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

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

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

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

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

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

WHEREAS, the BDAC released on November 9, 2017 draft proposals for a Model Code for States, Competitive Access to Broadband Infrastructures, Removing State and Local Regulatory Barriers, and a Model Code for Municipalities;
WHEREAS, serving as of an advisory body to the FCC, the BDAC’s recommendations hold influence over FCC efforts to identify and remove regulatory barriers to broadband infrastructure deployment;

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

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

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

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

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