

BDAC

Removing State and Local Regulatory Barriers Working Group

Robert (Bob) DeBroux, Chair

Kim Keenan, Vice Chair

July 20, 2017

Removing State and Local Regulatory Barriers Working Group Tasks

- ▶ **Identify patterns of specific instances of actions at the state and local level that serve as barriers to broadband deployment**
 - For example, deployment moratoria, unfair or burdensome rights-of-way negotiation and approval processes, excessive fees and other costs, unreasonable conditions, and bad faith negotiation practices
 - Provide recommendations to the Commission on how to address the patterns of specific instances identified.

- ▶ **Identify examples and discuss the consequences of local governmental restrictions that may “prohibit or have the effect of prohibiting” service**
 - For example, requiring “undergrounding for wireless facilities,” placing restrictions on the placement of communications facilities in a right of way, prohibiting upgrades to facilities, and prohibiting the placement of new poles in a right-of-way
 - Recommend solutions

- ▶ **Examine the extent to which municipalities may single out communications-related deployments for more burdensome treatment than other deployments that have the same or similar impacts on land use**
 - Make recommendations for addressing such disparate outcomes

State/Local Regulatory Barriers WG: Update

- ▶ **Working Group (WG) meets weekly**
- ▶ **Efforts to date have focused on identifying state/local barriers to broadband deployment from WG members**
 - Responded to an internally designed survey regarding stakeholders experiences and suggested recommendations with state/local entities
 - 189 examples provided
- ▶ **Recent efforts have focused on the FCC comments filed in two recent proceedings**
 - Created a data subgroup to review and summarize 202 sets of comments
 - Completion date: July 24th
 - Qualitative analysis will be undertaken to identify patterns, root causes, and recommended solutions

Analysis and Recommendations

Quantitative and qualitative analysis of the data will lead to formulating recommendations

▶ Quantitative Analysis

- Tabulate the number of comments citing barriers by the main categories and other factors
- Identifies the patterns that exist but does not fully describe the root causes and rationale for such barriers

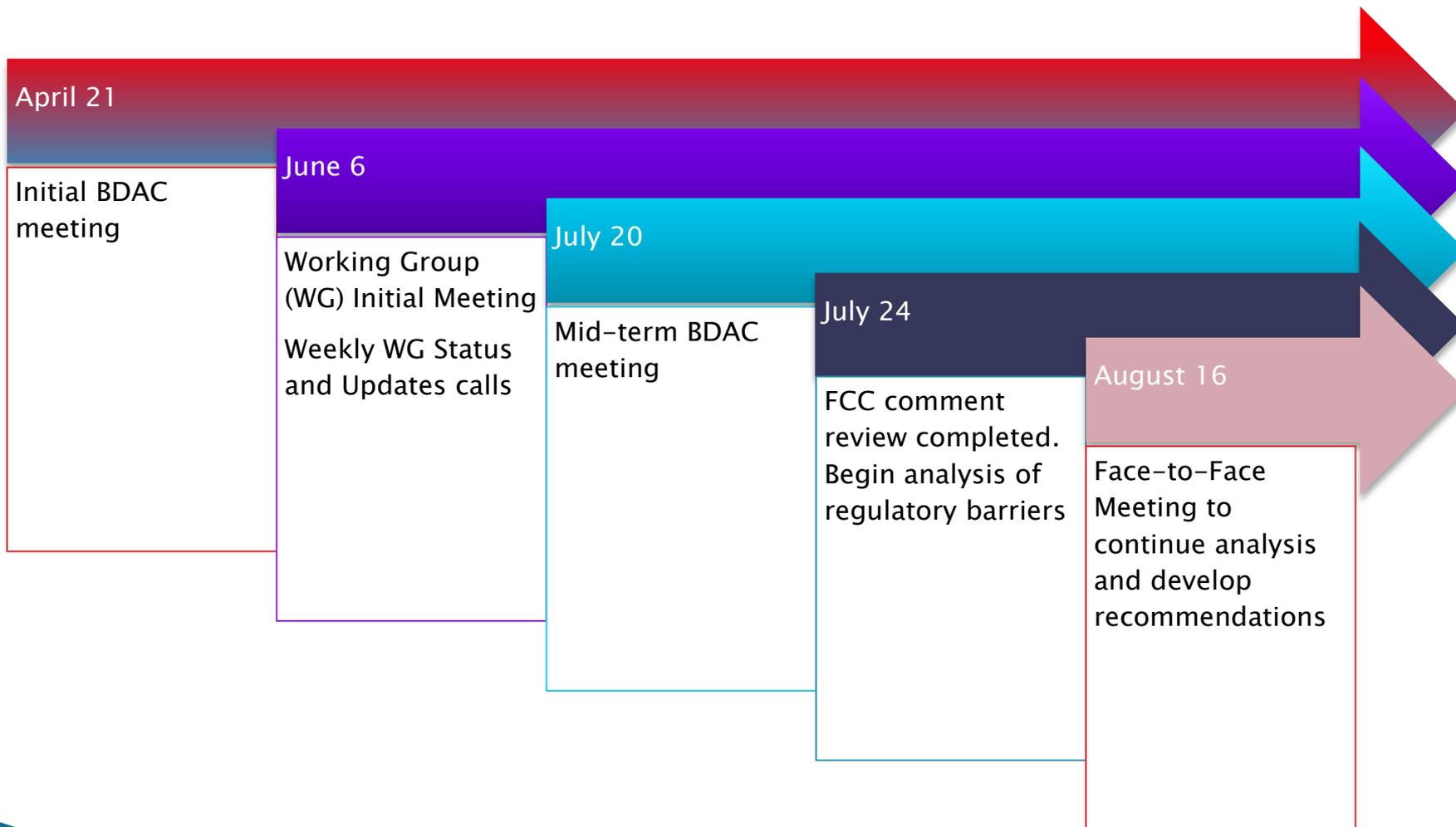
▶ Qualitative Analysis

- Provides a method for evaluating the information to determine—
 - Why does the barrier exist—root causes and rationale?
 - What is the consequence of the barrier?
 - How have some states/localities dealt with such barriers?
 - What solutions have been recommended?

Resultant findings will be discussed to formulate recommendations



Timeline (preliminary) for Working Group- 2017



Pending Issues

- ▶ Recommendations Format
- ▶ Questions?

Members of State/Local Regulatory Barriers WG

Chair: Robert DeBroux, TDS Telecom
Tim Ulrich*

Vice-Chair: Kim Keenan, Multicultural Media, Telecom and Internet Council
Christianna Barnhart, Charter
Audrey Conners*

Elizabeth Bowles, Aristotle
Randy Brogle, Zayo
Kyle Burgess, Consumers' Research
Rick Cimerman, NCTA
Bill Esbeck, Wisconsin State Telecommunications Association
Valerie Fast Horse, Coeur d'Alene Tribe
Dr. George Ford, The Phoenix Center for Advanced Legal and Economic Public Policy Studies
Marc Ganzi, ExteNet Systems
Anthony Lehv*

Carlos Gutierrez, LGBT Technology Partnership & Institute
Michael Hain, Nittany Media
Andy Huckaba, City of Lenexa KS
Marc Hudson, Rocket Fiber

Mark Johnson, The Quilt
Virginia Lam Abrams, Starry
Sam Liccardo, Mayor – City of San Jose, California
Dolan Beckel*
Shireen Santosham*
Danna MacKenzie, Minnesota Office of Broadband Development
Rebecca Murphy Thompson, Competitive Carriers Association
Kevin Pagan, City Attorney, McAllen, Texas
Victor Flores*
Austin Stevenson*
Mark Radabaugh, Wireless Internet Service Providers Association
Michael Santorelli, Director, Advanced Communications Law & Policy Institute, New York Law School
Dr. John Saw, Sprint
Charles McKee*
Berin Szoka, TechFreedom
Graham Owens*
Sanjay Udani, Verizon
Paul Vasington*

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