

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *City of Wilson, North Carolina Petition for Preemption of North Carolina General Statute Sections 160A-340 et seq.*, WC Docket No. 14-115, *The Electric Power Board of Chattanooga, Tennessee Petition for Preemption of a Portion of Tennessee Code Annotated Section 7-52-601*, WC Docket No. 14-116.

For those in this room and to others live-streaming it may be hard to imagine just how many people lack the capacity to access the Internet. Millions are trapped in digital darkness, robbed of the opportunity to telecommute in the wake of this winter's weather madness or keep up with classroom studies due to the ever mounting number of snow days and delayed start times. For scores of Americans the choice of one, let alone multiple broadband networks, is a dream deferred and the promise of universal access remains un-kept.

Today's vote seeks to draw a line in the sand once and for all by removing barriers to deployment and fostering competition consistent with the FCC's core mission and values. What has been regrettably lost in the thunderous debate over whether constructing municipal broadband networks is a good idea or if one system or another is considered a "success," is the only question that really matters: Are these laws barriers to broadband infrastructure investment and competition?

The Tennessee and North Carolina petitions present this compound question to the Commission and today we conclude that the answer is yes.

There are provisions that limit service by municipalities to specific areas but not others even if the local governmental entity has a pre-existing telecommunications network in that region. And just what has been the result? Certain communities have the capacity to achieve limitless outcomes, while others a few yards from town are stuck in a digital desert deprived of the means to close persistent opportunity gaps.

Duly elected officials armed with the desire to address these concerns should not be denied the ability to respond to the infrastructure needs of their communities particularly when the private sector has opted not to do so. When a community is so desperate that it literally begs private companies to come in and serve, but is turned down in a cavalier and dismissive fashion by enterprises seemingly best suited to provide broadband to their citizens, then the option for that municipality to act on its own should not be foreclosed.

Sadly, opportunities are being foreclosed far too often leaving citizens without broadband and local leaders with few meaningful ways to address their needs.

Fortunately, we are poised to adopt an item that grants relief from barriers erected in the provisions of the laws of two states and we retain the means to address any concerns that may come before us on a case-by-case basis.

And we are not alone.

Members of Congress, led by Senator Cory Booker, and co-sponsored by Senators Claire McCaskill, Ed Markey, Angus King, and Ron Wyden, introduced The Community Broadband Act of 2015, which seeks to remove state barriers for constructing municipal broadband networks.

It is unfortunate, however, that this issue has become a partisan one as of late because it was not always that way. Indeed, in 2005, an effort lead by Senators John McCain, Lindsey Graham, Norm Coleman, John Kerry, Russ Feingold, and the late Frank Lautenberg sought to block states from restricting local governments' ability to provide Internet service through The Community Broadband Act of 2005. When the bill was reintroduced in 2007, the late Senators Ted Stevens, Olympia Snowe, and Gordon Smith joined as co-sponsors. And across the hall, a House version of the bill was co-sponsored by Representatives Fred Upton and Rick Boucher.

What is striking, is that the language in all of these bills is nearly identical. The only thing that has changed is the lack of bipartisan support.

I am hopeful, however, that in time we will once again unite across party lines to endorse measures that will break down barriers to infrastructure investment, so that no American, no matter where they live, no matter their economic status, will be perpetually stuck in digital darkness.

I want to thank the Wireline Competition Bureau for their work on this item, and the Chairman for his leadership on this issue.