



N A R U C
National Association of Regulatory Utility Commissioners

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NARUC Responds to Court's Reversal of FCC Municipal Broadband Order

WASHINGTON—The United States Court of Appeals for the Sixth Circuit today reversed a Federal Communications Commission order purporting to preempt state legal restrictions on municipal broadband projects in Tennessee and North Carolina. The National Association of Regulatory Utility Commissioners opposed the FCC action before the Sixth Circuit. In response to today's decision, NARUC has issued the following statements:

"Municipal governments are creations of state law, and their powers exist only because a state has given them a right to exercise them. For the FCC to attempt to remove the restrictions states have imposed on the operation of city governments was an offense to the Constitution, and I am delighted that the Court reversed the decision."

—NARUC President Travis Kavulla of Montana

"The law is clear. The Court recognized the simple fact that nothing in the Telecommunications Act provides the FCC with the power to give authority to a State entity that is not granted by that State's constitution or legislature. Even the partial dissenter found the law was so clear that the 6th Circuit "compelled" the Court "to reverse the FCC's preemption of the Geographical restrictions of both states' statutes." If the FCC chooses to appeal this to the Supreme Court, I doubt they'll even consent to hear the case."

—NARUC Committee on Telecommunications Chair Chris Nelson of South Dakota

The Court's decision is available at <http://bit.ly/2bgY4lZ> and NARUC's petition is available at <http://bit.ly/2aMlj2h>.

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NARUC is a non-profit organization founded in 1889 whose members include the governmental agencies that are engaged in the regulation of utilities and carriers in the fifty States, the District of Columbia, Puerto Rico and the Virgin Islands. NARUC's member agencies regulate telecommunications, energy, and water utilities. NARUC represents the interests of State public utility commissions before the three branches of the Federal government.