

NLC RESOLUTION #2012-36

**LOCAL GOVERNMENT SUPPORT OF COMMUNITY / MUNICIPAL
BROADBAND NETWORKS**

WHEREAS, the universal availability of affordable high speed Internet broadband access for all citizens has been identified as a national priority; and

WHEREAS, community/municipal broadband networks provide an essential option for market competition, consumer choice, economic development, and universal, affordable Internet access nationwide; and

WHEREAS, historically, local governments have ensured access to essential services by banding together to provide those services that were not offered by the private sector at a reasonable and competitive cost. This involvement has included electrification, public libraries, and other important services; and

WHEREAS, in 2011, the Organization for Economic Cooperation and Development (OECD) reported that the United States is fifteenth among 30 developed and developing nations in deploying broadband services; and

WHEREAS, local government leaders recognize that their economic health and survival depend on connecting their communities, and they understand that it takes both private and public investment to bring this goal to fruition; and

WHEREAS, attempts have been made to limit or stop further local government deployment of municipal broadband services, which has the potential of reducing the ability of local government to provide important information and services to their citizens in a timely, efficient, and cost effective manner; and

WHEREAS, opponents of community and municipally provided broadband have proposed various administrative procedures that they claim are designed to protect citizens and consumers from unwieldy local governments; however, these safeguards really place over-burdensome requirements on municipalities and act as unnecessary barriers; and

WHEREAS, in the vast majority of community/ municipal broadband networks built to date, the private sector has been involved in helping design, build, and operate the network – creating new business opportunities and jobs in the process; and

WHEREAS, local governments should not be preempted by states from being able to offer broadband services, high speed Internet, and other communications services which could advance the deployment of broadband throughout our nation.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) believes that the federal government should encourage deployment of broadband networks in a competitive manner via a variety of conduits (satellite, WiFi, WiMax, cable, LTE, etc.); and **BE IT FURTHER RESOLVED** that NLC opposes any actions that seek to burden cities through unnecessary procedural requirements and safeguards that duplicate the democratic process by which all cities govern themselves; and

BE IT FURTHER RESOLVED that NLC embraces local governments' ability to work cooperatively with the private sector to offer broadband services and does not believe such public/private partnerships are incompatible with private sector competition; and

BE IT FURTHER RESOLVED that NLC supports federal proposals that promote community/municipal broadband, that preserves the authority of local governments to act in the interest of their citizens by offering high speed Internet and other communications services, and preempts states from barring local governments from offering such services in their communities.

NLC RESOLUTION #2012-37

**BROADBAND DEPLOYMENT: A CALL FOR UNIVERSAL AVAILABILITY
AND WORLD-CLASS QUALITY**

WHEREAS, in the early 1990s the United States was one of the world's leaders in broadband penetration to its citizens, but in 2011, the Organization for Economic Cooperation and Development reported that the United States has slipped to fifteenth in national broadband penetration among 30 developed and developing nations; this is a significant step backward; and

WHEREAS, the federal government has released a National Broadband Map, as directed by the National Broadband Plan, that provides data to support efforts to expand broadband access and adoption in communities at risk of being left behind in the 21st century economy and help businesses and consumers seeking information on their high-speed internet options; and

WHEREAS, to compete successfully in an increasingly global environment the United States needs to take advantage of all of the technological solutions that high speed broadband access offers; and

WHEREAS, universal broadband should be considered essential infrastructure that contributes to economic health and survival of communities across the United States; and

WHEREAS, the National League of Cities (NLC) believes that the current federal standard of 4 Megabits actual speed downstream and 1 Megabit upstream to measure broadband connections within the United States is insufficient; and

WHEREAS, the availability and adoption of quality broadband service can vary dramatically from one neighborhood to another even in heavily populated urban areas; and

WHEREAS, NLC strongly believes that broadband access should be universal, affordable and competitively priced, as universal broadband access would promote economic development, enhance public health and safety and increase educational opportunities for millions of Americans across the country; towns and cities across the country are offering fast, affordable Internet, and states should be encouraging these initiatives, not hindering them; and

WHEREAS, such availability and adoption is insufficient to satisfy current and future needs and because the broadband capabilities of other countries accommodate much higher connection speeds and are more widely available and less expensive per megabit than in the United States; and

WHEREAS, municipalities have worked jointly with representatives from the private sector to develop municipal broadband networks to provide an essential option for market competition, consumer choice, economic development, universal and affordable range of competitively priced Internet access nationwide; and

WHEREAS, existing municipal broadband networks should be held harmless from any potential federal actions intended to ensure national broadband deployment; and

WHEREAS, NLC supports proposals that promote community/ municipal broadband services, and that preserve the authority of local governments to act in the interest of their citizens by offering high speed Internet and other communications services, and

WHEREAS, NLC opposes any attempt which bars local governments from offering community/municipal broadband services in their communities.

NOW, THEREFORE, BE IT RESOLVED that NLC asks the federal government to recognize and work to achieve the twin goals of broadband deployment:

- (1) affordable and competitively priced; and
- (2) an appropriate standard for broadband connection that allows America to compete in the global economy and opens more opportunities to deliver rich services more economically and universally; and

BE IT FURTHER RESOLVED that NLC urges the federal government to take an expeditious role in convening together all interested parties, including, but not limited to, all levels of government (local, state, tribal, and federal), consumer organizations, representatives of underserved communities (rural, urban and suburban), all segments of the communications industry interests, representatives of private sector, and not-for-profit sector organizations, to promote ubiquitous broadband deployment.

NLC RESOLUTION #2012-38

OPPOSING THE FEDERAL COMMUNICATIONS COMMISSION NOTICE OF INQUIRY RELATING TO ACCELERATION OF BROADBAND DEPLOYMENT

WHEREAS, on April 7, 2011, the Federal Communications Commission (FCC) issued a notice of inquiry (NOI) relating to the “Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, WC Docket No. 11-59;” and

WHEREAS, the NOI appears to be based on the premise that local right-of-way regulatory and compensation issues constitute “barriers to entry” for broadband service; and

WHEREAS, in the past, the FCC has used such NOIs to issue orders that would severely limit municipal authority through federal preemption; and

WHEREAS, in advance of publishing the NOI (WC Docket No. 11-59) the FCC had not appointed the *Intergovernmental Advisory Committee*, as announced by the FCC in the *National Broadband Plan* last year but to date has relied on an industry-dominated panel without any meaningful input from local governments; and

WHEREAS, right-of-way regulation and/or compensation does not present an urban broadband deployment issue in U.S. cities; and

WHEREAS, state right-of-way statutes typically allow full access to local rights-of-way by virtually all telecommunication providers; and

WHEREAS, state right-of-way statutes typically allow full access to local rights-of-way by video service providers; and

WHEREAS, many cities long ago adopted stand-alone right-of-way management ordinances that protect the health and safety of their residents, and that contain similar provisions that are readily available via the Internet; and

WHEREAS, many cities do not impose any fee on broadband services, either as a separate fee to use public rights-of-way or a separate right-of-way rental payment; and

WHEREAS, broadband services are already available to many Americans; and

WHEREAS, many state constitutions require cities receive fair market value for the use of public property by private corporations, and the fee for the use of public property may not be “cost-based” as suggested by the Chairperson of the FCC; and

WHEREAS, mandating or granting free use of a city’s rights of way amounts to a gratuity which is also prohibited in some states’ constitutions; and

WHEREAS, the FCC lacks the Constitutional authority to preempt local zoning rules or right-of-way regulations or to set right-of-way compensation.

NOW THEREFORE BE IT RESOLVED that the National League of Cities supports the continued deployment of broadband services throughout the nation; believes in the concept of local control; and strongly opposes further federal preemption of local right-of-way management authority and/or preemption of rental fees for the use of public property.