

ACTION ALERT

National Conference of State Legislatures
Office of State-Federal Relations

November 08, 2017

PROTECT STATE AUTHORITY OVER BROADBAND INFRASTRUCTURE

Contact your federal representatives and ask them to sign on to Congresswoman Anna Eschoo's (Calif.) letter requesting increased state government representation on the Federal Communications Commission's (FCC) Broadband Deployment Advisory Committee (BDAC).

States must speak up now or be forced to relinquish legislative control over this issue.

The Federal Communications Commission Broadband Deployment Advisory Committee is set to propose federal legislation that will pre-empt states on internet service provider permitting, licensing and fee collection and seeks to establish uniform procedures and substantive requirements for state broadband deployment.

STATE LEGISLATORS MUST CONTACT THEIR MEMBERS OF THE HOUSE OF REPRESENTATIVES AND SENATE TO URGE THEM TO SUPPORT GREATER STATE INFLUENCE IN THE BDAC

Background – Under the leadership of FCC Chairman Ajit Pai, the Commission is aggressively moving forward with an agenda to pre-empt state and local authority on broadband access by streamlining regulations by:

- Expanding the scope of the Telecom Act section 332 (c)(7) pre-empting state authority
- Placing a cap on fees for poles applications and licenses
- Codifying a limited timeframe for local government to review and approval pole attachment applications
- Imposing “Deemed Granted Relief” for failure to meet deadlines

NCSL Position – NCSL encourages cooperation in deploying necessary broadband internet service with both industry and all levels of government, while maintaining proper local authority over the siting of such facilities. Congress should avoid adopting new mandates and provide the FCC with defined and limited authority to oversee, but not proactively intervene in, the broadband internet marketplace.

- **Remind your Members of Congress that telecommunication services are a joint state and federal jurisdictional issue and the federal government should not overstep their congressional mandate by individually increasing the scope of their legislative authority.**
- **Remind your Members of Congress of the specific regulations and guidelines in your state that already exist in your state addressing telecommunications service and the eventual**

deployment of 5th Generation wireless service. Inform them that a federal one-size-fits-all solution is not the answer to the telecommunications issues in your state.

- **Inform your Members of Congress to vote against pre-emption, as states are passing legislation to streamline access to small cell and other broadband infrastructure. Such laws have been enacted in 12 states in the last 18 months.** Explain any reform bills passed or pending in your state.

For more information, please contact
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