



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

July 22, 2014

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Bruce W. Starr
*Senator
Oregon
President, NCSL*

Thomas W. Wright
*Chief of Staff to Speaker
Alaska
Staff Chair, NCSL*

William T. Pound
Executive Director

Dear Chairman Wheeler:

On behalf of the National Conference of State Legislatures (NCSL), we write to express our opposition to your recent remarks articulating your desire to preempt state laws regulating taxpayer funded broadband networks. As you consider your course of action on this matter, we encourage you to heed the principles of federalism and caution you of the numerous decisions by the United States Supreme Court with regard to the relationship between the state and its political subdivisions. This is a fundamental tenet of state government and NCSL will challenge the constitutionality of any action on the part of the Federal Communications Commission (FCC) seeking to diminish the duly adopted laws of the impacted states or prevent additional states from exercising their well-established rights to govern in the best interests of the voters.

Aside from the Constitutional challenges, such an attempt disregards the countless hours of deliberation and votes cast by locally elected lawmakers across the country and supplants it with the impulses of a five-member appointed body in Washington, D.C.. As you have conceded previously, "I understand that the experience with community broadband is mixed, that there have been both successes and failures." Your words in mind, is it that unreasonable policymakers in 21 states have responded by enacting safeguards on municipal networks to mitigate the pitfalls associated with entry?

State legislators understand the transformative power of broadband. We have considered and adopted numerous measures promoting deployment by encouraging competition in the marketplace as well as public-private partnerships. We share the aspiration that every American have access to broadband and look forward to working cooperatively with you and the FCC to move the needle on this important endeavor.

We appreciate the opportunity to communicate the views of our colleagues across the country. Should you have any questions, please contact James Ward in our Washington, D.C. office at 202-624-8683 or james.ward@ncsl.org.

Sincerely,

Senator Bruce Starr
Oregon Senate
President, NCSL

Senator Debbie Smith
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President-Elect, NCSL

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