

**Federal Communications Commission
Washington, DC 20554**

**In the matter of
Petitions Pursuant to Section 706 of the Telecommunications Act of 1996
For Removal of State Barriers to Broadband Investment and Competition**

WC Docket No. 14-115 (Wilson)

WC Docket No. 14-116 (Chattanooga)

Comments of New Hampshire FastRoads, LLC.

I. INTRODUCTION

New Hampshire FastRoads is an open-access network in rural western New Hampshire. It is an LLC under Monadnock Economic Development Corporation and exists to serve the rural areas of western New Hampshire. The network connects 233 Community Anchor Institutions in 19 towns and provides a fiber-to-the-premise solution to 1,300 residences, home businesses, and small businesses. The network was built with 70% Broadband Technology Opportunity Program funds (\$5.3 Million) and 30% (\$2.3 Million) of local community bank and economic development loans. The community recognizes that a solid, consistently reliable, scalable, broadband network capable of delivering a gigabit of capacity and speed is critical to retaining businesses, encouraging new business development, and supporting a workforce that often works from home.

New Hampshire FastRoads submits these comments in full support of the dual Petitions of the City of Wilson, North Carolina (“Wilson”) and the Electric Power Board of Chattanooga, Tennessee (“EPB”) (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

New Hampshire FastRoads 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 the most reliable and scalable broadband infrastructure and services at the capacity and speed essential for their businesses and residents.

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 a purpose and effect of preventing municipalities around the country from providing high-capacity networks and services that their local community needs to remain competitive in the emerging knowledge-based 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 advanced healthcare, quality government services, and the many other advantages that contribute to a high quality of life.

With the New Hampshire FastRoads fiber-optic network in place, community anchor institutions, small and large, are experiencing the benefits of a competitive environment. The costs to the institutions have dropped dramatically and the providers are more responsive. Without this network, the community anchors would be limited to slow, unreliable DSL, from a provider who does not view the service as essential. As an unregulated product, there is no recourse for unreliable, slow service (less than what was advertised) particularly in a monopolistic environment.

In New Hampshire, since 2010, we have been trying to modify language in the Bonding Statutes to allow municipalities to issue bonds to build broadband infrastructure. The current legislation prohibits bonding if a town (as a whole) is not unserved. The cable and incumbent lobbyists, with daily access to our representatives, have succeeded in thwarting this effort. This has left the towns without a funding mechanism to build this essential infrastructure that both the cable industry and incumbent carriers refuse to build.

B. Congress Provided the FCC the Authority to Preempt

As the Petitioners describe, Congress foresaw as far back as 1994, that access to advanced telecommunications capabilities would be critical to all Americans. Section 706(a) of the Telecommunications Act of 1996 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’”. Section 706(b) also required the Commission to take affirmative action to acquire information regarding the pace of deployment of advanced communications capabilities, to decide whether such deployment was occurring on a reasonable and timely basis, and, if the Commission determine that deployment was NOT reasonable and timely, to act immediately to remove barriers to infrastructure investment and to promote competition. As written by the Petitioners, in charging the Commission with this responsibility Congress was aware of the significant contributions the municipalities could make and 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 where the private sector found investment not profitable.

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

In today's knowledge-based economy, all local communities recognize that access to modern broadband Internet infrastructure is essential to economic and democratic activity. Modern broadband Internet infrastructure is the life force of our 21st century global knowledge economy, just as local communities are the life force of America. Towns, counties, and cities are where economic activity and civic engagement occurs. Local officials, living amongst their constituents, understand best local needs, local resources, local tolerance for risk, and are easily held accountable for their decisions. Local communities are in the best position to determine the best options for their citizens, businesses, and institutions, whether this means working with incumbents, public-private partnerships, developing their own networks or being served by other local communities who can provide capacity at high levels.

As Wilson stated:

"at 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 their citizens have the power to take matters into their own hands." Section 160A-340 thoroughly undermines these principles."

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 available 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 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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August 29, 2014

