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Commissioner Michael O'Reilly

Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

August 29, 2014

***Re: Electric Power Board and City of Wilson Petitions to Preempt State Laws on Municipal Broadband: WCB
Docket Nos. 14-115 and 14-116.***

Dear Chairman Wheeler and Commissioners Clyburn, Rosenworcel, Pai and O'Reilly:

Last month the city of Wilson, N.C. asked you to preempt a North Carolina state law, for which I voted, that sets standards for municipal governments that seek to operate their own broadband networks. I hope you will consider the request carefully, but deny it.

The North Carolina statute does not prevent municipalities from building broadband networks in unserved or underserved areas. It also does not affect municipal networks that were up and running before the law was passed. There is no ban: in passing this bill we merely sought to create a level playing field for public and private broadband providers.

One provision in the bill that I think is particularly important - the one that requires that cities ask their residents if they want or need a municipal broadband system. A handful of North Carolina cities, including Wilson, have experimented with municipal broadband and the costs to taxpayers and consumers have been enormous. A recent New York Law School study concluded taxpayers in Wilson face a significant risk if the city's network can't cover its costs. Specifically, the city would have to use general fund revenue to cover debt obligations if revenues don't meet costs. That revenue will have to come from somewhere: the schools, parks and libraries, or sidewalks and roads. Voters in Wilson didn't have chance to approve that plan. I believe they should have and taxpayers in North Carolina now do because of our law.

I ask that you preserve local residents' rights to have a say in these matters and deny Wilson, N.C.'s request.

Sincerely,

Beverly Earle
North Carolina State Representative
District 101

