



## NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

July 22, 2014

The Honorable Thomas Wheeler  
Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Bruce W. Starr**  
*Senator  
Oregon  
President, NCSL*

**Thomas W. Wright**  
*Chief of Staff to Speaker  
Alaska  
Staff Chair, NCSL*

**William T. Pound**  
*Executive Director*

Dear Chairman Wheeler:

On behalf of the National Conference of State Legislatures (NCSL), we write to express our opposition to your recent remarks articulating your desire to preempt state laws regulating taxpayer funded broadband networks. As you consider your course of action on this matter, we encourage you to heed the principles of federalism and caution you of the numerous decisions by the United States Supreme Court with regard to the relationship between the state and its political subdivisions. This is a fundamental tenet of state government and NCSL will challenge the constitutionality of any action on the part of the Federal Communications Commission (FCC) seeking to diminish the duly adopted laws of the impacted states or prevent additional states from exercising their well-established rights to govern in the best interests of the voters.

Aside from the Constitutional challenges, such an attempt disregards the countless hours of deliberation and votes cast by locally elected lawmakers across the country and supplants it with the impulses of a five-member appointed body in Washington, D.C.. As you have conceded previously, "I understand that the experience with community broadband is mixed, that there have been both successes and failures." Your words in mind, is it that unreasonable policymakers in 21 states have responded by enacting safeguards on municipal networks to mitigate the pitfalls associated with entry?

State legislators understand the transformative power of broadband. We have considered and adopted numerous measures promoting deployment by encouraging competition in the marketplace as well as public-private partnerships. We share the aspiration that every American have access to broadband and look forward to working cooperatively with you and the FCC to move the needle on this important endeavor.

We appreciate the opportunity to communicate the views of our colleagues across the country. Should you have any questions, please contact James Ward in our Washington, D.C. office at 202-624-8683 or [james.ward@ncsl.org](mailto:james.ward@ncsl.org).

Sincerely,

Senator Bruce Starr  
Oregon Senate  
President, NCSL

Senator Debbie Smith  
Nevada Senate  
President-Elect, NCSL

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