

Resolution Commending the FCC's Wireline Broadband NPRM

WHEREAS, In anticipation of efforts to amend existing national telecommunications law in response to the evolving telecommunications marketplace, the National Association of Regulatory Utility Commissioners (NARUC) established a Legislative Task Force to develop a legislative proposal for NARUC's consideration; *and*

WHEREAS, At its Summer 2005 meetings in Austin, Texas, the NARUC adopted a resolution and attached white paper entitled *Federalism and Telecom*, developed by the Legislative Task Force, supporting establishment of a new regulatory framework that recognizes the particular strengths and interests of the federal, State, and local levels of government; *and*

WHEREAS, In its Report and Order and Notice of Proposed Rulemaking, adopted August 5, 2005 (FCC 05-150), the Federal Communications Commission (FCC) sought comment on the need for any non-economic regulatory requirements necessary to ensure that consumer protection needs are met by all providers of broadband Internet access services, *and*

WHEREAS, In paragraph 158 of that Notice of Proposed Rulemaking, the FCC specifically noted "*that NARUC has recently advocated for a 'functional' approach to questions of federal and State jurisdiction, particularly with respect to consumer protection issues*" and sought comment on both NARUC's proposed "functional" approach and on "*how best to harmonize federal regulations with the States' efforts and expertise*"; *now therefore be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners (NARUC), convened in its November 2005 Annual Convention in Indian Wells, California, expresses its appreciation to Chairman Kevin Martin, to his colleagues Commissioners Kathleen Abernathy, Jonathan Adelstein and Michael Copps, and to the staff of the Federal Communications Commission involved in the drafting of the NPRM for recognizing and affirming the States' interests in ensuring that public safety and consumer protection goals are met with respect to broadband Internet access service and for seeking comment on NARUC's proposals and other means to harmonize federal regulations with the States' efforts and expertise; *and be it further*

RESOLVED, That the NARUC General Counsel is directed to develop an appropriate response to the FCC's Notice of Proposed Rulemaking (FCC 05-150) consistent with the policies and proposals articulated in NARUC's July 2005 resolution and white paper, entitled *Federalism and Telecom* and established NARUC policies.

Sponsored by the Committee on Telecommunications

Recommended by the NARUC Board of Directors November 15, 2005

Adopted by the NARUC November 16, 2005