

# Community Broadband

## Goals

- Let communities build the broadband networks they need
- Remove barriers to community networks
- Prevent additional barriers to community networks

Even as access to the Internet has become essential to spur economic development, maintain a high quality of life, and expand educational opportunities, the incredible lobbying power of massive corporations like AT&T, Comcast, CenturyLink, Time Warner Cable have resulted in numerous state barriers to community broadband networks.

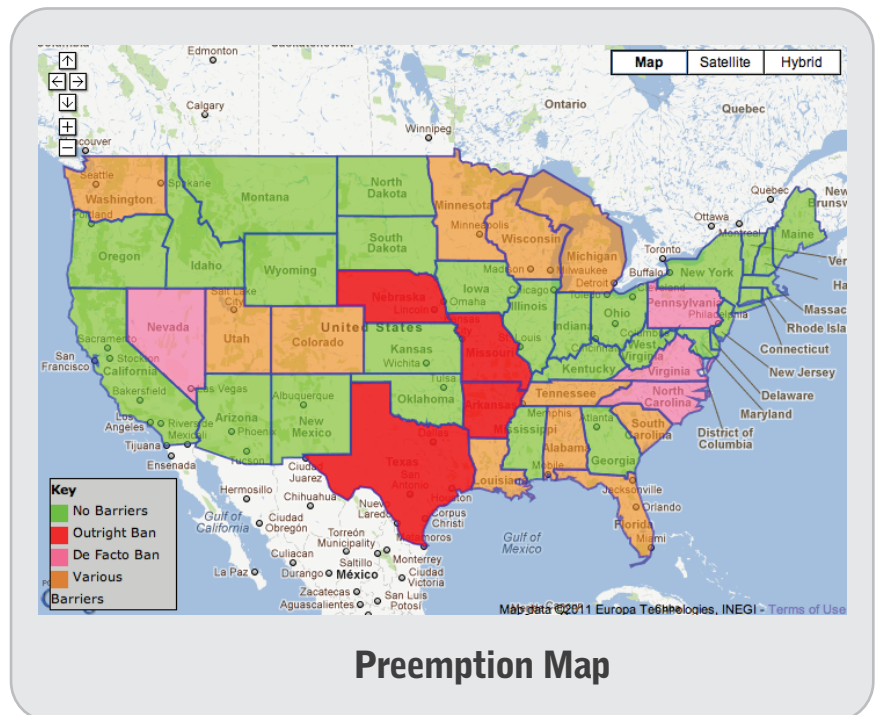
At least 19 states have already enacted barriers to community networks. More states will consider new barriers in the coming months.

Community Broadband is not a conservative v. liberal issue. Most muni networks have been built in small, conservative towns with overwhelming support.

We should all unite behind the principle that communities should decide for themselves whether to build a local, publicly owned network.

But cable and phone companies have generously funded pro-industry think tanks to attack local authority. The only way to stop their anti-competitive legislation is by building a broadband coalition that believes in competition and local decision-making.

In 2005, public interest groups and businesses joined efforts in a broad coalition to defend local authority to build broadband networks when they so choose. Those efforts resulted in stopping or watering down barrier bills in many states, discouraging further anti-competitive legislation by existing providers.



Preemption Map



### FCC Commissioner Clyburn

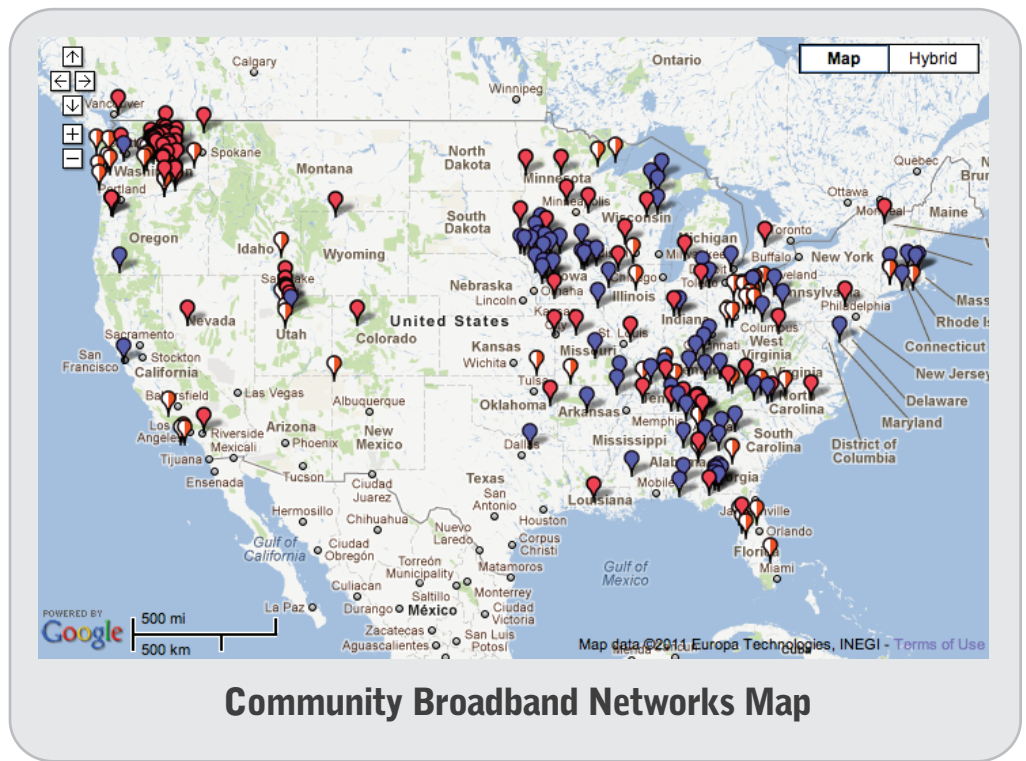
When cities and local governments are prohibited from investing directly in their own broadband networks, citizens may be denied the opportunity to connect with their nation and improve their lives. Local economies will suffer as a result, and the communities' ability to effectively address education, health, public safety, and other social issues will be severely hampered.

Given the lack of real competition, most communities will **not** soon gain access to next-generation networks without public investments or, at the very least, the plausible threat of community broadband. Verizon has ceased expanding FiOS, which was the only national effort to deploy a next-generation network. Even AT&T's U-Verse (DSL on steroids) has largely ceased expanding.

Cable networks are increasing capacity but will not keep U.S. businesses and residents

competitive with competitors overseas. The future of private sector broadband services in most communities will be limited to choices between slow DSL and wireless options, and a single moderately faster cable connection.

The best citywide broadband network in the U.S. is a community network built by Chattanooga. Other community networks in a number of states offer some of the fastest connections at the lowest prices. City owned fiber-optic networks are far more reliable than outdated cable and DSL approaches.



**Community Broadband Networks Map**

The 1996 Telecom Act states:  
**No State or local statute or regulation, ... may prohibit ... the ability of any entity to provide ... telecommunications service.**

*But in Nixon v. Missouri*, the Supreme Court decided that “any entity” did not include cities and counties, giving states the power to ban publicly owned networks or create barriers to discourage such implementation. This interpretation of the 1996 Telecom Act is inconsistent with the legislative history of the Act and its expressed purpose of encouraging competition. Many FCC Commissioners have called on Congress to correct the Supreme Court’s error, leading to Recommendation 8.19 in the FCC’s National Broadband Plan:

“Congress should make clear that Tribal, state, regional and local governments can build broadband networks.”



**Former FCC Commissioner Capps**

So it is regrettable that some states are considering, and even passing, legislation that could hinder local solutions to bring the benefits of broadband to their communities. It's exactly the wrong way to go.