



# PUBLIC NOTICE

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## FCC ANNOUNCES REAUTHORIZATION OF ITS INTERGOVERNMENTAL ADVISORY COMMITTEE AND SOLICITS NOMINATIONS FOR MEMBERSHIP ON THE COMMITTEE

By this Public Notice, the Federal Communications Commission (“Commission” or “FCC”) announces the reauthorization of the Intergovernmental Advisory Committee (“IAC” or “Committee”) and solicits nominations for membership on the IAC. The current term of the IAC expired on September 24, 2019. The term of operations for the reauthorized IAC will be limited to two years, with an option for reauthorization at the end of the two-year period and will commence with its first meeting.<sup>1</sup> Nominations for membership are due by December 6, 2019. Because this committee consists of only Federal, state, local or Tribal governmental elected officials (or their designated employees), the IAC is exempt from the Federal Advisory Committee Act (“FACA”).<sup>2</sup>

### MISSION AND FUNCTIONS

The mission of the IAC is to provide advice to the Commission on the many telecommunications issues affecting local, state and Tribal governments that are within the jurisdiction of the FCC. These issues can range from major FCC policy priorities such as broadband adoption and deployment, especially in unserved and underserved rural areas and Tribal lands, to strengthening public safety communications infrastructure and emergency response capabilities, streamlining facilities siting while respecting public rights of way, monitoring the transition from “legacy” telecommunications services to emerging wireline networks and wireless networks, and ensuring the effectiveness and efficiency of the universal service programs.

During its two-year term, the IAC may be tasked by the Chairman to produce specific deliverables that will further the Commission’s mission and objectives, including, but not limited to, those related to the deployment and adoption of broadband services for Tribal and rural communities and other unserved or underserved areas, bridging the urban-rural digital divide, emergency preparedness and response, “Smart Cities” and infrastructure-related initiatives, and consumer complaints, processes and data. The duties of the Committee include providing guidance to the Commission, gathering data and information, and performing those analyses that are necessary to respond to the questions or matters before it.

The IAC will establish working groups to facilitate its work. Working group discussions will be conducted primarily through email and teleconferences. The time commitment for each working group will differ, depending on the issues on which the Commission directs the IAC to provide guidance.

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<sup>1</sup> The IAC is authorized under Commission rules to operate for a two-year period following its first scheduled meeting. 47 CFR § 0.701(a).

<sup>2</sup> The Unfunded Mandates Reform Act of 1995 (UMRA) provides for this exemption for “actions in support of intergovernmental communications - - where (1) meetings are held exclusively between Federal officials and elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities . . . .” 2 U.S.C. §1534(b).

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## BACKGROUND

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 local, state, and Tribal governments, as well as to the Commission.<sup>3</sup> On July 17, 2003, the Commission adopted an Order changing the name from the LSGAC to the IAC and approving revisions to its rules.<sup>4</sup> The Office of Intergovernmental Affairs (IGA) within the Consumer & Governmental Affairs Bureau is the Chairman’s designee to serve as liaison to the IAC and to provide oversight of the committee.

## MEMBERSHIP

*In general.* Pursuant to Section 0.701(b) of the Commission’s rules, the IAC will be composed of 30 members (or their designated employees), with a minimum of:

- Four elected municipal officials (city mayors and city council members);
- Two elected county officials (county commissioners or council members);
- One elected or appointed local government attorney;<sup>5</sup>
- One elected state executive (governor or lieutenant governor);
- Three elected state legislators;
- One elected or appointed public utilities or public service commissioner; and,
- Three elected or appointed Native American Tribal representatives.<sup>6</sup>

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.<sup>7</sup>

*Procedures for an IAC member to designate a representative.* As noted in section 0.701(b) of the Commission’s rules, individuals selected as IAC members may designate a government employee to represent them on the IAC and to attend meetings on their behalf. In order to designate a government employee as a representative to serve on the IAC, the designating IAC member must submit a designation letter proposing the nomination of the designated representative for acceptance by the Chairman of the Commission. The designation letter should include the same information (resume, *etc.*) as that for the Member, and must be from an appropriate “*elected* officer of State, local and Tribal Governments.”<sup>8</sup> Further, any nomination of *appointed* attorneys, commissioners or representatives also must be supported

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<sup>3</sup> See *Adoption of Subpart G, Section 0.701 of the Commission’s Rules*, Order, 16 FCC Rcd 1183 (2001).

<sup>4</sup> See *Modification of Subpart G, Section 0.701 of the Commission’s Rules*, Order, 18 FCC Rcd 16810 (2003) (*IAC 2003 Order*).

<sup>5</sup> Consistent with the requirements of UMRA, any member selected for membership as an *appointed* local government attorney should “be on the staff of the municipal or county government represented and be part of the governmental process.” See *IAC 2003 Order*, 18 FCC Rcd at 16813.

<sup>6</sup> See 47 CFR § 0.701(b). In 2017, the Commission expanded the membership of the IAC from 15 members to 30 members. *In the Matter of Modification of Subpart G, Section 0.701 of the Commission’s Rules*, Order, 32 FCC Rcd 10914 (2017). This Order was effective immediately upon publication in the Federal Register on January 8, 2018. See 83 FR 732.

<sup>7</sup> See 47 CFR § 0.701(b).

<sup>8</sup> See 2 U.S.C. § 1534(b).

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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.

The designation letters may be in the following format: “I am [insert elected official’s name and title] and would like to designate [insert designee’s name and title], a member of my staff with responsibilities for [concise description of position], to represent me on the IAC.” This designation process will ensure compliance with the requirements of UMRA so that the IAC can continue to operate with the informality and flexibility that have proven effective in the past and that are inherent in its FACA-exempt status.

*Procedures for succession/replacement after a member loses an election, is removed from office or otherwise cannot fulfill the duties of the office.* In the case where an IAC member no longer holds elected or appointed office, or where an IAC member’s designated employee is no longer employed by the IAC member’s government, the IAC representative’s term expires immediately, and the member or designee must give immediate written notice to the IAC Chair and to the Chairman of the Commission. Similarly, the membership of any IAC member or designee expires immediately with the expiration of their elected or appointed term, or period of employment in the case of a designated employee.

*Term of service and quorum requirements.* Nominees must be willing to serve a two-year term of service, which requires attendance—either in-person or telephonically—at four (4) meetings per year in Washington, D.C. at the applicant’s own expense. Members must attend a minimum of fifty percent of the IAC’s yearly meetings and may be removed by the Chairman of the IAC for failure to comply with this requirement.<sup>9</sup> Members will have an initial and continuing obligation to disclose any interests in, or connection to, persons or entities who are, or will be, regulated by, or who have interests before, the Commission. Attendance of more than half of IAC members or their designees, either in-person or over the telephone, is required for any meeting of the IAC to have a quorum.

## **CANDIDATE EXPERTISE**

The Commission is interested in candidates with expertise relevant to broadband infrastructure deployment and adoption, particularly those with knowledge and experience specific to Tribal and rural communities, “Smart City” and infrastructure-related initiatives, state and local government consumer complaints processes and data trends, and public safety and homeland security matters.

## **APPLICATIONS AND SELECTION**

Nominees for IAC membership must submit their applications: (1) online via email; and/or (2) hardcopy via mail. Applications must be received no later than 5:00 pm on December 6, 2019. Applications submitted via email must be sent to [IAC2020@fcc.gov](mailto:IAC2020@fcc.gov). Hardcopy applications submitted via mail must be addressed to:

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

The application does not require a particular format but 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

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<sup>9</sup> See 47 CFR § 0.701(c).

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Tribal governments. Candidates are encouraged to provide links to any articles they have authored on relevant topics and/or public appearances available on the web for viewing; and,

- The position(s) that the applicant is applying for, i.e., elected municipal officials (city mayors and city council members); county officials (county commissioners or council members); elected or appointed local government attorney; elected state executive (Governor or Lieutenant Governor); elected state legislators; elected or appointed public utilities or public service commissioner; or elected or appointed Native American Tribal representatives. If an applicant potentially qualifies for more than one position on the IAC, he or she should specify which position they seek.

Once the Chairman of the Commission selects the members for the reauthorized IAC, the Commission will release a Public Notice announcing appointments of the new membership.

### **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](mailto: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: Carmen Scanlon, Attorney Advisor, Office of Intergovernmental Affairs, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (202) 418-0544, [carmen.scanlon@fcc.gov](mailto:carmen.scanlon@fcc.gov).