

NARUC Telecommunication Policy Resolution (National Consistency)

WHEREAS, Local telecommunications markets are taking on more national and international characteristics, and many providers place a high value on consistent regulatory treatment across broad geographic areas; *and*

WHEREAS, A growing number of telecommunications services are marketed without regard to geographic boundaries, and some customers value the availability of broadly portable services; *and*

WHEREAS, Obtaining authorization to provide telecommunication services from 51 or more jurisdictions adds some costs for some entities wishing to enter the telecommunications market, *and*

WHEREAS, National consistency with regard to the pricing and availability of wholesale network elements may be necessary for some competitive markets to develop; *now therefore be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners (NARUC), convened in its November 2004 Annual Convention in Nashville, Tennessee, amends the “Current NARUC Telecommunications Policies” as follows:

a. Section 3.4 of the Policies be amended to read:

Preemption: Congress should not limit State public utility commissions from exercising their State authority and resources to regulate core telecommunications facilities used to provide both voice and data services and to promote deployment of advanced telecommunications capabilities.¹ The telecommunications network is an international network, but it has important local elements, and it has significant effects on the welfare of citizens of the States. National preemption of State authority may be justified under some circumstances. Before preempting State jurisdiction, however, Congress and the FCC should consult with the States and U.S. territories and should ensure that States and U.S. territories retain sufficient authority to protect the interests of their citizens, by ensuring that basic and advanced services are available in all areas at affordable and reasonably comparable rates. Congress and the FCC should also recognize that most consumers rely on the States to protect them from unreasonable practices by telecommunications service providers.

Sponsored by the Committee on Telecommunications
Adopted by NARUC November 17, 2004

¹ Adopted at the 2000 winter meeting in Washington, DC (“Broadband Legislation”).