

Good Afternoon,

I am writing on behalf of Nelson County to strongly express our opposition to **House Bill #2108 (Byron)**. **House Bill #2108 (Byron)** attempts to roll back the rights, authorities and privileges granted to local government through the Virginia Wireless Services Act of 2003. This proposed legislation is an existential threat to municipal broadband rights in the Commonwealth of Virginia. If passed, it makes it virtually impossible for localities to determine how to deliver broadband access to their community. It ties the hands of local government in all issues related to Broadband, the growing digital divide, and related economic development issues including Job Creation and Attraction, Education and Real Estate Value Management.

Specific concerns regarding **House Bill #2108 (Byron)** are:

- **The Proposed Legislation restricts funding for municipal broadband entities from all public bodies and political subdivisions.** Without initial public funding sources, Municipal Broadband entities simply cannot exist.
- **The Proposed Legislation essentially says that municipal broadband entities must ensure that they do not build anywhere that is currently being serviced. Unserved areas that would be eligible are defined by a 10mb/s shared connection!** This makes providing an open access networks virtually impossible AND 10mb/s is not even a high enough threshold to be defined as low level Broadband (25mb/s). This level of service definitely does not meet business customer needs or attract new economic development to the state.
- **The proposed legislation removes all protections around proprietary information and trade secrets.** Because most municipal broadband entities are designed to be budget neutral and/or self-sustaining community investments, typically in underserved and economically disadvantaged regions, this change alone effectively kills all VA municipal broadband entities and future prospects. And, in doing so hands over the fate of Virginia's future economic position to unregulated private Internet service providers.
- **The proposed legislation requires rigid, arduous, and unnecessary processes to restrict operating capacity and efficacy (including some regulations that take effect even prior to a community forming a new authority!)** One example: The proposed legislation requires a comprehensive study that details out specific underserved areas, meet's private sector ISP's threshold of approval, and is paid for 100% by the locality or affiliate.
- **The proposed legislation requires state level approvals from the Virginia Broadband Advisory Committee but the members include lobbyists and private sector executives looking to protect their organization or client's bottom line.** The committee was never designed to serve an oversight function.

Your favorable consideration of Nelson County's opposition to this bill is greatly appreciated!

Regards,

Candy McGarry

Candy McGarry

Nelson County Administrator's Office

Administrative Assistant/Deputy Clerk

PH: [\(434\) 263-7002](tel:4342637002) Fax: [\(434\) 263-7004](tel:4342637004)

