Congress of the United States

Washington, DC 20515

November 13, 2026

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

Dear Chairman Carr:

We write again to raise concern over the Federal Communications Commission's (FCC) efforts to eliminate California's legal authority to require carriers to verify that wireless or fiber replacements function properly before retiring copper telephone networks. The draft order you circulated to the Commission on October 30, 2026, purports to preempt the California Public Utilities Commission's (CPUC) Carrier of Last Resort (COLR) rules. These rules require telecommunications companies to provide basic phone service to anyone within their service area who requests it, ensuring that no Californian is left without access to essential communications services, including 911.

On July 22, 2026, twenty-eight members of the California Congressional delegation asked the Commission to deny AT&T's petitions, and that request still stands. Following that letter, the Commission approved AT&T's application to decommission approximately 360 wire centers in California covering about 184,000 residential locations in California.

If the FCC issues this purported blanket preemption, it will take away any oversight ability of California and other states to make sure sufficient alternative service exists without putting any system in place at the federal level to make that determination. In March, the Commission replaced its adequate replacement test with a carrier certification that a replacement service is available. The FCC relies on coverage reported by carriers and does not independently verify that there is alternative functioning service in the areas where copper will be retired. Without verification or oversight, California residents, including those in High Fire Threat Districts, will continue to lose basic service without access to an adequate replacement.

It should be noted that California's rules do not stand in the way of modernization and are not meant to relegate Californians to outdated technology. The CPUC has told the FCC that its rules require reliable minimum service but do not require that service to be delivered over copper. If carriers can provide a replacement that meets California's reliability standards, nothing prevents them from retiring copper systems. Congress preserved this protection in Section 253(b) of the Communications Act to allow states to create any necessary requirements to protect public safety, safeguard consumers' rights, and ensure the continued quality of telecommunications services.

This month, the Commission is allowing copper retirement to begin in eighteen states – Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and

Wisconsin. Those customers' experiences over time may be helpful in determining the adequacy of wireless replacements. However, there is no dedicated mechanism for consumers to report problems with replacement service after discontinuance. These problems could range from thousands of blocked calls to 911 to problems with TTY devices, medical alert systems, or home alarms. Rural communities and elderly populations will be most at risk.

We urge you to provide the public with sufficient time and a fair opportunity to review and weigh in on the full text of the order, rather than rush through a final decision that undermines public trust. As carriers migrate their networks from copper to fiber optic systems and other technologies, this transition brings new opportunities to modernize our communications systems. At the same time, it raises serious questions about service reliability and accessibility, especially in areas prone to natural disasters, which increasingly extends well beyond California. The Commission recognized these concerns in September when it pulled another discontinuance application from automatic approval for further review, and it should apply the same level of scrutiny in this circumstance. At the very least, any order should carve out areas at high risk for fires and other natural disasters and areas without verified indoor cellular coverage.

We also request that you respond in writing to the following questions by December 15, 2026, and before any vote on the draft order:

1. Should a carrier have to show, with independently verified data, that its replacement service provides reliable indoor coverage before retiring copper in high-fire-threat areas? If not, what showing should be required?
2. Of the more than 184,000 California locations approved for discontinuance, how many are in High Fire Threat Districts, and how many lack indoor wireless coverage?
3. Do you agree that demonstrating wireless coverage under normal operating conditions does not necessarily establish that a network will remain reliable during a wildfire, extended power outage, or other natural disaster?
4. If testing identifies locations where the replacement service is unreliable or unavailable, will the FCC require the carrier to maintain existing service until an adequate alternative is available?
5. Many wireless services stop working when the power goes out. Will the FCC require backup power for replacement services in disaster-prone areas so customers can still call 911 during outages?
6. For customers in states approved for copper retirement, what mechanisms will be available to those individuals to report service failures, and how will the FCC use those reports?
7. Should a state be permitted to require a carrier to demonstrate that its replacement service is reliable before landline service is discontinued? Should a federal discontinuance authorization automatically override state public safety requirements that address risks the FCC did not evaluate rigorously?
8. Why should the Commission act before the courts rule on the challenges to the Network Modernization Order?
9. Will the FCC share outage reporting data with state commissions, local governments, and first responders, with any necessary confidentiality safeguards applied to the data?

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We share the Commission's goal in modernizing our nation's communications networks and expanding fiber-optic infrastructure to underserved communities. However, these efforts must be executed carefully, in a manner that protects vulnerable communities during emergencies and outages and preserves universal telephone service for all Americans.

Sincerely,

Adam B. Schiff
United States Senator

Doris Matsui
Member of Congress

Mike Thompson
Member of Congress

Jimmy Panetta
Member of Congress