BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	WC Docket No. 26-82
Protecting Against National Security	)	
Threats in Domestic Telecommunications Service	)	

COMMENTS OF THE VOICE ON THE NET COALITION

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SUMMARY

The Voice on the Net Coalition (VON) supports the FCC's core proposal to protect national security by amending 47 C.F.R. § 63.01(a) to exclude entities on the Covered List from blanket domestic Section 214 authority, to remove such entities from the Robocall Mitigation Database, and to require any such entities to obtain specific Commission approval before providing domestic interstate telecommunications services. VON agrees that, under the Commission's existing call-blocking and robocall mitigation rules, these targeted steps would prevent U.S. voice providers from interconnecting with or accepting traffic from Covered List entities without the need for an additional interconnection ban.

VON opposes the NPRM's broader proposals to prohibit "interconnection" with Covered List entities and to bar holders of Covered Authorizations from engaging in "any transaction or other dealings" with such entities, because the NPRM does not define "interconnection," the prohibitions would raise serious concerns under the major-questions doctrine, and they would cause severe, unaddressed collateral harm to U.S. networks and global internet operations. Undefined, categorical bans could be impracticable to implement given internet routing realities, risk fragmenting the global internet, raise due process and vagueness issues, and impose impossible compliance burdens—particularly for indirect relationships—while lacking evidence of specific, identified security risks; instead, any facility-level restrictions should be narrowly tailored and risk-based, consistent with the Commission's subsea cable framework.

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COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net ("VON") Coalition[1] hereby submits these comments in response to the Notice of Proposed Rulemaking (the "NPRM") in the above-referenced docket.[2] VON agrees that entities identified on the Commission's Covered List—including companies whose equipment and services have been determined by national security agencies to pose an unacceptable risk to the United States—should not receive the benefit of the blanket domestic Section 214 authority that the Commission granted to all common carriers in its 1999 Domestic 214 Blanket Authority Order. VON supports the Commission's core proposal to exclude such entities from that blanket grant, to remove them from the Robocall Mitigation Database, and to require any such entity seeking to provide domestic interstate telecommunications services to apply for and obtain specific Commission approval.

VON is concerned that other proposals in the NPRM—principally the proposed prohibition on interconnection with Covered List entities and the proposed prohibition on any "transaction or dealings" with such entities—are overly broad, raise significant legal concerns under the major-

[1] The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of internet communications. See www.von.org.

[2] Notice of Proposed Rulemaking in WC Docket No. 26-82, Protecting Against National Security Threats in Domestic Telecommunications Service, FCC 26-29, released May 1, 2026 (the "NPRM" or "Notice"); see also 91 Fed. Reg. 25325 (May 8, 2026) (announcing a comment date of June 8, 2026).

questions doctrine, and, if adopted as written, would create serious and unaddressed collateral consequences for the U.S. communications ecosystem.

I. VON SUPPORTS THE COMMISSION'S PROPOSALS TO PROTECT NATIONAL SECURITY THROUGH THE DOMESTIC SECTION 214 FRAMEWORK

VON supports the Commission's core proposal to amend 47 C.F.R. § 63.01(a) to exclude entities identified on the Covered List from the blanket authority to provide domestic interstate telecommunications services under Section 214 of the Communications Act. NPRM ¶ 6. VON also agrees that entities excluded from blanket authority, or whose blanket authority is subsequently revoked, should be removed from the Robocall Mitigation Database (RMD). Inclusion in the RMD is a condition of other providers' obligation to accept traffic under the Commission's rules. Once a Covered List entity is excluded from the blanket domestic Section 214 authorization and removed from the RMD, U.S. voice service providers will not be able to interconnect with or accept traffic from those entities under the Commission's existing call-blocking and robocall mitigation rules—an important and targeted consequence that does not require a separate, independently justified interconnection prohibition.

II. VON IS CONCERNED THAT THE COMMISSION'S PROPOSED INTERCONNECTION AND TRANSACTION PROHIBITIONS ARE OVERLY BROAD AND RAISE SIGNIFICANT LEGAL AND POLICY CONCERNS

The NPRM also proposes to prohibit telecommunications carriers from interconnecting with entities excluded from blanket Section 214 authority (NPRM ¶ 14) and asks whether the Commission should prohibit any holder of a Covered Authorization, as defined in 47 C.F.R. § 1.80001(a), from engaging in "any transaction or other dealings" with Covered List entities (NPRM ¶ 16). The NPRM further asks whether the interconnection prohibition should extend to "any facilities—including Points of Presence (PoPs) and data centers—that are owned or operated by entities that are identified on the Covered List." NPRM ¶ 14. VON opposes these proposals, which

suffer from fundamental definitional deficiencies, would violate the major-questions doctrine, and would cause severe and unaddressed harm to U.S. communications networks.

A. The NPRM Does Not Define "Interconnection"

As a threshold matter, the NPRM proposes to prohibit "interconnection" with Covered List entities without specifying what "interconnection" means in this context. That omission is not merely a drafting gap—it is a fundamental ambiguity that could expose U.S. providers to liability for routine, lawful network activities and could result in the unintended prohibition of communications arrangements that Congress has expressly declined to restrict.

Current regulations define "interconnection" as "the linking of two networks for the mutual exchange of traffic" and expressly provides that "this term does not include the transport and termination of traffic." 47 C.F.R. § 51.5. Although that rule language is broad, it implements Section 251 of the Communications Act and appears in Part 51 of the Commission's rules—both of which address connections between telecommunications carriers. Nowhere in the NPRM does the Commission address IP transit or peering, which it has long treated as unregulated information services or relating to information services. Without a definition, "interconnection" could be interpreted to encompass a wide range of network arrangements and could potentially include the transport and termination of traffic that the 47 C.F.R. § 51.5 definition expressly excludes. The term could also include direct and indirect interconnection. Application to indirect interconnection would be difficult to define and enforce.

VON urges the Commission, at minimum, to define "interconnection" with specificity before adopting any prohibition, and to separately analyze the legal authority and practical consequences of any prohibition as applied to each category of network arrangement identified

above. Absent such specificity, the proposed prohibition would be unenforceable as written and would generate substantial legal uncertainty for U.S. providers obligated to comply with it.

B. The Proposed Prohibitions Would Violate the Major Questions Doctrine

The Commission's proposals to prohibit telecommunications carriers from interconnecting with any facilities (including PoPs and data centers) owned or operated by Covered List entities (NPRM ¶ 14) and to prohibit any holder of a Covered Authorization, as defined in 47 C.F.R. § 1.80001(a), from engaging in "any transaction or other dealings" with such entities (NPRM ¶ 16) would each constitute—and together would a fortiori constitute—an assertion of regulatory authority of "vast economic and political significance" that triggers the Supreme Court's major-questions doctrine. West Virginia v. EPA, 597 U.S. 697 (2022).

In West Virginia, the Supreme Court held that "in 'extraordinary cases'" where an agency asserts sweeping authority of "vast economic and political significance," the courts must require that the agency point to "clear congressional authorization" for the power it claims. 597 U.S. at 721. "Extraordinary grants of regulatory authority are rarely accomplished through 'modest words,' 'vague terms,' or 'subtle device[s].'" Id. (quoting Whitman v. American Trucking Ass'ns, Inc., 531 U.S. 457, 468 (2001)). Rather, "we presume that 'Congress intends to make major policy decisions itself, not leave those decisions to agencies.'" Id. (quoting United States Telecom Ass'n v. FCC, 855 F.3d 381, 419 (D.C. Cir. 2017) (Kavanaugh, J., dissenting)). The Court reaffirmed and applied these principles in Biden v. Nebraska, 600 U.S. 477, 504 (2023), holding that "[t]he question here is not whether something should be done; it is who has the authority to do it," and emphasizing that agencies may not transform "a 'filtered, moderate' authorization" into "a 'sweeping and consequential' action."

Both proposals plainly satisfy the major-questions threshold. The interconnection prohibition proposed in NPRM ¶ 14 would require every U.S. telecommunications and communications company to sever or reconfigure network connections with entities on the Covered List—including entities affiliated with some of the largest technology and communications companies in the world—affecting IP transit, peering, data center colocation, and other arrangements that form the backbone of global communications networks. Such a prohibition would have cascading effects throughout the entire U.S. communications ecosystem. The prohibition proposed in NPRM ¶ 16 would go further still, barring all holders of any Covered Authorization—which under 47 C.F.R. § 1.80001(a) includes not only Section 214 authorizations but also spectrum licenses, submarine cable landing licenses, earth station authorizations, and a wide range of other Commission approvals—from engaging in "any transaction or other dealings" with Covered List entities, regardless of whether those transactions involve telecommunications services or fall within the Commission's traditional regulatory jurisdiction. The breadth of the prohibition would reach virtually every segment of the U.S. communications and technology industry and affect billions of dollars in commercial activity.

These proposals also carry profound foreign policy consequences. The Covered List includes entities affiliated with companies headquartered in countries with which the United States maintains complex diplomatic and trade relationships. A blanket prohibition on interconnection and commercial dealings with those entities would effectively impose sanctions-like restrictions—a power that Congress has expressly assigned to the President and to specific Executive Branch agencies, including the Office of Foreign Assets Control (OFAC), the Bureau of Industry and Security (BIS), and the Department of State—not to the FCC. The decision to sever commercial ties with entities linked to specific foreign governments is precisely the type of "major

policy decision" that Congress reserves for itself and the Executive Branch agencies it has expressly designated. See Biden v. Nebraska, 600 U.S. at 504.

Nothing in Sections 201(b) or 214 of the Communications Act—the provisions the NPRM cites as authority for its proposals—clearly and affirmatively confers on the Commission the power to prohibit all interconnection and commercial dealings between its authorization holders and specific foreign entities across every line of business. While Congress has, in other contexts, legislated restrictions on dealings with Covered List entities—for example, in federal contracting law and in the universal service context—it has pointedly not extended those restrictions to the full range of interconnection arrangements and commercial dealings by private telecommunications and communications companies.

C. The Proposed Prohibitions Would Cause Severe and Unaddressed Harm to U.S. Communications Networks and Are Inconsistent with a Risk-Based Approach to National Security

Even assuming, arguendo, that the Commission were to conclude that it possesses the legal authority to adopt the proposed interconnection and transaction prohibitions, the Commission should decline to exercise it. The proposals as written would impose sweeping, untargeted restrictions that would disrupt existing network arrangements, impose enormous compliance costs, and fragment global communications, all without evidence that these measures are necessary to address specific, identified security risks. VON urges the Commission to adopt a risk-based approach to national security, as it has in other contexts, rather than the categorical prohibitions proposed in the NPRM.

1. The Commission Should Not Impose Sweeping Interconnection Bans Without Evidence of Specific Security Risks.

The NPRM does not identify any specific security incident, vulnerability, or intelligence assessment demonstrating that interconnection arrangements between U.S. carriers and Covered

List entities have been exploited to compromise U.S. national security. Instead, the Commission relies on generalized findings from prior revocation proceedings that certain Covered List entities had the "ability" to access or misroute traffic. See NPRM ¶ 13 (citing prior revocation orders). The existence of a theoretical capability, however, is not evidence that interconnection itself—as distinguished from the grant of domestic operating authority—poses an unacceptable risk requiring an independent, sweeping prohibition. The Commission has already proposed to address the most direct risks by excluding Covered List entities from blanket Section 214 authority and removing them from the Robocall Mitigation Database, which would effectively prevent U.S. voice providers from accepting traffic from those entities under existing call-blocking and robocall mitigation rules. A separate interconnection prohibition requires a separate evidentiary foundation, which the NPRM does not provide.

2. Facility-Level Restrictions Should Be Tied to Specific, Identified Security Risks, Consistent with the Commission's Subsea Cable Framework.

The Commission should not adopt a blanket prohibition on interconnection with facilities merely because they are owned or operated by a Covered List entity. Such a prohibition would sweep in routine commercial arrangements that do not present the same risks as granting domestic Section 214 authority to a foreign adversary-controlled entity. The Commission has recognized the importance of a risk-based approach in its own recent actions. In the Submarine Cable Report and Order,[3] the Commission adopted a framework for subsea cable licensing that narrowly targets restrictions at foreign adversary control of critical infrastructure—imposing a presumptive disqualifying condition on Covered List entities that can be overcome through clear and convincing evidence that a specific arrangement does not pose unacceptable security risks.[4]

[3] Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks, OI Docket No. 24-523, 40 FCC Rcd 6481 (2025).

[4] See id. at 6497-99, paras. 30-32.

That framework reflects the practical reality that global communications networks are deeply interconnected and that categorical prohibitions—rather than targeted, risk-based restrictions—are more likely to cause collateral harm than to enhance security. The same principles should apply here. Any facility-level restrictions on interconnection should be calibrated to the nature of the traffic exchanged, the ability of the relevant Covered List entity to materially control or impact such traffic in a manner that poses a security risk, and the availability of mitigation measures, rather than tied solely to the identity of a facility's owner or operator.

3. The Realities of Internet Network Topology Make Blanket Interconnection Prohibitions Impracticable.

The global Internet is a "network of networks." Traffic between any two endpoints may traverse dozens of autonomous systems and facilities operated by entities in multiple countries. A U.S. carrier that directly peers with a Tier 1 transit provider may have no visibility into whether that transit provider, in turn, interconnects with a Covered List entity several hops downstream. The Border Gateway Protocol (BGP), which governs inter-domain routing on the Internet, operates on a best-path selection basis and does not permit originating networks to dictate or even fully observe the path that traffic takes beyond their immediate peers. If the Commission's proposed prohibition were interpreted to encompass indirect interconnection—as the NPRM's undefined use of "interconnection" or broad application to "transactions or dealings" could be read to require—it would impose an obligation that U.S. carriers cannot satisfy as a technical matter. No carrier can guarantee that its traffic will never transit a facility or network operated by a Covered List entity, particularly for international traffic. The result would be either mass non-compliance or the withdrawal of U.S. carriers from global interconnection arrangements, neither of which serves the national security interest.

4. The Proposed Prohibitions Risk Fragmenting the Global Internet.

Sweeping interconnection bans would contribute to the fragmentation of the global Internet that the United States has long opposed as a matter of foreign policy. The strength and resilience of U.S. communications networks depend on the diversity and redundancy of their interconnection arrangements. Forcing U.S. companies to route traffic around entire categories of networks and facilities would reduce path diversity, increase latency, create single points of failure, and degrade the quality and reliability of U.S. communications and technology services. It would also set a precedent that other countries could invoke to justify their own restrictions on interconnection with U.S. networks, accelerating a cycle of retaliatory fragmentation that would undermine U.S. technological leadership and the interoperable Internet that has been a cornerstone of U.S. communications and foreign policy for decades. The Commission should not, through domestic regulation, contribute to the very dynamic it has recognized as a threat in other proceedings.

5. The Proposals Raise Due Process and Vagueness Concerns.

The NPRM proposes prohibitions of extraordinary scope—potentially extending to "any transaction or other dealings" with Covered List entities—without providing adequate notice of what conduct is prohibited. As discussed in Section II.A above, the NPRM does not define "interconnection." It likewise does not define "transaction or other dealings," leaving regulated entities unable to determine whether the prohibition would reach, for example, the purchase of commercial off-the-shelf components, participation in industry standards bodies alongside Covered List entities, the use of cloud services that route through infrastructure with some connection to a Covered List entity, or routine commercial arrangements at shared data center facilities. The Fifth Amendment's Due Process Clause requires that regulatory prohibitions provide fair notice of the conduct they proscribe. See FCC v. Fox Television Stations, Inc., 567 U.S. 239, 253 (2012) ("A fundamental principle in our legal system is that laws which regulate persons or entities

must give fair notice of conduct that is forbidden or required."). A prohibition that regulated entities cannot reasonably interpret or comply with is void for vagueness. The Commission should not adopt prohibitions of this magnitude without clearly specifying the categories of arrangements that would be prohibited and providing regulated entities with meaningful guidance on their compliance obligations.

6. Compliance with Blanket Prohibitions on Indirect Relationships Would Be Practically Impossible.

Even if the Commission were to define the scope of the proposed prohibitions with greater specificity, compliance with a prohibition that extends to indirect interconnection or indirect "transactions or dealings" would be practically impossible. The Covered List includes named entities "and their affiliates and subsidiaries." Tracing every direct and indirect commercial relationship to determine whether any counterparty, sub-contractor, transit provider, or facility operator is an affiliate or subsidiary of a Covered List entity—particularly when foreign corporate ownership structures may not be publicly disclosed—would impose extraordinary compliance burdens on U.S. providers without corresponding security benefits. The Commission has not proposed any mechanism for carriers to verify the Covered List status of entities with which they indirectly interconnect or transact, nor has it proposed any safe harbor for carriers that exercise reasonable due diligence but nonetheless unknowingly engage in prohibited arrangements. A prohibition that cannot be complied with in practice is not a reasonable regulation and should not be adopted.

CONCLUSION

For the reasons discussed, the Commission should act in accordance with the recommendations herein.

Respectfully submitted,

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