

1 **COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES, & INTERSTATE**  
2 **COMMERCE**

3 **POLICY: NCSL REQUESTS INCREASED STATE REPRESENTATION ON**  
4 **THE FEDERAL COMMUNICATIONS COMMISSION**  
5 **BROADBAND DEPLOYMENT ADVISORY COMMITTEE**

6 **TYPE: NEW RESOLUTION**

7 **SPONSOR: SENATOR DEB PETERS**

8 **WHEREAS**, states actively establish, fund and promote broadband internet policies,  
9 authorities and projects across the country;

10 **WHEREAS**, broadband is fundamental in furthering the education, economic  
11 development, and health of all Americans;

12 **WHEREAS**, states want to close the digital divide and ensure equal access to  
13 broadband internet across all regions of the state;

14 **WHEREAS**, under the Federal Communications Commission's (FCC) statutory  
15 authority, the Communications Act of 1934 and the Telecommunications Act of 1996  
16 acknowledge the dual but collaborative role state and federal government have in  
17 providing, regulating and promoting communications services;

18 **WHEREAS**, on January 31, 2017, FCC Chairman Ajit Pai announced the formation of  
19 the Broadband Deployment Advisory Committee ("BDAC"), a federal advisory  
20 committee tasked with providing advice and recommendations to the FCC on how to  
21 identify and remove regulatory barriers to accelerate the deployment of high speed  
22 broadband internet access;

23 **WHEREAS**, FCC Chairman Pai has appointed 31 members of the BDAC, only two (2)  
24 BDAC members represent state entities, two (3) city government, and one (1) tribal;

25 **WHEREAS**, the BDAC released on November 9, 2017 draft proposals for a Model Code  
26 for States, Competitive Access to Broadband Infrastructures, Removing State and Local  
27 Regulatory Barriers, and a Model Code for Municipalities;

28 **WHEREAS**, serving as of an advisory body to the FCC, the BDAC's recommendations  
29 hold influence over FCC efforts to identify and remove regulatory barriers to broadband  
30 infrastructure deployment;

31 **WHEREAS**, the BDAC membership should equally reflect constituencies significantly  
32 impacted by the recommendations, and therefore a greater number of state government  
33 representatives should be on the BDAC;

34 **NOW, THEREFORE, BE RESOLVED**, the FCC should increase the representation of  
35 state legislators in BDAC membership;

36 **BE IT FURTHER RESOLVED**, NCSL urges the FCC to work collaboratively with states  
37 to identify methods for accelerating the deployment of high speed broadband internet  
38 access;

39 **BE IT FURTHER RESOLVED**, NCSL opposes FCC efforts to pre-empt the traditional  
40 authority of states around rights-of-way, pole attachments and policies governing  
41 telecommunications facilities;

42 **BE IT FINALLY BE RESOLVED**, to submit this resolution to the Federal  
43 Communications Commission and the Chairman, Ajit Pai.