

IRREGULATORS

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Accelerating Wireline Broadband Deployment by)	
Removing Barriers to Infrastructure Investment)	WC Docket No. 17-84
)	
Technology Transitions)	GN Docket No. 13-5

IRREGULATORS' REPLY TO USTELECOM OPPOSITION

We Repeat: The IRREGULATORS request a halt to these proceedings with a full restart that includes a comment period and presented to the full commission. Second, we again challenge Chairman Carr and USTelecom to a public debate.

1) USTelecom Erred; The IRREGULATORS filed on time,

USTelecom: “The Bureau can and should dismiss it for failing to comply with many of the Commission’s procedural requirements.... *First*, the Application was filed impermissibly late. Applications for review must be filed “within 30 days of public notice of such action.”

2) IRREGULATORS: We filed within the 30 day window, adding that Easter on a Sunday was the original due date.

3) PROOF: EMAIL: Here is the time-stamp snapshot of the email sent to the Secretary and Media Bureau-- 11:57 PM, on April 21, 2025.



4) IRREGULATORS: The FCC’s website blocked our ability to file, even though we had attempted to do it multiple times before the deadline. It is the reason we emailed the Secretary. The website would not accept our attempts to fill out the form, or find the proper proceedings, or even accept our Captcha validation after waiting an inordinate amount of time. The timestamp quoted by USTelecom is from our continued attempt to

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file. (**NOTE:** Due to space limitations, we will be glad to provide screenshots showing our attempts on April 21, 2025)

5) **USTelecom:** A) *Second*, the Bureau should dismiss the Application because it fails to “plainly state the questions presented for review with reference, where appropriate, to the findings of fact or conclusions of law.” B) It is not clear which of the four Bureau actions the Application is challenging, much less the specific legal and factual findings the Application disputes. C) The Application’s unsupported statement that “[t]here are volumes of missing material facts” and D) its unelaborated claim that an unspecified order “may be” violating unspecified “basic state and federal laws” do not satisfy Section 1.115(b)(1)’s requirements.

6) **IRREGULATORS:** It is clear that USTelecom cannot count as their “second” reason for dismissal has multiple questions and or accusations that need to be parsed.

We start with B), above, which of the 4 Bureau orders are being addressed?

- What this says is -- There are 4 separate orders that were put into effect with NO Comment period and no other Commissioner involved -- a done deal. This was never made clear at any time, so this is just a big, fat gift to USTelecom Members.
- There is a press release by Chairman Carr. This is not an overarching discussion and notice of 4 separate proceedings, and the actual number “4” is never mentioned.
- It an announcement to the press. Period, with hype and hyperbole, not to mention a factually incorrect analysis.
- Conversely, USTelecom supplied, for the first time, a list of these orders.

See Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment et al., Order, DA 25-248 (WCB rel. Mar. 20, 2025) (“*Alternative Options Test Waiver*”); etc.

- The actual web page has zero information, not even supplying the name and docket number with the pdf.
- Where does it say USTelecom? Where does it give the docket numbers? It doesn’t.
- Members of the public could not know that the FCC was attempting to cover up these

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multiple related proceedings to shut off the public protections and safeguards, harming the public. We were clearly harmed 4 times; the burdens are on us.

7) C) **IRREGULATORS:** USTelecom ignores the Application's documentation of the missing material facts in access line accounting and the IRREGULATORS' repeated criticism of USTelecom's inaccurate and rigged data over the last two decades. USTelecom will not give a straight answer to the question: **How many copper wires are there in use in America in 2024 and how many will be shut off? Their goal has been to create a false narrative.**

As we discuss, AT&T claims there are only 5% of current lines using the copper legacy networks and USTelecom claims only 1.3% of total households in America have a residential voice line. We've been tracking access line accounting using annual reports, FCC ARMIS and SOCC data, state and federal filings--All of the USTelecom and AT&T accounting is missing 50-80% of total copper wires in service that are used for data lines, VoIP lines (AT&T U-verse, DSL, alarm circuits, data services to hot spots, small business lines -- and all could be shut off due to the total disregard of the FCC to get accurate data that has all of the material facts.

But the omission of material facts continues with the failure of the FCC and USTelecom to disclose that these copper wires are not broadband but are part of the existing state telecommunications public utilities, that these wires should have been upgraded to fiber in most states over the last 30 years, that almost every state granted financial incentives, deregulation to do these upgrades and this resulted in rate increases on wireline customers; worse, the construction budgets were diverted to the wireless business, without the wireless subsidiaries paying for these network upgrades -- All documented for decades.

8) USTelecom: *Third*, even if the Application could be construed to plainly state the questions presented for review, it fails to “*specify with particularity, from among the following*, the factor(s) which warrant Commission consideration.” factors enumerated in Section 1.115(b)(2).

- (iii) The action involves the [application](#) of a precedent or policy which should be overturned or revised.
- (iv) An erroneous finding as to an important or material question of fact.

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- (v) Prejudicial procedural error.
- (3) The [application](#) for review shall [state](#) with particularity the respects in which the action taken by the designated authority should be changed.

9) IRREGULATORS: We stated clearly that the FCC's data and analysis is flawed, and that it is missing material facts. The public continues to be harmed because the FCC is using corporate data and analysis from associations that represent the industry and there is no independent analysis -- which we have been supplying for decades. That AT&T clandestinely foists inferior wireless substitution products on consumers, rather than upgrade their wireline copper service with fiber, with the complicity of the FCC is harming the public. And by hiding the number of actual lines and customers that will be impacted -- the FCC is not working for consumers.

10) IRREGULATORS to FCC & USTelecom: Tell us the actual copper wires in America? Tell us how many small business lines will be cut off; how many data lines are there still using copper?

11) Paucity of data -- We pointed in excoriating detail that the FCC failed to basic facts that we presented over the 2 decades and now

- There is no mention by USTelecom or the FCC that these copper wires are part of a state telecommunication public utility and
- They should have been upgraded to fiber over the last 3 decades.
- There is no mention that customers paid and continue to pay extra for the upgrades to fiber they never received; and that
- There has been a massive bait and switch since the state utility construction budgets being transferred to build out their wireless infrastructure, which is a separate affiliate of the Holding Company. Therefore, the fiber upgrade construction fund were used to illegally cross-subsidize the wireless network.

And the information supplied by the FCC and USTelecom claiming that prices went down using some form of voodoo mathematics reflects the failure to use material data -- Actual communications bills collected via surveys that include all charges on the bill, including taxes,

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fees and made-up junk fees. The data presented by the FCC and USTelecom then is flawed and should not be used to make multi-billion dollars public policies that end up being biased.

All of this is current, not history, because the state-based telecommunications public utilities are still here; customers prices are still being charged for the fiber upgrade that did not happen and that funds, read de facto investments, are now paying for network upgrades for the wireless services, which may well be unlawful.

With 2 decades of FCC filings in these and other related proceedings, no one can question our right to present in these proceedings -- period. It is not up to the Commission to censor that which does not fit their agenda or contradict their so-called facts.

12) *Fourth*, the Application fails to conform with the requirement to show why it was not possible for its filers “to participate in the earlier stages of the proceeding.”

The Application seeks to criticize the waiver of aspects of the alternative options test, the filers had the opportunity to do so after USTelecom filed its February 27, 2025, Petition for Limited Waiver, 20 which the *Alternative Options Test Waiver* granted.

“To the extent that the Irregularators did not file in response to the waiver request prior to filing the Application. Regardless, the Application’s absence of the required showing as to why its filers were unable to participate justifies Bureau dismissal.”

13) IRREGULATORS:

- a) We could not participate in this debacle of 4 orders because, as we said, there was no comment period.
- b) As we discussed, we had no idea that there were 4 separate orders, that the pages did not supply the actual docket numbers, not did the press release which was embarrassing when you consider that it is covering over multiple orders.
- c) We pointed out we filed over 19 times in these various proceedings and submitted 832+ pages of research and analysis. -- We did participate, you just didn’t notice.
- d) The IRREGULATORS are a consortium of seniors who have been in the industry for 40 years each and we have no budget to play in every proceeding.

Bruce Kushnick, Tom Allibone, Sascha Meinrath, Ken Levy, Chuck Sherwood.

May 15, 2025

We look forward to the open debate. We suggest Brooklyn Law School, with Jonathan Askin, BLIP project or Penn State’s X-Lab with Sascha Meinrath.