



PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202 / 418-0500
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FCC FURTHER EXTENDS DEADLINE AN ADDITIONAL THIRTY DAYS FOR MEMBERSHIP NOMINATIONS FOR THE INTERGOVERNMENTAL ADVISORY COMMITTEE

On April 18, 2011, the Federal Communications Commission (FCC or Commission) opened nominations for membership on the reauthorized Intergovernmental Advisory Committee (IAC), an advisory committee that provides guidance, expertise, and recommendations to the Commission on a range of telecommunication issues for which local, state, and Tribal governments explicitly or inherently share responsibility or administration with the Commission.¹ The original deadline for nominations was May 18, 2011.² On May 20, 2011, the Commission released a Public Notice, extending the deadline for nominations through June 20, 2011.³ By this Public Notice, we further extend the deadline to submit nominations through July 27, 2011. The Commission should receive nominations no later than this date. There is no change in the procedures for submitting nominations, but we again set forth these procedures below for your convenience

NOMINATIONS PROCEDURES

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

- Resume (including applicant's current position);
- Contact information (both email and mailing addresses, as well as telephone numbers);
- A brief description of the applicant's area of expertise and qualifications to serve on the IAC, including the applicant's experience with telecommunications issues affecting local, state, or Tribal governments.

Nominees for IAC membership should submit their applications: (1) online via email; and/or (2) hardcopy via mail. Applications submitted via email should be sent to iac@fcc.gov. Because of the extensive security screening of incoming U.S. mail, delivery of U.S. mail sent to the Commission may be significantly delayed and we encourage submission by e-mail to ensure that the application is received by

¹ *FCC Seeks Nominations for the Reauthorized Intergovernmental Advisory Committee*, Public Notice, April 18, 2011, found at: http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0425/DA-11-708A1.doc

² *Id.*

³ *FCC Extends Deadline Thirty Days for Membership Nominations for the Intergovernmental Advisory Committee*, Public Notice, May 20, 2011, found at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-11-923A1.pdf

the deadline date. However, for those applicants who choose to send hardcopy applications via U.S. mail, they should address their application to:

Attn: Carmen Scanlon, Attorney Advisor
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

IAC MISSION

The mission of the IAC is to make recommendations to the Commission on the many telecommunications issues affecting local, state and Tribal governments that are within the jurisdiction of the Commission. These issues are wide-ranging and could include topics such as adoption of the National Broadband Plan and implementation of expanded broadband adoption and deployment, especially in unserved and underserved rural areas and Tribal lands, a major Commission policy priority. Other important topics include improved public safety communications, facilities siting, universal service reform, and public rights-of-way.

IAC MEMBERSHIP

Pursuant to Section 0.701(b) of the Commission rules, the IAC shall be composed of fifteen (15) members (or their designated employees) as follows: 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 However, to ensure compliance with section 204(b) of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. §1534(b), which provides for an exemption from the Federal Advisory Committee Act (FACA) for certain intergovernmental groups, any nomination of appointed attorneys or commissioners must be supported by a designation letter from an *elected* officer of a state, local or Tribal government, for whom such appointees will be serving in their official capacities.⁵

The Chairman of the Commission appoints IAC 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.⁶ The Chairman, or a Commissioner designated by the Chairman, oversees the Committee's activities and serves as liaison between the IAC and the Commission.⁷ Elected or appointed officials may designate a government employee to represent them on the IAC, provided the elected or appointed official submits a letter designating that particular employee to

⁴ See 47 C.F.R. § 0.701(b).

⁵ Section 204(b) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §1534(b), provides an exemption from FACA for intergovernmental communications involving meetings between Federal officials and Federal employees and "elected officers of State, local and Tribal governments (or their designated employees with authority to act on their behalf)" when such individuals act "in their official capacities."

⁶ 47 C.F.R. § 0.701(b).

⁷ See 47 C.F.R. §0.701(e).

represent them on the IAC and the Chairman of the Commission approves the designation. Those government employees seeking nomination as a “designated employee” should provide a letter or other documentation from the “elected officers of State, local and Tribal governments” for whom they are acting in their official capacities, to ensure compliance with section 204(b) of UMRA.⁸

Nominees must be willing to commit to serve for the full term that the IAC is authorized and should expect to attend four (4) one day meetings per year in Washington, D.C. at the applicant’s own expense.⁹ Members who fail to “attend a minimum of 50% of the IAC’s yearly meetings . . . may be removed by the Chairman of the IAC for failure to comply with this requirement.”¹⁰

Members will also have an initial and continuing obligation to disclose any interests in, or connections to, persons or entities who are, or will be, regulated by, or who have interests before, the Commission.

IAC CANDIDATE EXPERTISE

The Commission is especially interested in candidates for the IAC representing rural and Tribal areas and individuals with expertise in broadband deployment and adoption policy, rights-of-way, as well as public safety and homeland security matters. The Commission also seeks nominees recommended by organizations representing local, state or Tribal governments such as the National Association of Counties, the National Association of Regulatory Utility Commissioners, the National Association of State Utility Consumer Advocates, the National Association of Telecommunications Officers and Advisors, the National Conference of State Legislatures, the National Congress of American Indians, the National Governors Association, the National League of Cities, and the U.S. Conference of Mayors.

EXEMPTION FROM THE FEDERAL ADVISORY COMMITTEE ACT FOR “INTERGOVERNMENTAL COMMUNICATION”

Pursuant to the “intergovernmental communication” exemption in section 204(b) of UMRA, 2 U.S.C. §1534(b), “the IAC is not subject to, and is not required to follow, the procedures set forth in the Federal Advisory Committee Act, 5 U.S.C. App. 2 (1988).”¹¹

Because the input that Congress sought to facilitate through the intergovernmental exemption is institutional in nature, the exemption covers federal communications with elected officials (or designated employees) involved in the governmental process at the state, local and Tribal levels. We clarify here that to be appointed to the IAC, under Commission rules, a member such as “an elected or appointed local government attorney” must be on the staff of the municipal or county government represented and be part of the governmental process.¹² Our compliance with the requirements of section 204(b) of UMRA ensures 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.

⁸ In the case of an employee designated by an “appointed” official, that nomination should also be supported by a designation letter from the elected official who supported the initial nomination of the appointed official to the IAC.

⁹ See 47 C.F.R. §§0.701(b)-(c).

¹⁰ See 47 C.F.R. §0.701(c).

¹¹ See 47 C.F.R. §0.701(a). See also *supra* note 5.

¹² 47 C.F.R. § 0.701(b).

FINAL SELECTION

Once the Chairman selects the members for the reauthorized IAC, the Commission will publish a Public Notice on its web site announcing the appointment of the new membership and the first meeting date of the reauthorized IAC.

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 and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

For further information, please contact: Gregory Vadas, Chief, Office of Intergovernmental Affairs, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (202) 418-1798 (voice) or 1-800-835-5322 (TTY), gregory.vadas@fcc.gov; or Steve Klitzman, Deputy Chief, Office of Intergovernmental Affairs, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (202) 418-1763 (voice) or 1-800-835-5322 (TTY), steve.klitzman@fcc.gov.

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