



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
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FCC SEEKS NOMINATIONS FOR THE REAUTHORIZED INTERGOVERNMENTAL ADVISORY COMMITTEE

In this Public Notice, the Federal Communications Commission (Commission) seeks nominations for membership on the Intergovernmental Advisory Committee (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. On December 4, 2009, the Commission reauthorized the IAC.¹ The term of operations of the reauthorized IAC will be two years, with an option for reauthorization at the end of the two-year period, and the term will commence with its first meeting.²

IAC BACKGROUND

The Commission in 1997 created the IAC, formerly known as the Local and State Government Advisory Committee (LSGAC), to “facilitate intergovernmental communication” and provide guidance to the Commission on telecommunications issues of interest to both local and state governments and the Commission.³ On July 17, 2003, the Commission revised its rules governing the LSGAC. It changed the name from the LSGAC to the IAC to reflect the reallocation of two additional membership slots to Tribal governments. It also increased representation of rural interests and announced an intention to provide for more expertise in homeland security.⁴ The IAC is administered by the Office of Intergovernmental Affairs within the Consumer and Governmental Affairs Bureau.

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 range from major Commission policy priorities such as adoption of the

¹ See *FCC Announces the Reauthorization of the Intergovernmental Advisory Committee*, Public Notice, 24 FCC Rcd 14316 (2009). The IAC last met on December 7, 2009.

² The IAC is authorized under Commission rules to operate for a two-year period following its first scheduled meeting. See 47 C.F.R. §0.701(a).

³ See *Adoption of Subpart G, Section 0.701 of the Commission’s Rules*, Order, 16 FCC Rcd 1183 (2001); 47 C.F.R. §0.701(a).

⁴ *Modification of Subpart G, Section 0.701 of the Commission’s Rules*, Order, 18 FCC Rcd 16810 (2003).

National Broadband Plan and implementation of expanded broadband adoption and deployment, especially in unserved and underserved rural areas and Tribal lands, to 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.⁵ 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.⁶

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.⁷ The Chairman, or a Commissioner designated by the Chairman, oversees the Committee's activities and serves as liaison between the IAC and the Commission.⁸ 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 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.⁹

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.¹⁰ 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."¹¹

⁵ See 47 C.F.R. § 0.701(b).

⁶ 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."

⁷ *Id.*

⁸ See 47 C.F.R. §0.701(e).

⁹ 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.

¹⁰ See 47 C.F.R. §§0.701(b)-(c).

¹¹ See 47 C.F.R. §0.701(c).

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).”¹²

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.¹³ 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.

APPLICATIONS FOR MEMBERSHIP/ DEADLINE

Nominees for IAC membership must submit their applications: (1) online via email; and/or (2) hardcopy via mail. Applications must be submitted no later than thirty (30) days after the release date of this Public Notice. Applications submitted via email must be sent to iac@fcc.gov. Hardcopy applications submitted via mail must be addressed to:

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

¹² See 47 C.F.R. §0.701(a). See also *supra* note 6.

¹³ 47 C.F.R. § 0.701(b).

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.

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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