



PUBLIC NOTICE

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FCC ANNOUNCES THE REAUTHORIZATION OF THE INTERGOVERNMENTAL ADVISORY COMMITTEE

Seeks Nominations for Reauthorized Committee

In this Public Notice, the Federal Communications Commission (“Commission” or “FCC”) announces the reauthorization of the Intergovernmental Advisory Committee (“IAC”) and seeks nominations for membership on the IAC. The IAC, comprised of 15 representatives from local, state, and tribal governments, advises the Commission on a range of telecommunication issues for which their governments explicitly or inherently share responsibility or administration with the Commission. The IAC is eligible for the intergovernmental exemption from the Federal Advisory Committee Act (“FACA”), 5 U.S.C. App. 2 (1998).¹ The term of operations of the IAC is limited to two years, with an option for reauthorization at the end of the two-year period.

BACKGROUND AND MISSION

The IAC, formerly known as the Local and State Government Advisory Committee (“LSGAC”), was created in 1997 to provide guidance to the Commission on telecommunications issues of interest to both local government and the Commission.² On July 17, 2003 the Commission adopted an Order approving revisions to its rules governing the LSGAC, changing the name from the LSGAC to the IAC in order to reflect the reallocation of two additional membership slots to tribal governments.³ Under the new rule, The IAC is administered by the Office of Intergovernmental Affairs within the Consumer & Governmental Affairs Bureau.

By this Public Notice, the Chairman of the FCC, Kevin J. Martin, reauthorizes the committee for another two years and concomitantly seeks nominations for the 15 positions.

¹ See 2 U.S.C. § 1534(b); see also 5 U.S.C., App 2 (1988).

² See Adoption of Subpart G, Section 0.701 of the Commission’s Rules, *Order*, 16 FCC Rcd 1183 (2001).

³ In the Matter of Modification of Subpart G, Section 0.701 of the Commission’s Rules, *Order*, 18 FCC Rcd 16,810 (2003).

RESPONSIBILITIES

The IAC provides advice and information to the Commission on a broad range of telecommunications issues, including, but not limited to:

- Broadband deployment, particularly on rural and underserved areas
- Homeland Security and Public Safety
- Public Rights of Way
- Cable franchising
- Competition
- Consumer Issues
- Spectrum Issues
- Facilities Siting

The IAC will establish working groups or subcommittees to facilitate its work between meetings. Meetings are closed to the public.

MEMBERSHIP

The IAC is composed of the following 15 members (or their designated employees): 1) four elected municipal officials (city mayors and city council members); 2) two elected county officials (county commissioners or council members); 3) one elected or appointed local government attorney; 4) one elected state executive (governor or lieutenant governor); 5) three elected state legislators; 6) one elected or appointed public utilities or public service commissioner; and 7) three elected or appointed Native American tribal representatives.⁴ The Chairman of the Commission appoints members through an application process initiated by a Public Notice, and selects a Chairman and a Vice Chairman to lead the IAC. The Chairman of the Commission may also appoint members to fill any vacancies and may replace an IAC member, at his discretion, using the appointment process.⁵ As with all other advisory committees and joint boards, the Chairman or Commissioner designated by the Chairman, oversees the Committee's activities and serves as liaison between the IAC and the Commission.

Nominees must be "officials" within the meaning of section 1534(b), the intergovernmental exemption from FACA accorded intergovernmental communications between Federal officials and officials of state, local and tribal governments, "acting in their official capacities."⁶ Because the input that Congress sought to facilitate through the intergovernmental exemption is institutional in nature, the exemption targets communications with officials involved in the governmental process at the state, local and tribal levels. We clarify here, that to be appointed to the IAC, a member such as "an elected or appointed local government attorney"

⁴ See 47 C.F.R. § 0.701(b) (2004).

⁵ See 47 C.F.R. § 0.701(a) (2004).

⁶ See n.1, *supra*.

must be on the staff of the municipal or county government represented and be part of the governmental process.⁷ We do so to ensure that the IAC can continue to operate with the informality and flexibility that have proven so effective in the past and that inhere in its FACA-exempt status. Those seeking nomination as a “designated employee” should provide a letter or other documentation from their employer authorizing the nomination.

The Commission is interested in candidates representing rural areas and individuals with expertise in public safety and homeland security matters. The Commission also seeks input on possible nominees from interested organizations or institutions representing local, state or tribal matters, such as the National Association of Regulatory Utility Commissioners, the National Association of Telecommunications Officers and Advisors, the National League of Cities, the National Congress of American Indians, the National Governors Association, and the U.S. Conference of Mayors.

Nominees must be willing to commit to a two-year term of service, which requires attendance to four (4) one day meetings per year in Washington, D.C. at the applicant’s own expense.

APPLICATIONS FOR MEMBERSHIP/ DEADLINE

Applications should be received by the Commission **no later than March 31, 2006**, and should be sent to the Federal Communications Commission, Consumer & Governmental Affairs Bureau, Attn.: Carmen Scanlon, via e-mail to carmen.scanlon@fcc.gov, via facsimile to (202) 418-2839.

The application does not require a particular format; however, it should include the following information:

- (1) The name and title of the applicant
- (2) The telephone number
- (3) Mailing address or e-mail address
- (4) A brief description of the applicant’s area of expertise and qualifications to serve on the Committee

Once members are selected, the Commission will publish a notice in the Federal Register announcing the appointment of IAC members and the first meeting date of the Committee.

ACCESSIBLE FORMATS

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-2809 (voice) or (202) 418-0179 (TTY).

For further information contact: Alice Elder, Acting Chief, Office of Intergovernmental Affairs, Consumer & Governmental Affairs Bureau, Federal Communications Commission,

⁷ 47 C.F.R. § 0.701(b).

(202) 418-2168 (voice) or 1-800-835-5322 (TTY), alice.elder@fcc.gov (e-mail) or Carmen Scanlon, Attorney-Advisor, Office of Intergovernmental Affairs, Consumer & Governmental Affairs Bureau, Federal Communications Commission, (202) 418-0544 (voice) or 1-800-835-5322 (TTY), carmen.scanlon@fcc.gov (e-mail).

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