technologies. Maintaining copper

---

[23] *See Network Modernization Report and Order* at para. 2.

[24] *See generally Protecting Critical Communications Infrastructure: Emerging Threats & Needed Solutions*, *available at* https://wia.org/wp-content/uploads/2026/06/Critical_Attacks_June2026Final.pdf (discussing ongoing threats and vandalism concerns specific to copper networks).

[25] AT&T COLR Petition at 7.

[26] *Id*.

networks imposes substantial costs and operational burdens that yield diminishing returns given declining demand and availability of superior alternatives. AT&T notes it is spending nearly $1 billion annually maintaining this legacy infrastructure in California to deliver POTS to approximately three percent of households in its service territory in the state.[27] Despite these economic and practical realities, procedural and substantive roadblocks maintained by the state prevent discontinuance, requiring FCC intervention.[28]

As the Commission has recognized through its own efforts to remove legacy obligations for network operators, maintaining copper networks—particularly when modern alternatives are readily available—is an inefficient use of scarce investment dollars that leaves consumers with subpar connectivity.[29] These networks require more energy to deliver fewer capabilities compared to modern IP-based networks.[30] Additionally, these copper networks only provide connectivity to a fixed location and are more susceptible to single points of failure compared wireless networks with inherent redundancy, salient limitations when considering these requirements as bolstering disaster response.[31]

The limitations of copper networks will only become more pronounced for consumers left with this service as comparable areas not subject to these requirements are served by more robust and capable modern infrastructure. Consumers continually demand more from their

---

[27] *Id*. at 10.

[28] *Id.* at 6.

[29] *See generally Network Modernization Report and Order* (eliminating legacy requirements to maintain outdated network infrastructure to enable investments).

[30] *See* AT&T COLR Petition at 3 (describing shortfalls and issues with copper networks).

[31] *See Id*. *See also Protecting Critical Communications Infrastructure: Emerging Threats & Needed Solutions* (demonstrating that this legacy infrastructure is increasingly targeted, leading to over 18,000 incidents nationwide, affecting more than 11.8 million customers).

communications services, requiring network scaling that cannot be achieved over copper networks alone.[32] Particularly as more bandwidth-intensive products become integrated into everyday life, copper networks are ill-suited to deliver the connectivity needed to participate in modern society.

Against this backdrop, California's refusal to recognize wireless and other IP-based services as acceptable substitutes for legacy POTS is untenable. By effectively privileging outdated technologies over modern alternatives, the COLR regime distorts market outcomes and delays the transition to more efficient and resilient communications systems.

b. Outdated Requirements Like COLR Should be Preempted Under Federal Law.

As AT&T is requesting, federal preemption is necessary to eliminate these regulatory barriers and ensure that the Commission's modernization policies are fully realized. Section 214 of the Communications Act establishes an exclusively federal framework for discontinuance of interstate and jurisdictionally mixed services, and the Commission has made clear that state requirements that impede discontinuance are preempted. California's COLR regime does precisely that: it imposes additional approval requirements, prohibits discontinuance absent state authorization, and effectively compels providers to continue offering legacy services even after the Commission has determined that discontinuance is appropriate.

Such requirements cannot be reconciled with federal law. They "negate a valid federal regulatory objective" by preventing providers from retiring outdated infrastructure and transitioning to next-generation networks. They also frustrate the Commission's efforts to promote

[32] *See, e.g.*, *Ericsson Mobility Report*, https://www.ericsson.com/en/reports-and-papers/mobility-report/reports/june-2026 (June 2026) (showing North America mobile traffic at roughly 1 EB per month in 2014 compared to 10 EB per month in 2025). *See also* WIA, *The Wireless Pulse of American Life and the New Frontier of AI* (Q1 2026), https://wia.org/wp-content/uploads/2026/03/WIA_NewFrontier_of_-AI_March_2026.pdf (finding that, by the end of 2025, 74% of U.S. adults were already using AI apps and services with AI traffic accounting for at least 4.2% of total wireless network traffic).

investment in advanced services and to align regulatory policy with modern technological and marketplace realities. As WIA has emphasized, modernization policies are intended to "spur the deployment of new advanced services" and ensure that regulatory frameworks reflect the realities of contemporary communications markets.[33]

Allowing California's COLR requirements to stand would undermine these objectives by perpetuating inefficient investment in legacy systems and slowing the deployment of modern communications infrastructure. Preemption is, therefore, both legally required and essential to advancing the Commission's core policy goals.

IV. Conclusion.

AT&T's Petition has clearly demonstrated that the California COLR requirements present an inefficient regulatory regime which requires network operators to maintain outdated infrastructure and prevents consumers from accessing the same quality services that would otherwise be made available. Further, these requirements are inconsistent with the Commission's own efforts to modernize and enhance connectivity across the country. For these reasons, WIA strongly urges the Commission to grant AT&T's Petition and allow these networks to be brought into the 21st century.

Respectfully submitted,

/s/ Stephen Keegan
Stephen Keegan
Senior Counsel, Government & Legal Affairs

[33] WIA Network Modernization NPRM Reply Comments at 5.

/s/ Garin Kim

Garin Kim
Legal Intern

WIA – The Wireless Infrastructure Association
2111 Wilson Blvd., Suite 210
Arlington, VA 22201
800.759.0300

July 7, 2026