



March 4, 2021

Chairman Patti Anne Lodge and
Members of the Senate State Affairs Committee
Idaho Capital
700 W Jefferson Street
Boise, ID 83702

We, the private-sector companies and associations listed below, support SB1149 as a step in the right direction. At the same time, we do not believe that SB1149 goes far enough to encourage communities to step forward to do their part to accelerate the deployment, adoption, and use of advanced communications services and capabilities. For the benefit of all concerned, including potential investors, the Legislature should expressly confirm that Idaho’s municipalities have authority to provide, either themselves or through public-private partnerships, the advanced communications services and capabilities that their communities require.

As the General Assembly of Arkansas recently found, “without access to voice, data, broadband, video, and wireless telecommunications services, citizens of Arkansas also lack access to healthcare services, education services, and other essential services; and that this act is immediately necessary to allow government entities to provide high quality voice, data, broadband, video, and wireless telecommunications services to their citizens.” The conservative Arkansas legislature responded to this crisis by *unanimously* enacting a new law (attached) that significantly expanded the broadband options available to local governments. We strongly urge the Idaho Legislature to do the same.

Lack of clarity about municipal authority to provide or facilitate the provision of communications services can serve as a prohibition in all but name. Uncertainty fosters fear of time-consuming, burdensome, and expensive litigation, and that fear, in turn, has a chilling effect on municipalities and potential investors, including private sector partners, just when prompt, bold action is most needed.

While the resulting harm to communities should be obvious, the injury to the private sector may not be. In fact, such an effective prohibition hurts the private sector in multiple ways. It prevents private companies from making timely sales of equipment and services to public networks. It impedes companies from using advanced public networks to offer businesses and residential customers an endless array of modern products and services. It thwarts economic and educational opportunities that can contribute to a skilled workforce that would benefit existing and new businesses across the state. It also discourages companies from entering into creative public-private partnerships that benefit all concerned.

The United States must compete in a global economy in which high capacity communications networks are playing an increasingly significant role. We need affordable access to advanced communications networks in as many communities as possible, as rapidly as possible, so that innovators can develop next-generation applications and services that will drive economic growth and global competitiveness. As Senator John McCain said on the US Senate floor in 2005 in the course of introducing a bill that would have invalidated all state barriers to public broadband initiatives across the United States, “As a country, we cannot afford to cut off any successful strategy if we want to remain internationally competitive.”

Idaho’s municipalities are eager to work with willing established carriers, to enter into public-private partnerships with new entrants, to develop their own networks, if necessary, or to create other innovative means of acquiring affordable access to advanced communications services and capabilities. These are fundamentally local decisions that should be made at the community level, through the processes that local leaders ordinarily use for making comparable decisions.

In sum, while we support SB1149 as far as it goes, we urge the Idaho Legislature to go further, as we have outlined above. Our experience with COVID-19 and its profound impacts on our lives have removed any reasonable doubts about the need for prompt and vigorous action.

Sincerely,

Atlantic Engineering Group
Coalition for Local Internet Choice
Common Sense
Consumer Reports
CTC Energy & Technology
Fiber Broadband Association
Google Fiber
Institute for Local Self Reliance
National Association of Telecommunications
Officers and Advisors

National Digital Inclusion Alliance
Next Century Cities
Nokia
OnTrac
Rural Innovations Strategies, Inc.
Ting Internet
ThinkBig Networks
Utilities Technology Council