



April 15, 2013

Hon Paul Holvey
Chair, House Committee on Consumer Protection and Government Efficiency
The Capitol
900 Court Street, NE, H-277
Salem, OR 97301

Dear Chair Holvey and Members of the Committee:

I am writing to support HJM 12 sponsored by Rep. Barnhart, Rep. Lively, Rep. Vega Pederson and Sen. Edwards. This Memorial is scheduled for Public Hearing on April 16, 2013. This Joint Memorial will send an important message to Congress and other federal regulatory agencies reminding them of long-held policies in Oregon and throughout the country, that management of public rights-of-way is a matter that must remain in the control of local governments.

This bedrock principle is under attack in a variety of ways at the federal level. The Congress may consider bills which will preempt local governments from imposing user fees and taxes upon cell phone carriers, despite their dependence on cables in the rights-of-way. The Congress has already suspended and may permanently ban imposition of similar fees on internet access providers and the Federal Communications Commission continues to pursue its Rights-of-Way Notice of Inquiry proceeding, which is founded on the proposition that states and local governments are an impediment to the deployment of broadband service.

That proceeding, initiated at the behest of the telecommunications industry in 2011, could result in the FCC developing rules which preempt local rights-of-way management and compensation authority endorsed by the federal Telecommunications Act of 1996 and exercised under the protection of Home Rule guarantees in the Oregon constitution and implemented through local codes. Any accompanying loss of use fees are significant and could amount to hundreds of thousands of dollars annually, depending upon the extent of federal interference or preemption. Fees are allocated to our General Fund and are particularly critical to the support of law enforcement and fire services in many cities.

The City of Springfield and the City of Eugene, along with the National League of Cities, the National Association of Counties, the United States Conference of Mayors, the International Municipal Lawyers Association, the National Association of Telecommunication Officers and Advisors, the Government Finance Officers Association, the American Public Works Association and the International City/County Management Association submitted formal comments in the ongoing FCC proceeding.

Our comments included technical analysis, econometric studies and local experiences, all of which confirmed that local rights-of-way management practices are neither delaying broadband deployment nor discouraging increased penetration of broadband. In fact, in this metropolitan area there are more telecommunications companies marketing their services after the 1996 Act, and after Springfield codified regulations regarding rights-of-way management than before. The record in that proceeding fails to present any evidence or analysis that would justify the Commission's interference with valid local practices. We believe HJM 12 is important to put the full force of the Oregon Legislative Assembly behind the proposition that the Commission must reflect our position that we want to partner with local governments and the industry to develop programs that may increase broadband deployment, rather than usurp the powers of local governments.

On behalf of the City of Springfield, I urge you to recommend passage of HJM 12.

Sincerely,



Christine Lundberg
Mayor

cc: Hon. Phil Barnhart
Hon. John Lively
Hon. Jessica Vega Pederson
Hon. Chris Edwards