

7.00 Economic Opportunity and Innovation

Local officials have traditionally been leading proponents of the development of new and emerging technologies and NLC supports federal policies that encourage economic development by promoting universal access, and digital inclusion, technological innovation, competition, and the implementation of new services. For communities, the existence of an affordable and modern communications infrastructure means rapid dissemination of and efficient access to information, increased productivity, new economic development opportunities, improved local government services, and an improved quality of life. Communications and information technology have become integral to providing improved health and social services, public safety, education and job training, transportation and other lifeline services. *(In this chapter, unless specifically noted, the word communications shall include voice, video, data, and all other services delivered over cable, telephone, fiber-optic, wireless, satellite and all other platforms.)*

A. Statement of Principles

NLC endorses the goal of achieving digital equity across all American communities. Digital equity ensures all individuals and communities have the information technology capacity needed for full participation in our society, democracy and economy. Digital equity is necessary for civic and cultural participation, employment, lifelong learning and access to essential services.

Every resident should have affordable access to communication technologies that provide full opportunities to engage in the digital

information space and use available information and digital resources for education, job opportunities, civic engagement, health care, financial services, entertainment and social connection.

Municipalities should be able to leverage assets such as fiber networks and partner with agencies, nonprofits and private sector businesses to deploy and support community digital inclusion programs. Local officials are also those best positioned to assess residents' needs and barriers when accessing adequate and affordable broadband, technology resources and training opportunities. Cities, towns and villages are also the entity best suited for appropriate management of public rights-of-way, land use and zoning in their communities, to balance the needs of achieving a robust communications and information technology infrastructure with the other needs of the community.

Federal broadband planning frameworks should encompass access to affordable and adequate broadband internet for residents and businesses, including:

- Economic opportunity and innovation for businesses, organizations and individuals participating in the digital economy;
- Digital literacy education opportunities that contribute to digital citizenship, privacy and cybersecurity skills;
- Robust and resilient communications systems for public safety and cybersecurity;
- Appropriate fixed access for single and multifamily homes and businesses;
- Equitable mobile service throughout entire jurisdictions to the extent feasible;
- Bandwidth symmetry between upload and download speeds, enabling sufficient access to high-bandwidth services and

applications needed for economic competitiveness;

- Network neutrality protections.

B. Access, Adoption, Affordability, and Symmetry of Broadband

Broadband access and adoption help promote economic development and social equity while enhancing public health, public safety, and educational opportunities for Americans around the country. Therefore, the Federal government should ensure that broadband access is universal, affordable, and addresses the nation's digital equity issues. The Federal government should also ensure that future deployments are developed so as not to decrease digital equity.

1. Access

NLC supports action by the federal government to provide matching grants, technology grants, tax credits, subsidies and other types of aid that would increase broadband deployment and affordability. NLC also supports sustained funding of programs such as e-rate.

2. Adoption

Understanding that access alone is not enough to encourage adoption, NLC also supports proposals that would bridge the digital divide and develop programs that would create opportunities to increase broadband adoption.

3. Affordability

Federal policies should be designed to maximize the availability of affordable and competitively priced services throughout the country.

4. Upload/Download Symmetry

Recognizing that broadband download capability is critical for access to content, upload speed is similarly critical for economic development and labor market

participation. Federal definitions of "broadband service" and programs to enhance access, adoption, and affordability should also seek to encourage upload/download bandwidth symmetry.

C. Competition and Convergence

Communications services are no longer bound to a single, exclusive engineering or physical delivery mechanism. Convergence refers to delivering services over non-traditional platforms, utilizing multiple technologies to deliver a particular service, and delivering multiple services over a single platform. A common example is telephone (voice) and data delivered by cable. Past regulatory regimes – applied to specific communications services, delivered via specific technologies – will be irrelevant and unworkable in a market where “cable companies,” “phone companies,” and their competitors deliver packages of comparable services via different technologies.

Implementing the principles of universal availability requires participation from the private, non-profit and governmental sectors. The private sector's role is to meet consumer demands by innovation and engaging actively in the market through product and service development and support. The non-profit sector may provide support for individuals that are not adequately served by the market or government programs.

Governmental programs are required in this area because the market cannot fully meet local, state and national objectives. Barriers of geography, technology, settlement patterns, poverty and other factors stand in the way. All levels of government have a role in ensuring universal availability. Despite the move to de-regulate services, states, through their public utility regulatory structures, have significant and changing roles in this area. Municipal and other local

governments can make significant contributions to universal availability through community needs analysis, regulation, financing, franchising, direct provision of services and infrastructure, progressive management of city properties including rights-of-way and a variety of other means. The federal government must not preempt municipal authority to act in the interest of its citizens, especially where fully competitive and affordable services do not exist.

The federal government, because of its scale and geographic scope, has a unique role in providing redistribution of service costs so that a national system of universal affordable access exists. These roles are critical in order to bridge gaps between universal service and what the private sector provides in response to the market.

7.01 Local Control and Authority

NLC supports a balanced approach to communications policy that allows new technologies to flourish while preserving traditional local regulatory authority. In particular, federal policies should not undermine the ability of municipal officials to protect the health, safety and welfare of their residents by diminishing local authority to manage public rights-of-way, to zone, to collect just and fair compensation for the use of public assets, or to work cooperatively with the private sector to offer broadband services. Regulation and oversight of basic telecommunication services are important prerogatives for local officials to advance community interests, including the provision of high quality basic services that meet local needs and are available at affordable rates to all consumers.

A. Land Use and Zoning

1. General

The Federal Government must not preempt or restrict zoning authority and other local land use laws or requirements applied in a non-discriminatory and timely manner that regulate the location, placement, size, appearance, screening or siting of transmission and receiving facilities and any other communications facilities such as satellite dishes, radio towers, broadcast facilities, microwave facilities, equipment housing, small wireless facilities, and similar facilities. *(See related policy under the Community and Economic Development Chapter, Section 3.07 (A) Land Use.)*

2. Adjudication

Disputes over local zoning and land use matters must be adjudicated by the state courts and not the Federal Communications Commission (FCC).

3. Exclusive Remedy for Personal Communications Facilities

NLC supports judicial decisions and legislation that express the clear Congressional intent to preclude application of damages and attorney fee remedies against local and state governments under federal civil rights statutes for violations of section 704 of the Telecommunications Act of 1996.

4. Radio Frequency Radiation Emissions

The federal government has established standards for radio frequency emissions. Local governments must be permitted to monitor and enforce these standards.

The increasing number of wireless sites in communities has increased questions from citizens about the health and safety impacts of these sites. The Federal Communications Commission should update its standards and guidance for safe exposure to radio frequency

emissions to account for changes in technology and density of infrastructure.

The lack of updated radio frequency emission standards, particularly with the proliferation of small wireless facilities, is an issue of concern often expressed to local elected officials by impacted residents.

We urge the Federal Communications Commission to publish updated standards relevant to small wireless facilities or a clear affirmation that the existing standards have been found to be safe when applied to small wireless facilities placed in very close proximity to each other and to inhabited structures.

5. Interference with Public Safety Communications

Local governments must have the authority under federal law to enforce zero-tolerance standards for interference with public safety communications. *(See additional related policy in Section 7.03 (D) Standards.)*

B. Communications Infrastructure Siting

Municipalities process and deploy the vast majority of wireless broadband infrastructure projects in a timely manner, respecting not only the needs of providers, but also the needs of the communities they serve. Local governments have the right and obligation to ensure wireless siting requests comply with current health, safety, building, engineering, and electrical requirements, as well as comply with tower fall zones and set-back ordinances.

NLC opposes efforts by the Federal Communications Commission to preempt local authority over wireless infrastructure, and supports legislative and judicial remedies to this preemption.

C. Rights of Way Management

Public rights-of-way are properties owned by the citizens of a municipality that are managed by local governments for the benefit of those citizens. Proper management is essential for the transportation of people, goods and services and for utilities including power, clean water, stormwater, sanitary sewer and communications. Municipal governments engage in a variety of activities related to rights-of-way to protect the public safety and welfare, to minimize service disruptions to the public, to protect public investments in rights-of-way, to assure the proper placement of service lines, to regulate the placement of service facilities and to realize the value of this public asset. Underlying these municipal roles and control is the fact that the use of publicly-owned rights-of-way is a privilege, not a right. Use of municipal rights-of-way is not an entitlement flowing from the Telecommunications Act of 1996. Local governments are legally and ethically obligated to control and charge for the use of rights-of-way. Moreover, the federal government must not mandate to local governments that the various users of rights-of-way be treated in precisely the same fashion, given that these industries place dissimilar demands and risks on the rights-of-way.

Municipalities, authorized to manage and receive compensation for commercial use of the public rights of way, may conduct a number of activities to achieve their management goals, including, but not limited to, the granting of franchises and licenses, the promulgation of construction, restoration and maintenance standards, the levying of taxes, the charging of fees, the levying of rental charges and the issuance of permits. The federal government should take no actions which restrict the authority of municipalities in these areas.

As communications and other services (that utilize public rights-of-way) are offered by different providers, and as services are bundled together or separated (segmented) in different ways, cities need the ability to adjust their regulations to the new provider environment. The federal government should remove federal barriers to this adjustment process by municipalities. Federal law should not preempt municipal regulations which require advance notification to the municipality of the offering of new services (using the rights-of-way) or when the use of existing facilities within the rights-of-way are converted to new uses. In addition service providers should be encouraged to deploy new technologies and not withhold implementation to the detriment of a community.

Municipalities must have the authority to assess fees reflective of just and reasonable compensation for the use of public rights-of-way. There should be no federal limitation on the ability of a franchising authority to impose appropriate franchise fees for the provision of non-cable services or the provision of service by any provider of communications services and its affiliates, or multi-channel video programming distributors using public property or public rights-of-ways. Moreover, franchising authorities should be able to assess a franchise fee on all operations of the service provider, or any other provider of cable or any other communications system capacity, as any such use constitutes a valuable right for which a city should receive fair compensation.

Municipal requirements for users of the rights-of-way including but not necessarily limited to the following should be clearly recognized in federal law as appropriate exercises of municipal authority:

- Complying with emergency orders issued by a municipality for public safety in exercise of police powers
- Posting bonds as determined necessary to ensure compliance;
- Indemnification;
- Notifying the municipality of excavations;
- Notifying the municipality of time, place, and manner of entry into rights-of-way;
- Complying with municipality requirements regarding excavation methods;
- Complying with municipality requirements regarding maintenance of traffic, pedestrian, or bicycle infrastructure;
- Complying with municipality requirements regarding aesthetics and undergrounding;
- Participating in the costs of street reconstruction;
- Coordinating with other providers and utilities to minimize rights-of-way disruption;
- Qualification requirements for contractors and subcontractors;
- Demonstrating ability to guarantee the quality of restoration work as using the same surface material or restoring landscaping to previous condition;
- Submitting as-built documentation and other information for entry into GIS systems;
- Provisions for abandonment of equipment
- Complying with regulations specifying the frequency of when right-of-way can be excavated, including dig-once policies; or
- Being subject to special assessments for street paving.

The type of requirements listed above should never be classified under federal law as

illegally discriminatory practices or as barriers to market entry.

NLC believes that the rare and justified use of moratoria is a critical rights-of-way and zoning management tool for municipalities and that the use of this tool should not be preempted by State or Federal policy or law. A moratorium is a temporary pause on development orders including permits imposed by a local government. In the context of advanced telecommunications deployment it may be used for the purposes of project planning and coordination, providing time to develop appropriate regulations to implement new state and federal law and address new technology, and to address significant public safety and welfare issues.

D. Municipal Broadband

NLC advocates for all levels of government (local, state, and federal) to facilitate the deployment of broadband networks and services through policies and regulations that favor government and private sector investments to further encourage deployment.

NLC supports federal proposals that preempt state barriers and preserve the authority of local governments to act in the interest of their citizens by offering internet access through community/municipal broadband initiatives.

1. Municipal Broadband Infrastructure

Municipalities must not be prevented from installing and operating municipally owned wireline/fiber or wireless communications systems, regardless of whether the intended use is governmental and/or private. NLC supports federal policies that facilitate the development of multiple, competitive wireline communications providers and that

protect the use of spectrum for public Wi-Fi networks.

2. Institutional Networks and Other Government-Use Networks

Communications policies on the national levels should encourage and support municipalities in the development and operation of Institutional Networks (“I-Nets”) or other networks used for governmental services such as transportation and utilities management and public safety. These networks are an integral part of the local communications infrastructure, providing valuable alternative video, voice, and data services to local governments, schools, hospitals, other public institutions, and the public. Furthermore, they can serve as a critical gateway to other communications networks. The creation of innovative services on I-Nets can be a catalyst for the broader deployment of advanced communications services within the community.

E. Wireline Communications Providers

Within this section, the phrase “communications providers” is intended to cover wireline telecommunication providers that historically provided telephony and/or television services. The phrase “municipalities” is intended to cover both municipalities and franchise authorities, other than municipalities, where applicable.

1. Federal/Local Jurisdiction over Wireline Communications Providers

Federal jurisdiction should be limited to matters expressly and unambiguously designated by statute as federal matters. All other matters should be left to local and state control; municipalities should have primary authority over local and other related intrastate matters. Federal laws and regulations should recognize, respect, and not restrict local government authority.

Municipal regulation of wireline communications systems is essential for several reasons:

- To manage use of the valuable and limited public rights-of-way;
- To protect consumer interests;
- To foster public, educational, and government (“PEG”) use of the system; and
- To protect the community’s needs and interests for which their rights-of-way are being occupied.

As authorities exercising police power to promote public health, safety and welfare, municipalities should be responsible for local matters such as:

- Management and control of the public rights-of-way;
- Consumer protection and enforcement of meaningful customer service standards, consumer choice, competitive consumer pricing;
- Continuity of service in cases of transfer, assignment, abandonment or termination;
- The use of municipally-owned/controlled facilities, including, but not limited to municipal services, poles, and conduits (and the fees for such use);
- Determining whether to require universal, nondiscriminatory service availability to subscribers; and
- Determining the use of franchise fees.

2. *Franchise Granting Administration (for municipalities who have local franchises)*

Municipalities should be permitted to consider any issues affecting the local public interest – including, but not limited to, the ability and willingness to provide service, PEG access requirements and universal service – in determining whether it is “reasonable” to deny a franchise request. Moreover, municipalities should have the right to consider the following issues relating to franchise administration:

- Impact of a franchise decision on competition in the local marketplace, and deny a franchise requests to providers that would restrict competition
- Franchise awards, modifications, time extensions, transfers, renewals, revocations, enforcement and administration;
- Prior approval or disapproval of transfers;
- The inspection of books and accounts, the conduct of audits; and
- Enforcement of service quality standards.

a. *Franchise Renewals*

Franchise renewals should be handled in accordance with applicable local law.

Federal law should:

- Allow municipalities to consider competitive renewal proposals at the time of renewal and to grant the franchise to a competitor that will better serve the community, provided that a locality is not required to grant an incumbent’s bid;
- Provide municipalities with authority to review all elements of the operators’ past performance without regard to transfers of ownership during the franchise term;
- Limit administrative and procedural complexities and establish an “arbitrary and capricious” standard for judicial review of a locality’s renewal decision;
- Provide adequate time periods for making a renewal decision; and
- Permit municipalities to deny renewal requests if a communications system operator is not in substantial compliance with material franchise requirements or has provided inadequate service, regardless of whether a locality had notice of, or provided a communications system operator notice of, franchise violations or inadequate service of notice of such violations.

b. Franchise Transfers

Federal law should not limit a municipality's ability to disapprove a proposed transfer upon any reasonable grounds, including, but not limited to: (a) a finding of past failure to comply with the franchise; (b) a refusal by the transferee to agree to reasonable business terms or comply with the terms of the franchise in the future; or (c) a finding of economic non-viability (as reflected in the purchase price and the economic impact of these acquisition costs on the community). Federal law should not limit a municipality's ability to collect all information necessary to fully review a buyer's qualifications, and should not place unreasonably short time limits on such review.

3. Franchise Fees

Municipalities must be paid fair and reasonable compensation for use of their rights of way. Such amounts should not be limited to the cost of maintaining the rights of way. In addition, payments made for, or in support of the use of PEG facilities, equipment and services, or for institutional networks (I-Nets) should not be considered franchise fees. NLC opposes federal efforts to reinterpret the Cable Act to deduct the value of mutually agreed upon nonmonetary franchise provisions from franchise payments. NLC also opposes federal efforts to exempt cable operators from local ordinances that apply to non-cable competitors.

With equity and competitive fairness as a framework, municipalities should continue to have the right to own, operate, manage, license, or lease any other voice and data services or infrastructure without a franchise and in competition with franchised providers of such services.

F. Broadcasting

1. Support for Low Power Television (LPTV)

Federal LPTV policy must promote and give priority to local government and public service programming, encourage diversity in programming, and maximize opportunity for local competition among LPTV stations.

2. Ownership Opportunities

NLC also encourages LPTV ownership by women, local governments, small businesses and minorities. Federal restrictions on trafficking, the rapid resale of recently acquired broadcasting licenses, should be established to preserve minority, female, small business, and local ownership.

3. Low Power FM Radio

NLC encourages the development of low power FM radio broadcasting service to provide opportunities for new entrants, including those for women and minorities into broadcast ownership. Low power FM radio broadcast programming can address local problems, needs and interests.

G. Fairness Doctrine

The federal "fairness doctrine" and related doctrines such as the "equal time" media access requirement for candidates should be enacted into law and strengthened by requiring full and effective FCC enforcement. The "fairness doctrine" was established in 1949 through federal regulation to foster debate on public issues and ensure the public airing of different points of view on controversial issues, but it was revoked in 1987 by the FCC.

1. Rate Regulation, Rate Structure, and Service Options

All traditional cable video services (including charges for installation, equipment, and other related services), should be regulated except for programming offered on a per-channel or

per-program basis that is not supported by revenues from advertisements.

Federal law should allow a municipality to require a uniform rate structure throughout a franchise area on a nondiscriminatory basis. Uniform rates help ensure the availability of a minimum level of service to low-income, disabled and elderly persons.

Federal law should allow a municipality to require video operators to provide lifeline service at regulated rates or to offer discounts on its services to low-income, disabled and elderly persons.

H. Municipal Liability Exposure and Franchise Administration

1. First Amendment

NLC is opposed to challenges of government regulation on First Amendment or other constitutional grounds brought by cable operators, or other communications and information service providers. When municipal regulation is challenged on First Amendment grounds, NLC encourages recognition of the following principles:

- Current television distribution facilities are predominantly a natural monopoly;
- Wireline communications service providers generally make permanent and extensive use of the public's rights-of-way;
- Public, educational, and governmental ("PEG") access promotes the First Amendment interests of the public; Universal service promotes the First Amendment interests of the public;
- The First Amendment interests of the public and municipalities, in assuring programming diversity and a vigorous marketplace of ideas, outweigh the communications providers' First Amendment interest in providing cable service; and
- The Internet is a unique media platform of expression that requires a different

First Amendment standard from that applied to the print medium, but similar to that applied to the broadcast medium. Further these unique media of expression are evolving and should be routinely monitored.

2. Damages Immunity

Some local governments have been threatened with extraordinary monetary judgments in lawsuits by communications providers that challenge the fundamental right to exercise regulatory jurisdiction authorized by federal, state or local laws or regulations. NLC supports the damages immunity provisions in the Telecommunications Act of 1996. To the extent that local government damages immunity provisions are not clearly set forth in other sections of the Telecommunications Act of 1996, they should be clarified. For example, the legislation should preclude the award of attorney fees and costs against municipalities.

I. Channel Control and Placement

1. Local Authority over Channels

Municipalities should be permitted under federal law to enforce programming and programming-related requirements contained in franchise agreements, including, for example, the number of channels that must be carried on any tier, requirements for PEG channel capacity, and a lifeline service tier requirement.

2. Must Carry Requirements

NLC feels that federal "must-carry" requirements serve important goals, such as promoting the viewership of public broadcasting systems and preserving the nation's system of free over-the-air broadcast service.

NLC supports federal law that prohibits broadcasters from using available PEG

channels to transmit must-carry signals without a municipality's approval. Such approval should be obtained in advance of the use of unused PEG channels and such use of PEG channels should be temporary.

3. Channel Placement and Numbering for Cable

Municipalities should not be precluded by federal law or regulation from regulating the placement and numbering of access channels to better protect consumers. Municipalities should also be authorized to prohibit any changes in channel assignments on tiers subject to rate regulation unless approved by the municipality.

Changes in alignment for services not subject to rate regulation (e.g., pay-per-view and premium programming) should be preceded by reasonable notice to the municipality and subscribers.

J. Public Access Channels

Federal law should require communications providers offering channel-based programming, regardless of the means of distribution, to meet PEG access obligations as determined by municipalities.

Federal law should: (a) authorize municipalities to require communications providers to provide both operating and capital support for access facilities, equipment, staffing, and maintenance at levels sufficient to ensure the viability of access without any limitations or credits against franchise fees; (b) not limit franchising authorities ability to designate entities to provide access services; and (c) provide liability protection wherever a municipality, access entity, or communications provider does not exercise editorial control over content.

K. Satellite Services

NLC supports federal efforts requiring satellite companies to meet public interest requirements such as public, education and government (PEG) channels.

7.02 Public Safety

Ensuring dependable, robust, and resilient communications systems for public safety needs is an important priority of municipal government. Preserving the local government role in public safety communications systems can help local governments take advantage of technological innovation and result in improved communications efforts and practices.

This section will focus primarily on the communications-related aspects of public safety. For additional public safety policy, please refer to the Public Safety and Crime Prevention (PSCP) Chapter of the National Municipal Policy.

A. Spectrum Allocation

Spectrum is a finite non-renewable natural resource owned by the people and managed by the government.

The federal government must allocate sufficient communications spectrum to municipalities for public safety use in order to enhance inter-operable communications among public safety and service agencies, and to ensure the ability of local governments to meet their responsibilities for public safety and emergency services. The federal government must also involve cities as it develops standards for the delivery of emergency information on communications systems.

If federal reallocation of radio spectrum forces a municipality to change frequencies, channels, or both to preserve their public

safety and emergency communications services, there should be fair compensation made for transfer costs. Such compensation should include all costs reasonably incurred by the municipality, including, but not necessarily limited to, new equipment and infrastructure for broadcasting under a different frequency, and additional personnel and training.

B. FirstNet

The passage of the Middle-Class Tax Relief and Job Creation Act of 2012, provided spectrum and \$7 billion in funding to create a nationwide public safety data communications network in the hopes of meeting the needs and requirements of our nation's first responders. The First Responder Network Authority (FirstNet) Board of Directors has been tasked with the planning, construction, maintenance, and operation of a nationwide public safety wireless broadband network that will allow first responders to achieve better communication in their day-to-day work as well as during disaster response. NLC encourages efforts by FirstNet to work with state and local governments, as well as the first responder community, to identify their needs when it comes to the cost, coverage, and uses of the public safety broadband network.

C. Interoperability

Having the capability to transmit vital information to different emergency response personnel among all levels of government without interference and delay is key to communications for public safety. No man, woman, or child should lose his/her life because public safety officials cannot communicate with one another. The federal government should take immediate action to provide local governments with the broadcast channels needed to enhance their communications capabilities. Reliable and

interoperable wireless communications are essential to public safety's mission to protect life and property. *(See related policy under PSCP Section 6.02(C) Public Safety Technology and Intelligence.)*

D. Standards

The federal government should encourage regional planning for public safety communication needs and address the current shortage of spectrum channels with a long-term plan that ensures sufficient and appropriate spectrum to meet future public safety needs across the nation, communications equipment with open standards, and funding for the necessary building, operation, and maintenance of a national interoperable emergency communications system. If federal reallocation of radio spectrum forces a municipality to change radio frequencies and/or channels to preserve its public safety and emergency communications services, there should be prompt and fair compensation made for transfer costs, such as new equipment and additional personnel and training. *(See related policy under PSCP Section 6.02(C) Public Safety Technology and Intelligence.)*

E. Emergency Notices

The federal government must ensure that homes and businesses have access to the same emergency information as is offered by the Emergency Alert System, without regard to which communications technology is used to serve a location.

7.03 Consumer Protection

Municipalities have a fundamental responsibility to protect the public health, welfare and safety through the exercise of police powers vested in them by action of their residents or the operation of state law. Through such mechanisms as: direct

provision of services, franchising, permitting, and licensing, municipal governments have and maintain oversight over multiple communication systems, which are essential to this objective. Federal law should allow municipalities to enact and enforce more rigorous customer service standards than federal standards.

A. Abusive Practices

1. Slamming

NLC supports federal efforts to address the illegal practice of changing consumer communications services without authorization, known as slamming. This unauthorized change can have a negative impact on consumers of communications services who not only lose the right to subscribe to their provider of choice, but also might be subject to lower quality service or higher rates.

2. Cramming

NLC supports federal efforts to address the illegal act of placing unauthorized charges on wireline, wireless, or bundled communications services bill, a practice known as cramming. This practice tricks consumers into paying for services they did not authorize or receive, or that cost more than the consumer was led to believe.

3. Robo-Calls

NLC supports federal efforts to eliminate robocalls, except those exempted by the Federal Trade Commission, which are unsolicited telemarketing calls to landline or cellular telephones, and all autodialed or prerecorded calls or text messages to wireless numbers. NLC supports the Do-Not-Call Registry and encourages further efforts to expand the program and close loopholes.

4. Spoofing FCC Language

NLC supports federal efforts to address caller ID spoofing, a practice where callers can

deliberately falsify the telephone number and/or name relayed as the caller ID information to disguise the identity of the calling party.

5. Unsolicited Communications

NLC calls on the federal government to expand efforts to curtail unsolicited communications, including, but not limited to, cell and landline phone calls, texts, faxes, e-mails, pop-up Internet ads and abandoned phone calls, except in situations where an established business relationship exists. In addition to being a nuisance, the costs of such unsolicited communications are often passed on to consumers and businesses. However, federal actions, such as national “do not call” registries, should not preempt or weaken existing state or local laws.

6. Online Safety

The federal government should also encourage responsible use of broadband technology services. Identity theft, bullying, cyber stalking, the mis-management of consumer data, hacking or infecting government and other lawful websites and networks, and broadband schemes to defraud seniors and vulnerable populations should be prohibited and discouraged through appropriate government policies, enforcement, and technology solutions that address both broadband providers and consumers, and through appropriate education. A large reason many Americans do not adopt and use broadband services more readily is the fear of being subject to abusive practices. To be accepted, broadband must be safe for users.

7. Reassigned Numbers

NLC encourages federal action to provide consumers an easy way to exempt themselves from autodialer call lists and prevent companies from calling numbers that have been reassigned.

B. Truth in Advertising

NLC supports federal proposals which encourage regulators to develop and enforce strict guidelines to govern advertising and public disclosure of broadband services.

Of special interest should be:

- Broadband providers currently use download speed as their primary flagship, while minimizing the disclosure of upload speed, which is the most variable component of current broadband delivery technologies. Providers should be required to advertise upload/download speeds on an equal basis.
- Providers heavily advertise their download speeds as rated inside their own networks, without any common measurement indexes that would allow consumers a basis for fair comparison of products between providers. Providers should be required to ensure all broadband advertising that includes bandwidth claims to use a common system for speed measurement across the entire Internet.
- Providers currently contract consumers to multi-year agreements with exit costs that are not indicative of the installation costs or associated discounts for the services provided. Providers should be required to disclose/contrast termination fees in all advertising that ‘headlines’ a discounted rate based on said contractual agreement.
- Providers currently contract groups of consumers to lengthy multiyear exclusive contracts to pre-empt the expansion of city/municipality owned networks. To counter this, there should be support for the expansion of municipal broadband by discouraging or legislating against these practices.
- Providers currently ‘package’ other services with their broadband services to force market these products to consumers that have limited/no options in the broadband market. The use of ‘slam

packaging’ in markets with exclusive/limited broadband service options should be banned.

- Providers currently advertise speed and availability to markets where the service and speed are unavailable, or only available to a small percentage of the citizens receiving the advertising. NLC encourages the federal government to provide oversight of these practices.

C. Billing Practices and Service Disputes

Federal requirements should not restrict the ability of any individual subscriber from filing complaints directly with the FCC.

NLC supports federal law that would allow municipalities to enact and to enforce more rigorous customer service standards.

D. Privacy

1. Privacy and Consumer Protection

Federal law must not limit the ability of municipalities to protect consumers from the misuse of personally-identifiable information. The exposure and risks to individuals from the use and misuse of personal information and shifting public expectations for information privacy should be at the forefront of federal policy decision-making. The collection, maintenance, use and dissemination of personal information have been facilitated by the vast capabilities of modern information technology.

2. Privacy and Public Records

Local governments have an important role as collectors and caretakers of vital information about the people and communities they govern. This information is a unique resource used by governments to plan and deliver services and, under state and local guidelines, by citizens and the private sector to enhance educational, social and economic objectives.

NLC opposes any federal law or regulation, which would limit a municipality's discretion in determining what information, held by a municipality, should be made available electronically.

A municipal government should have no legal exposure under federal law or regulation if a municipality makes information, which is public under its state law, available to any member of the public.

To safeguard municipal interests and promote expanded use of innovative information technologies, municipalities should never be required by federal law or regulation to provide data electronically, or in an electronic format that involves a significant development or administrative cost without reasonable compensation for, at minimum, the marginal cost of providing the service. Cities should be allowed to provide information in the format that is generally employed to meet the requirements of the municipality, which may not necessarily be in the form that a requester desires.

E. Cybersecurity

NLC supports federal efforts in cybersecurity related to national security, protection of sensitive information and intellectual property, and the availability and continuity of infrastructure. The increasing presence of the Internet of Things throughout cities and the increased attempts to interfere with election processes presents an increased threat to city residents and necessitates increased federal action. Local governments are responsible for the protection of large amounts of personally identifiable data, the breach of which could lead to criminal activity or unauthorized use. NLC additionally supports federal efforts to provide increased resources and technical assistance to local governments for the protection of government systems, data,

transactional databases, enterprise files and critical government functions. (*See related policy under PSCP Section 6.03(I) Protect Against and Respond to Cyber Threats.*)

F. Network Neutrality

The federal government should mandate compliance with the following principles by all companies owning networks or offering Internet access, regardless of technology they employ:

- Internet users and creators of services should have unrestricted access to and use of their choice of lawful Internet content, applications, and services;
- Internet users are entitled to connect their choice of legal devices to the network;
- Internet service providers should not engage in prioritization or throttling of content unrelated to public safety needs; and
- While network owners define the cost and technical limits of their service, consumers must receive meaningful information regarding their service plans, including but not limited to information about anticipated upload and download speeds.
- Each of these principles should apply regardless of an Internet user's income, race, geographic location, or disability.
- Enforcement of these principles and similar principles are essential to ensure that the public receives the maximum diversity of information and the maximum competition among providers of services, equipment, content, and Internet access. Municipal broadband networks represent an important alternative to communities that find privately owned networks are unable to comply with these principles.

NLC RESOLUTION #54

LOCAL GOVERNMENT SUPPORT OF COMMUNITY/MUNICIPAL BROADBAND NETWORKS

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

WHEREAS, community/municipal broadband networks are an essential option for education, healthcare, 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, according to the Federal Communications Commission, half of American homes only have two options of Internet service providers for basic broadband and for faster speeds, a majority of households only have one choice¹; and

WHEREAS, the economic health of municipalities depends on public and private investment to connect their communities; and

WHEREAS, municipal governments consider broadband to be a critical form of infrastructure, and more than 900 communities have therefore made significant investments in publicly-owned broadband infrastructure²; and

WHEREAS, attempts continue to be 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 barriers³; 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

¹ [Federal Communications Commission, Internet Access Services: Status as of June 30, 2017, November 2018.](#)

² [Institute for Local Self-Reliance, “Community Network Map,” January 2020.](#)

³ [National League of Cities, “City Rights in an Era of Preemption: A State-by-State Analysis,” April 2, 2018.](#)

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

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) urges the federal government to encourage deployment of broadband networks in a competitive manner via a variety of conduits (satellite, wireless, and wireline); 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 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 preserve the authority of local governments to act in the interest of their citizens by constructing, owning and operating broadband infrastructure, directly offering high speed Internet and other communications services, and/or participating in public-private partnerships for the purposes of offering competitive broadband and communications services; and

BE IT FURTHER RESOLVED that Congress should preempt state laws that restrict municipalities from providing community broadband networks and further ensure that no new broadband legislation should preempt the authority of local governments to conduct their own broadband planning; engage in broadband infrastructure construction, ownership, or operation; collaborate with neighboring jurisdictions; govern the placement and deployment of wireless or other communications infrastructure in their communities; or impose consumer protection or buildout requirements on broadband providers in their jurisdictions; and

BE IT FURTHER RESOLVED that NLC calls on Congress to pass the Community Broadband Act to supersede state preemption and enable the provision of municipal broadband in every state.

NLC RESOLUTION #55**FEDERAL INVESTMENT IN BROADBAND ACCESS: A CALL FOR UNIVERSAL AVAILABILITY, AFFORDABILITY AND WORLD-CLASS QUALITY**

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, equity, and survival of communities across the United States; and

WHEREAS, despite the findings of the Federal Communications Commission (FCC) 2019 Broadband Deployment Report¹ that 21.3 million Americans lacked access to broadband networks, the FCC concludes that “broadband is being deployed in a reasonable and timely fashion;” and

WHEREAS, there is a disparity between providers’ reporting of advertised speeds and actual delivered speeds that has been proven through speed tests in a number of states and municipalities; and

WHEREAS, the numbers of individuals with access to broadband is overreported by the FCC and inconsistent with the U. S. Census American Community Survey’s findings; and

WHEREAS, the federal standard for broadband (25 Megabits per second (Mbps) download and 3 Mbps upload), which has been in effect since 2015, is insufficient for multiple household members to simultaneously access vital bandwidth-intensive services such as video chat or VPN simultaneously; and

WHEREAS, with the proliferation of devices with Internet access, wireless data traffic has grown significantly, placing a greater demand on both licensed and unlicensed spectrum, and adding additional capacity is essential to support continued innovation and achieve the potential to transform many different areas of the American economy by providing a platform for innovation and is likely to have a substantial impact on jobs, growth and investment; and

WHEREAS, the availability and adoption of quality, affordable broadband service can vary dramatically from one neighborhood to another and between single family and multifamily homes, even in heavily populated urban areas, and a substantial number of individuals in poor and rural communities have limited Internet access and where broadband access is limited, citizens have limited access to information, education and tools for economic independence²; and

¹ [Federal Communications Commission, 2019 Broadband Deployment Report, May 29, 2019.](#)

² [Brookings Metropolitan Policy Program, “Broadband subscriptions are up, but too many households are still disconnected,” September 28, 2018.](#)

WHEREAS, 15% of households with children in school currently lack a broadband connection, while the majority of teachers assign homework that requires broadband, leaving millions of students behind in modern education³; and

WHEREAS, current availability and adoption is insufficient to meet present and future needs.

NOW, THEREFORE, BE IT RESOLVED that NLC asks the federal government to recognize and work to achieve the goals of equitable broadband access by providing:

- Affordable and competitively priced broadband access; and
- Appropriate standards for symmetrical broadband speed, reliability, and connectivity that allow America to compete in the global economy and open more opportunities to deliver robust services more economically and universally; and
- Funding, such as that proposed in the Digital Equity Act, to support digital inclusion programs throughout the United States.

BE IT FURTHER RESOLVED that NLC urges the federal government to include and to incorporate federal investment in broadband in any federal infrastructure proposal, to strengthen the nation's infrastructure network while promoting economic development and social equity in our communities; and

BE IT FURTHER RESOLVED that NLC supports the FCC revisiting the benchmarks for broadband speeds on a more frequent basis because of the evolving nature of technology and the needs of communities for faster and symmetrical speeds; and

BE IT FURTHER RESOLVED that Congress must work with state and local governments to fund broadband infrastructure at high performance standards that provides at least 100/20 Mbps service, and ideally 1 Gbps symmetrical service, without harmful data caps, to ensure that federal funds are spent only on broadband that will provide meaningful service for current and future essential applications; and

BE IT FURTHER RESOLVED that NLC encourages the FCC to close the "homework gap" in low-income households through the support of low-cost plans, including access provided by local governments; and

BE IT FURTHER RESOLVED that NLC opposes any efforts by the FCC to reverse modernization of the critically important E-Rate and Lifeline programs; and

BE IT FURTHER RESOLVED that NLC supports expansion of the U.S. Department of Agriculture's Rural Utility Service Broadband program beyond loan guarantees to include grants, and an increased population threshold for eligible areas to at least 20,000 so that more areas may take advantage of this financing; and

BE IT FURTHER RESOLVED that NLC calls on Congress to increase funding for Community Development Block Grants and Choice Neighborhood Grants, which allow local

³ [Pew Research Center, "Nearly one-in-five teens can't always finish their homework because of the digital divide," October 26, 2018.](#)

governments to fund broadband planning and deployment alongside affordable housing and neighborhood improvement projects; and

BE IT FURTHER RESOLVED that NLC calls on the U.S. Department of Housing and Urban Development to expand its ConnectHome program, to ensure that a growing number of HUD-assisted households and schoolchildren will have access to in-home broadband; and

BE IT FURTHER RESOLVED that NLC calls on Congress to remove state-imposed barriers to broadband investment, such as preemption of municipal broadband networks; and

BE IT FURTHER RESOLVED that NLC calls on Congress to reform and update federal transportation grant programs such as BUILD to ensure that placement of broadband infrastructure through policies such as “dig once” is prioritized in funded projects, and that physical structures that reduce the cost of broadband deployment by private companies such as dark fiber and conduit are eligible expenses in federal grant programs; and

BE IT FURTHER RESOLVED that NLC urges the federal government to take a leadership 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 symmetrical broadband access.

NLC RESOLUTION #56**LOCAL GOVERNMENT SUPPORT FOR FAIRNESS AND TRUTH IN ADVERTISING
FOR INTERNET SERVICE PROVIDERS**

WHEREAS, the universal availability of affordable, reliable high-speed Internet broadband access for all citizens is a national priority; and

WHEREAS, Internet access is a necessity for citizens to enable access to their workplaces, educational opportunities, telemedicine, social media, and community involvement; and

WHEREAS, the federal standard for broadband (25Mbps download and 3 Mbps upload) is insufficient for multiple household members to simultaneously access vital bandwidth-intensive services such as video chat and/or VPN necessary for modern educational needs simultaneously; and

WHEREAS, advertising practices in the Internet/broadband industry are generally unmonitored; and

WHEREAS, broadband providers currently do not consistently advertise the speed consumers are likely to experience, but the highest possible speed consumers may experience; and

WHEREAS, some broadband providers currently advertise speed and availability, including the availability of next-generation mobile services, to markets where the service and speed are unavailable, or only available to a small percentage of the citizens receiving the advertising, violating basic concepts of truth in advertising; and

WHEREAS, Internet providers that do not meet the FCC standards for broadband use the term ‘broadband’ for their advertised service with no disclosure of their failure to meet the standard.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) supports the imposition of a standard for broadband measurement to be required in broadband advertising, allowing the public a fair basis for comparison when purchasing broadband services; and

BE IT FURTHER RESOLVED that this advertising standard should require providers to advertise upload/download speeds on an equal basis; and

BE IT FURTHER RESOLVED that this advertising standard should require providers to advertise only actual delivered speed and availability averages (50th percentile) for the area being advertised to; and

BE IT FURTHER RESOLVED that NLC urges the federal government to explore and enact requirements that promote fair and explicit advertising in the broadband industry, which include standards based on measurements of broadband speed from a nationally available source.

NLC RESOLUTION #57**PRESERVING LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING**

WHEREAS, the Federal Communications Commission (FCC) has enacted regulations that substantially limit the traditionally-held authority of local governments over small cell wireless infrastructure and local governments' ability to assess fair compensation to taxpayers for use of public property, subsidizing wireless providers' development while undermining local efforts to expand equity and broadband access; and¹

WHEREAS, the FCC has enacted regulations that challenge local land use authority to govern broadband infrastructure under the auspices of accelerating broadband infrastructure deployment²; and

WHEREAS, cities have worked as active partners to site broadband infrastructure in their communities while protecting public safety, neighborhood character, and the integrity of existing infrastructure such as poles, streets, and sidewalks; and

WHEREAS, cities share the FCC's goal of expanding broadband access to all Americans, no matter where they live; and

WHEREAS, cities have a duty to their taxpayers to protect and manage public property and public rights-of-way for the benefit of all users, and must balance the needs and interests of broadband providers with those of other users of the rights-of-way and residents by appropriately reviewing siting requests and assessing appropriate rent for use of public property; and

WHEREAS, NLC and numerous other organizations representing state and local governments, as well as hundreds of individual local governments, had to resort to litigation to protect the health, safety and welfare of residents;³ and

WHEREAS, in August 2020, the Ninth Circuit Court decided to largely uphold these preemptive regulations, reinforcing the need for Congress to provide an immediate lasting legislative remedy.⁴

NOW, THEREFORE, BE IT RESOLVED that NLC opposes efforts by the FCC and Congress to preempt municipal authority over all broadband infrastructure, wired or wireless, including small cell infrastructure; and

¹ [Federal Communications Commission, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79 and Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84, Declaratory ruling and Third Report and Order \(rel. Sep. 27, 2018\).](#)

² [Federal Communications Commission, Updating the Commission's Rule for Over-the-Air Reception Devices, Notice of Proposed Rulemaking, WT Docket No. 19-71 \(rel. March 22, 2019\).](#)

³ [Brief of Local Government Intervenors in Support of Respondents, Sprint Corporation v. Federal Communications Commission \(nos. 19-70123, 19-70124, 19-70125, and 19-70326\).](#)

⁴ [City of Portland v. USA, Case No. 18-72689, 9th Cir. 2020.](#)

BE IT FURTHER RESOLVED that NLC calls on the FCC and Congress to protect local authority over their rights-of-way, municipal authority to protect neighborhood character and public safety, to require collocation, maintain control of aesthetic and undergrounding requirements, and existing authority to assess fair compensation for private use of public assets, including the rights-of-way and other public lands and facilities, which should not be limited to the cost of maintaining the rights of way; and

BE IT FURTHER RESOLVED that NLC calls on the FCC to identify effective collaborative solutions and effective administrative practices for the siting of wireless infrastructure, including increased local representation on advisory committees, instead of implementing a one-size-fits-all preemptive regulatory approach; and

BE IT FURTHER RESOLVED that NLC opposes efforts by the FCC to favor specific technologies through regulation, or adopting regulations that further expand the digital divide by preempting local governance; and

BE IT FURTHER RESOLVED that NLC supports legislation to overturn the FCC preemption of local authority and affirm the authority of local governments to determine usage of and appropriate fees for usage of local rights-of-way; and

BE IT FURTHER RESOLVED that NLC calls on the FCC to examine all best practices and potential obstacles to expanded broadband deployment and adoption, including obstacles created by federal or industry practices that stymie local and consumer efforts to expand broadband access.

NLC RESOLUTION #58**CALLING FOR UPDATED FEDERAL SAFETY STANDARDS FOR
RADIOFREQUENCY EMISSIONS OF WIRELESS FACILITIES**

WHEREAS, increased usage of wireless communications services has resulted in greater deployment of wireless communications facilities in cities; and

WHEREAS, Congress and the Federal Communications Commission (FCC) are considering legislation and regulations, respectively, addressing the deployment of small wireless communications infrastructure in public rights-of-way; and

WHEREAS, states and local governments throughout the United States are preempted by Section 332(c)(7) of the Communications Act of 1934 from taking into consideration the health effects of radio frequency emissions (RF) when regulating the placement of wireless facilities or small wireless facilities with their jurisdictions; and

WHEREAS, Americans have expressed significant concerns with the health effects of RF emissions associated with wireless facilities, particularly small wireless facilities placed in public rights-of-way often in very close proximity to residents' homes, places of work and where they recreate; and

WHEREAS, cities and counties employ methods to avoid providing certain environmental related services near residents with particular sensitivities; and

WHEREAS, the FCC is required by the National Environmental Policy Act of 1969, among other things, to evaluate the effect of emissions from FCC-regulated transmitters on the quality of the human environment; and

WHEREAS, the FCC adopted a proceeding in 2013 to reassess RF exposure limits;¹ and

WHEREAS, numerous states, local governments and tribes have urged the FCC to revisit and to update FCC standards for RF emissions, with input and support from other federal agencies, including the Environmental Protection Agency and the Food and Drug Administration; and

WHEREAS, NLC, the National Association of Counties (NACo), National Association of Telecommunications Officers and Advisors (NATOA) the U.S. Conference of Mayors (USCM), and the National Association of Towns and Townships (NATaT) on behalf of their respective constituencies, jointly submitted comments urging that the FCC take action to perform a

¹ [Federal Communications Commission, Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies; Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields, First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry, ET Docket 13-84 \(rel. March 29, 2013\).](#)

comprehensive review of RF emission standards and guidance for local government officials, particularly with respect to small wireless technologies;² and

WHEREAS, the FCC closed its RF exposure docket in 2019, reaffirming the safety of personal RF-emitting devices such as cell phones, but declining to address the safety of small wireless infrastructure or to provide local governments with updated resources and guidance on assessing the safety of small wireless structures in their communities or addressing the rising tide of questions and concerns from residents about their safety;³ and

WHEREAS, conspiracy theories about 5G and RF emissions have increased dramatically in the wake of this agency inaction, making it more difficult for local governments and wireless providers to site small wireless facilities in communities and leading to vandalism or destruction of structures and threats to telecommunications workers' safety; and

NOW, THEREFORE, BE IT RESOLVED that NLC urges the FCC to take action as diligently as possible to update prior standards and to perform a comprehensive review of the standards for RF emissions, particularly in light of the deployment of small wireless technologies in public rights-of-way in close proximity to residents' homes, schools, workplaces, and places of recreation; and

BE IT FURTHER RESOLVED that the federal government should continuously update and refresh these standards, based on changes in technology, spectrum usage, device usage, and infrastructure deployment, to ensure that standards are recent enough to maintain public confidence; and

BE IT FURTHER RESOLVED that NLC calls on the FCC to develop an updated resource for local governments' use in education for residents about these updated RF emissions standards and the safety of commonly deployed wireless equipment, particularly small cell wireless equipment and 5G deployment.

² [Letter from the National League of Cities, National Association of Telecommunications Officers and Advisors, National Association of Counties, The United States Conference of Mayors, and the National Association of Towns and Townships to the FCC, July 20, 2020.](#)

³ [Federal Communications Commission, Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies, ET Dockets 03-137 and 13-84, Released December 4, 2019.](#)

NLC RESOLUTION #59

IN SUPPORT OF MUNICIPAL DATA OWNERSHIP AND PROTECTION

WHEREAS, municipalities require personally identifiable information to provide essential services to residents, such as bill payment, transit, public planning, and public health; and

WHEREAS, municipal governments have a responsibility to protect residents' personal and financial data, of which they are stewards; and

WHEREAS, most municipalities are reliant upon products and services to carry out critical municipal functions, which necessitates the transmission and storage of data regarding residents' finances, identification, travel information, or other sensitive data; and

WHEREAS, residents have a reasonable expectation of privacy in many transactions with their governments and do not expect their data to be shared with third parties except as necessary to perform municipal functions; and

WHEREAS, there is no current federal data privacy law governing the ownership and protection of data by residents or by municipalities on behalf of residents; and

WHEREAS, under current law contractors providing these essential products and services may require that this data become the property of the company, not the municipality, allowing companies to either monetize residents' data directly or indirectly by requiring municipalities to purchase it back for local use; and

WHEREAS, local governments have become particularly attractive targets for bad actors, with two-thirds of all ransomware attacks targeted at local governments,¹ and most local governments report insufficient internal resources for cybersecurity, necessitating outsourcing of many functions and services involving technology and data management.²

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities calls on the federal government to establish data privacy principles that prevent the abuse of municipal data by companies providing products and services to local governments; and

BE IT FURTHER RESOLVED that the federal government should institute, expand and promote basic cybersecurity requirements for companies and governments to ensure that residents' data is appropriately protected from breach or theft; and

BE IT FURTHER RESOLVED that federal data privacy policy should require companies to enable municipalities to export their data on demand, and should not require municipalities to pay again to access or export their own data; and

¹ [StateScoop, "Report: Two-thirds of ransomware attacks in 2019 targeted state and local governments," August 20, 2019.](#)

² [International City/County Management Association, "Cybersecurity: Protecting Local Government Digital Resources, May 2017.](#)

BE IT FURTHER RESOLVED that federal privacy principles should not impinge on the ability of municipal governments to collect and use data to complete critical government functions, such as transportation service, utility operation, public safety, and providing equitable access to these services.

NLC RESOLUTION #60**IN SUPPORT OF BUILDING STRONGER BROADBAND INFRASTRUCTURE IN THE WAKE OF THE COVID-19 PANDEMIC EMERGENCY**

WHEREAS, the coronavirus pandemic caused a rapid and unprecedented shift to virtual education, healthcare, work, socialization, worship, and access to government services and civic engagement in the United States; and

WHEREAS, higher levels of remote education, telehealth visits, and telecommuting are likely to continue for the foreseeable future; and

WHEREAS, the ability for these activities to be done online is critical for the survival of local economies; and

WHEREAS, despite distribution of wireless hotspots and laptops, more than 40% of America's students were still unable to consistently access online learning for a substantial portion of the school year, worsening the impact of the existing homework gap;¹ and

WHEREAS, many employees in both the government and private sectors were unable to perform their job duties remotely due to limitations of broadband; and

WHEREAS, many residents in need of medical services and COVID-19 screening were unable to access telehealth services due to lack of access to broadband; and

WHEREAS, civic and community engagement that are the heart of a municipality's democratic process have been upended during the pandemic, stifling voices from being heard at city halls across America, leaving residents without access to broadband completely out of the local decision-making process; and

WHEREAS, the federal standard for broadband (25Mbps download and 3 Mbps upload) is insufficient for multiple household members to simultaneously access vital bandwidth-intensive services such as video chat or VPN simultaneously; and

WHEREAS, while the vast majority of American Internet Service Providers (ISPs) took voluntary pledges to preserve and expand access to broadband during the emergency, this is no replacement for substantial federal investment during and beyond the duration of the pandemic; and

WHEREAS, the economic impacts of the epidemic and the digital divide have not been distributed evenly, falling most heavily on rural communities, low-income neighborhoods, and communities of color, cutting those residents off from job opportunities, education, healthcare, and social connections during a national emergency; and

¹ [National Public Radio, "4 In 10 U.S. Teens Say They Haven't Done Online Learning Since Schools Closed," April 8, 2020.](#)

WHEREAS small businesses who have suffered drastic effects of this pandemic will not be able to rebuild without widespread broadband solutions and many of the most vulnerable small businesses still do not have access to the requisite high-speed connectivity to recover in a stalled economy.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities calls on the federal government to ensure that communities are not left behind in the global recovery from the pandemic emergency by investing in a robust, resilient, equitable and scalable future-proofed broadband infrastructure network; and

BE IT FURTHER RESOLVED that the federal government should recognize the holistic impact of broadband on economic development and strive to improve employees' ability to work from home as a way to increase the nation's workforce resiliency; and

BE IT FURTHER RESOLVED that the federal government should prioritize completion of a detailed, specific broadband availability map that is updated on a quarterly basis to ensure that future public funds are spent wisely and effectively; and

BE IT FURTHER RESOLVED that Congress must work with state and local governments to fund broadband infrastructure at high performance standards that provides at least 100/20 Mbps service, and ideally 1 Gbps symmetrical service, to ensure that federal funds are spent only on broadband that will provide meaningful service for current and future essential applications; and

BE IT FURTHER RESOLVED that Universal Service Fund programs of the Federal Communications Commission, including Lifeline, E-Rate, and the Rural Health Care program should be expanded and updated to support providing broadband service to as many residents and communities as possible, particularly as communities face likely extended periods of social isolation policies and un- or underemployment; and

BE IT FURTHER RESOLVED that Congress should pass digital equity legislation, including grant funding, to ensure that state and local governments are able to plan for and improve digital equity in their communities; and

BE IT FURTHER RESOLVED that Congress must pass the Community Broadband Act to ensure that localities can take action to strengthen their own broadband infrastructure when needed in the future; and

BE IT FURTHER RESOLVED that in recognition of broadband's status as an essential utility, Congress must incorporate broadband infrastructure and digital equity funding into future coronavirus relief legislation; and

BE IT FURTHER RESOLVED that Congress should preempt state laws that restrict municipalities from providing community broadband networks and further ensure that no new broadband legislation should preempt the authority of local governments to conduct their own broadband planning; engage in broadband infrastructure construction, ownership, or operation; collaborate with neighboring jurisdictions; govern the placement and deployment of wireless or

other communications infrastructure in their communities; or impose consumer protection or buildout requirements on broadband providers in their jurisdictions.

NLC RESOLUTION #61**IN SUPPORT OF DIGITAL EQUITY FOR AMERICAN COMMUNITIES**

WHEREAS, access to fast, affordable broadband and devices in the United States is not evenly distributed across geographic, racial, or socioeconomic lines, disproportionately harming rural communities, low-income communities, and communities of color; and

WHEREAS, 18 million households in America lack broadband access, including 14 million households in urban areas and 4 million households in rural areas, reflecting an enormous un- and underserved urban and suburban population; and

WHEREAS, while 82% of households with incomes above \$100,000 use broadband at home, only 57% of households with incomes below \$25,000 do;¹ and

WHEREAS, household broadband access lags for communities of color, with 77% of white residents having in-home broadband service, while only 67% of Black and Hispanic residents do,² and twice as many Black and Hispanic residents as white reporting relying solely on smartphones for access to the Internet;³ and

WHEREAS, at least 83.3 million Americans can only access broadband through a single provider, with 47 million of those in a monopoly market for a single cable company, while another 33 million can only access broadband through a single DSL provider, leaving many with little or no market or regulatory downward pressure on pricing;⁴ and

WHEREAS, federal broadband policy has increasingly targeted federal dollars solely to building infrastructure in unserved rural areas, neglecting communities with inadequate or decaying telecommunications infrastructure and ignoring the impact of affordability on broadband access, disproportionately disadvantaging communities of color;⁵ and

WHEREAS, no dedicated federal subsidy for household broadband exists, while the Lifeline combined phone and broadband program has been weakened through federal policy changes and faces an uncertain financial future due to the current funding structure for the Universal Service Fund and its reliance on landline phone bill surcharges, and

WHEREAS, while mapping improvements will help to improve the accuracy of federal broadband access measurements, the Federal Communications Commission does not track broadband adoption or affordability in its annual assessment of broadband access.

¹ [National Telecommunications and Information Administration, Digital Nation Data Explorer, "Internet Use at Home," June 10, 2020.](#)

² *Ibid.*

³ [Pew Research Foundation, Internet/Broadband Fact Sheet, June 12, 2019.](#)

⁴ [Institute for Local Self-Reliance, "Profiles of Monopoly: Big Cable and Telecom," August 2020.](#)

⁵ [National Digital Inclusion Alliance, "Limiting Broadband Investment to "Rural Only" Discriminates Against Black Americans and Other Communities of Color," June 2020.](#)

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities calls on the federal government to make holistic reforms to federal broadband policy that promote digital equity and empower local governments to engage in digital inclusion work within their own communities; and

BE IT FURTHER RESOLVED that Congress should enact legislation to fund and support digital inclusion programs and planning within communities, such as the Digital Equity Act; and

BE IT FURTHER RESOLVED that Congress should pass legislation to establish a dedicated and sustainably funded federal broadband benefit, to ensure that low-income households are not barred from full participation in work, education, and civic life due to broadband subscription prices; and

BE IT FURTHER RESOLVED that broadband reporting programs, such as the FCC's annual broadband deployment report, broadband infrastructure programs, such as the Connect America Fund or the U.S. Department of Agriculture's Rural Utilities Service funds, should assess affordability when determining whether residents have access to home broadband; and

BE IT FURTHER RESOLVED that broadband infrastructure programs should not be limited to rural communities, and should incorporate suburban and urban communities, many of which have been subjected to decades of disinvestment, monopolization, and digital redlining; and

BE IT FURTHER RESOLVED that the U.S. Treasury should allow digital inclusion as an eligible community support service under the requirements of the Community Reinvestment Act, ensuring that low to moderate income communities do not go unbanked due to lack of broadband access or low digital literacy; and

BE IT FURTHER RESOLVED that Congress should affirmatively uphold and protect the authority of local governments to control their agreements with the cable, wireline, and wireless telecommunications companies operating in their jurisdictions, to ensure their appropriate usage of public resources such as municipal rights-of-way, promote digital equity, and adequate investment in and contribution to the community; and

BE IT FURTHER RESOLVED that Congress should remove barriers to cooperative and municipal investment in and provision of broadband service, to ensure local governments are empowered to close gaps in communities with inadequate or unaffordable broadband service.