

CAROLYN McCARTHY
4TH DISTRICT, NEW YORK

WASHINGTON OFFICE:
2346 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5516
FAX: (202) 225-5758

DISTRICT OFFICE:
300 GARDEN CITY PLAZA, SUITE 200
GARDEN CITY, NY 11530
(516) 739-3008
FAX: (516) 739-2973



Congress of the United States
House of Representatives
Washington, DC 20515-3204

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July 1, 2011

The Honorable Julius Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Dear Chairman Genachowski:

I am writing to you in regards to the Notice of Inquiry that was adopted by the Federal Communications Commission on April 7th 2011 (WC Docket No. 11-59). As the 60- day comment period for this notice comes to a close, I wanted to express concern over potential rulemakings the FCC may propose that would, in effect, threaten the "home rule" authority of local governments and lead to their loss of significant amounts of revenue.

I, much like you, am a proponent of expanding our national broadband infrastructure. I have been proud to cast several votes throughout my time in Congress that facilitated broadband access to under- and un-served populations alike nationwide. While I certainly support the FCC's efforts in this particular inquiry to help alleviate tactical and bureaucratic barriers that may impede the growth of broadband, I would caution the FCC that a short-sighted Notice of Proposed Rulemaking (NPRM) relating to public rights of way would severely degrade the negotiating authority of local governments.

Every town and village in my district that exercises "home rule" may be threatened by a future NPRM. My hometown of Mineola, NY, has already suggested that threats to its negotiating position with cable operators could potentially lead to both a loss of public access television and hundreds of thousands of dollars in revenue from franchise fees. Especially at a time when state and local governments already have to make difficult budgetary decisions, it is my hope that the FCC not put local communities in further financial distress.

I ask that you provide further clarification as to the track the FCC wishes to pursue on this matter.

Sincerely,

Carolyn McCarthy
Member of Congress