

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petitions Pursuant to Section 706 of the)	
Telecommunications Act of 1996)	
for Removal of State Barriers to)	WC Docket No. 14-115 (Wilson)
Broadband Investment)	WC Docket No. 14-116 (Chattanooga)
and Competition)	
)	

COMMENTS OF THE CITY OF AMMON, IDAHO

I. INTRODUCTION

The City of Ammon an Idaho municipality that owns and operates its own municipal fiber optic system in support of City operations and the local economy. The City of Ammon submits these comments in full support of the dual Petitions of the City of Wilson, North Carolina (“Wilson”)¹ and the Electric Power Board of Chattanooga, Tennessee (“EPB”)² (collectively “Petitioners”) filed on July 24, 2014 and released for public comment on July 28, 2014, in the above-captioned proceedings.

II. STATEMENT OF SUPPORT

The City of Ammon strongly supports and encourages the Commission to preempt these state laws to the extent requested in the respective Petitions on the grounds that they create artificial barriers to broadband infrastructure investment, deployment, competition and innovation, by severely restricting and unreasonably delaying the options available to local communities to obtain 21st Century broadband infrastructure and services for their businesses and residents.

¹ See Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, filed by City of Wilson, North Carolina, WC Docket No. 14-115 (filed July 24, 2014) (Wilson, NC Petition).

² See Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, filed by Electric Power Board, Chattanooga, Tennessee, WC Docket No. 14-116 (filed July 24, 2014) (EPB Petition).

A. State Broadband Laws like those in North Carolina and Tennessee Create Artificial Barriers to Broadband Infrastructure Investment, Deployment, Competition and Innovation

Both the Wilson and the EPB Petitions are examples of state imposed barriers to broadband infrastructure investment and deployment that have the purpose and effect of preventing municipalities around the country from providing exactly the kind of high-capacity network and services that America needs to remain competitive in the emerging knowledge-based global economy. As the Petitions note, these broadband networks provide countless benefits to their communities – including enhanced economic development and competitiveness, educational opportunity, public safety, homeland security, energy efficiency, environmental protection and sustainability, affordable modern health care, quality government services, and the many other advantages that contribute to a high quality of life.

For many communities, like the City of Ammon, one of the greatest barriers facing the private providers are the capital costs associated with improving their infrastructure. We are a small community of 14,000 immediately adjacent to the larger municipality of Idaho Falls with a population of some 60,000. This situation makes us low on the list for private investment on the part of broadband providers and also prevents us from receiving the financial assistance available to ‘rural’ communities. In speaking with our local providers they would like to improve the infrastructure and by extension their services, but the capital to do so is either unavailable or they are unwilling to risk the capital investing in our local area.

Faced with this situation, we respectfully ask: If barriers to municipal broadband are allowed to stand, what mechanism remains available to local communities who desire to improve their broadband services and are willing to pool their resources to that end?

For these reasons we strongly advocate that whether or not a local municipality can or should provide Broadband or Internet Service(s) must not be a matter of Federal or even State mandate, but, rather one of local choice.

B. Congress Provided the FCC the Authority to Preempt

As the Petitioners clearly describe, Congress foresaw as far back as 1994, that access to advanced telecommunications capabilities would become critically important to all

Americans in the years ahead. Through Section 706(a) of the Telecommunications Act of 1996, Congress gave the Commission broad authority and discretion to determine when, where, and how to ensure that “all Americans would have such access “”on a reasonable and timely basis.”³ In Section 706(b), Congress also required the Commission to take affirmative action to acquire information about the pace of deployment of advanced telecommunications capabilities, to decide whether such deployment was occurring on a reasonable and timely basis, and, if the Commission ever answered that question in the negative, to act immediately to remove barriers to infrastructure investment and to promote competition.⁴ The Petitioners note, that in charging the Commission with this responsibility Congress was well aware of the significant contributions that municipalities could make and undoubtedly understood that it would be impossible to make the benefits of broadband connectivity available to all Americans without the participation of municipalities, particularly in areas in which the private sector found investment unremunerative.⁵

C. Local Communities Must be Able to Make Their Own 21st Century Broadband Infrastructure Deployment Choices

In today’s global knowledge-based economy, all local communities -- rural, tribal, and urban -- recognize that access to modern broadband Internet infrastructure is essential to enable economic and democratic activity. Modern broadband Internet infrastructure is the lifeblood of our 21st century global knowledge economy. Likewise, local communities are the lifeblood of America. Towns, counties, and cities are where economic activity and civic engagement happen. Local elected officials live among their local constituents, and as such are on the pulse of local needs, local resources, local tolerance for risk, and are easily held accountable for their decisions, whether in the local grocery store, church, soccer field or voting booth. Local communities are best positioned to determine the best options for their citizens, businesses and institutions, whether this means working with willing incumbents, entering into public-private partnerships, developing their own networks, or being served by other local communities who have the capacity to provide Gigabit services.

As Wilson succinctly stated:

³ Wilson, NC Petition at pages 3-5; EPB Petition at page 14.

⁴ Wilson, NC Petition at page 5; EPB Petition at page 41.

⁵ Wilson, NC Petition at pages 3-5; EPB Petition at page 15.

“[A]t the end of the day local governments, accountable to local citizens understand their own needs and should have the freedom to find local solutions to local problems. We should not require citizens to beg big corporations to deploy systems when these citizens have the power to take matters into their own hands.” Section 160A-340 thoroughly undermines these principles.”⁶

III. CONCLUSION

We fully support the Commission’s removal of these artificial state barriers to broadband infrastructure investment, deployment, competition, and innovation. Ultimately it is about preserving local choice. At this critical time in our country’s history, when the rest of the world is rapidly deploying this essential 21st century infrastructure, all options must be on the table for our country to remain globally competitive. Removing the barriers to broadband investment and competition as requested in the Petitions will enable more communities to be self-reliant, and better enable America to maximize all resources so that no one is left behind and unable to participate in this knowledge-based global economy.

Respectfully submitted by,



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⁶ Wilson, NC Petition at page 43.