

**Resolution Supporting State Involvement in the
Implementation of a Broadband Communications Infrastructure**

WHEREAS, S. 1200 and H.R. 2546 are being promoted to advance the national interest by encouraging the more rapid deployment of a nationwide, advanced, interactive, interoperable broadband communications infrastructure; and

WHEREAS, S. 1200 and H.R. 2546 require each local exchange carrier to prepare a plan for implementing a broadband communications system for each state in which it operates; and

WHEREAS, Enactment of policies designed to promote the efficient implementation of a broadband network will require considerable cooperation between state regulators and the Federal Communications Commission (FCC); and

WHEREAS, Some provisions of S. 1200 and H.R. 2546 are unclear concerning the precise roles to be played by state and federal regulators as well as the authority which is to be granted to the states; and

WHEREAS, The cost of deploying a nationwide broadband communications network should be allocated between the federal and state jurisdictions in an equitable and efficient manner; and

WHEREAS, The National Association of Regulatory Utility Commissioners (NARUC) is on record as supporting legislation that permits telephone companies to provide facilities for only video programming transport within their local exchange areas so long as such services are offered on a non-discriminatory basis as a common carrier, and state commissions are not preempted from regulating the intrastate provisioning of the services; and

WHEREAS, The determination of whether intrastate investment by local exchange carriers is necessary and prudent properly resides with state Commissions, who must ensure that subscribers of basic services do not unnecessarily underwrite the costs of non-basic facilities; now, therefore be it

RESOLVED, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its Summer Meeting in San Francisco, California, expresses its concern that certain provisions of S. 1200 and H.R. 2546 are unclear and may be inconsistent with the goals of encouraging prudent investment in the public switched network and the continued growth and development of a multi-provider telecommunications infrastructure, and articulate an unnecessarily compressed time frame for study and review by state regulatory commissions; and further be it

RESOLVED, That the NARUC Executive Committee opposes any provisions of S. 1200 and H.R. 2546 that would preempt state determination of the prudence or usefulness of investments made

by local exchange carriers in facilities to be used in whole or in part for intrastate services; and further be it

RESOLVED, That the NARUC Executive Committee supports amending S. 1200 and H.R. 2546 to establish an administratively final Federal-State Joint Board which will develop rules and regulations governing broadband implementation plans; and further be it

RESOLVED, That S. 1200 and H.R. 2546 require revision to specify precisely the intended role of state Commissions and to clarify those provisions of the bill that appear to preempt unnecessarily state authority and to set a realistic timeframe for planning, review and implementation of the broadband plans.

Sponsored by the Committee on Communications
Adopted July 24, 1991