

**RESOLUTION**  
**BY THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS**  
**AGAINST SENATE BILL 87 and HOUSE BILL 129**

**WHEREAS**, Senate Bill 87 and House Bill 129 have been introduced in the 2011-2012 Session of the General Assembly of North Carolina; and

**WHEREAS**, these bills do not provide a level playing field to cities, towns and counties, but greatly hinder local governments from providing needed communications services, especially advanced high-speed broadband services, in unserved and underserved areas; and

**WHEREAS**, these bills impose numerous obligations on cities and towns that private broadband companies do not have to meet; and

**WHEREAS**, private companies, despite having received favorable regulatory and tax treatment to enable broadband investment, have chosen to avoid the financial commitment necessary to provide top quality services to all residents and businesses; and

**WHEREAS**, while private companies declare top quality service is cost-prohibitive in our country, the United States continues to lose ground to other nations in broadband access, user cost and growth in number of users, falling behind the United Kingdom, Korea, France, Japan and Canada to name a few, and Japan has Internet access that is at least 500 times faster than what is considered high-speed in the United States and at less cost; and

**WHEREAS**, the bills would prohibit North Carolina cities and towns from using federal grant funds to deploy or operate locally-owned or operated broadband systems, thereby denying N.C. residents access to federal assistance available to the rest of the country and hindering employment opportunities; and

**WHEREAS**, deployment of high-speed Internet is a new public utility vital to the future economic development, educational outreach and community growth in North Carolina necessary to replace lost textile, tobacco, furniture and manufacturing jobs; and

**WHEREAS**, the General Assembly has already established 1) statutory provisions for Public Enterprises (NCGS Chapter 160A, Article 16); 2) conservation finance provisions in the Budget and Fiscal Control Act (NCGS Chapter, 159 Article 3); and 3) oversight by the Local Government Commission (NCGS Chapter, Article 2) and a local government must comply with all of those requirements in order to undertake providing an enterprise service to its community; and

**WHEREAS**, the bills are counter to the Local Development Act of 1925 in NCGS Chapter 158 that allows local governments to aid and encourage economic development in communities throughout North Carolina; and

**WHEREAS**, North Carolina law has long permitted local governments to engage in public enterprises and there is no justification for treating communications enterprises differently from other public enterprises that are essential for a sound economy; and

**WHEREAS**, historically it was government that funded much of the current corporate telecommunications infrastructure in the United States and government paid for and developed the Internet; and

**WHEREAS**, there are telecommunications designers, equipment manufacturers and suppliers in North Carolina who will be negatively affected if local governments are not allowed to provide needed communications services, meaning that **North Carolina will stand to lose more jobs by not investing** in top-quality broadband infrastructure than it will lose due to government provision of such services;

**NOW THEREFORE BE IT RESOLVED THAT** the Rockingham County Board of Commissioners opposes Senate Bill 87 and House Bill 129 and urges all members of the North Carolina General Assembly to vote "no" in committee and, if necessary, on the floor of the General Assembly.



Attest  
  
Pamela M. McLain, MMC  
Clerk to the Board

This the 28<sup>th</sup> day of February, 2011

  
James E. Kallam, Chair

Rockingham County Board of  
Commissioners

