

NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

Resolution 2017-04

URGING LOCAL, STATE, AND FEDERAL OFFICIALS TO ENSURE RELIABLE BROADBAND INTERNET ACCESS SERVICES ARE ACCESSIBLE AND AFFORDABLE TO ALL CONSUMERS

Whereas, universal access to affordable communications service is a bedrock principle of the policies of the United States, including the Communications Act of 1934 and the Telecommunications Act of 1996;

Whereas, broadband internet access service is currently defined by the Federal Communications Commission (FCC) as internet service with minimum download speeds of 25 Megabits per second (Mbps) and minimum upload speeds of 3 Mbps¹;

Whereas, the FCC has deemed broadband internet access service to be an essential telecommunications service² under Title II of the Communications Act of 1934³;

Whereas, the universal availability of broadband internet access service can expand access to education, healthcare, government information and services, and promote economic development;

Whereas, according to the Pew Research Center, 25% of Americans do not have broadband internet access service in their homes⁴;

Whereas, approximately 5 million households with school-age children, equating to 17.5% of all households with school-age children, do not have a broadband internet access connection at home⁵, with low-income households accounting for a disproportionate share⁶;

Whereas, low population density and other factors hinder private sector deployment of broadband in rural areas, such that 39% of rural Americans lack access to broadband internet access service⁷;

Whereas, when electricity and telephone service first became viewed as essential to society, federal, state and local governments worked in accordance with programs established pursuant to

¹ Federal Communications Commission, *2015 Broadband Progress Report*, February 4, 2015.

² *In the Matter of Lifeline and Link Up Reform and Modernization (WC Docket No. 11-42)*, et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016), ¶¶ 12-22, 30-32 (*Broadband Lifeline Order*).

³ *In the Matter of Protecting and Promoting the Open Internet (Gn Docket No. 14-28)*, Report and Order on Remand, Declaratory Ruling, and Order, 80 Fed. Reg. 19737 (April 13, 2015), ¶¶ 306-387.

⁴ Pew Research Center, *Internet/Broadband Fact Sheet*, January 12, 2017.

⁵ Pew Research Center, "The numbers behind the broadband homework gap," April 20, 2015.

⁶ Pew Research Center, "Digital divide persists even as lower-income Americans make gains in tech adoption," March 22, 2017.

⁷ Federal Communications Commission, *2016 Broadband Progress Report*, January 29, 2016.

the Rural Electrification Act of 1936 and the Communications Act of 1934 to ensure that citizens have universal access to these essential services; and

Whereas, federal and state efforts to promote broadband internet access should not erode long-standing requirements to ensure universal access to all essential communications services that are reliable and affordable for all consumers;

Now, therefore, be it resolved, that reliable broadband internet access service is an essential telecommunications service that should be accessible and affordable to all consumers, and NASUCA urges the FCC to maintain its current definition of broadband as a Title II communications service, rather than its prior classification as an unprotected information service; and

Be it further resolved, that federal, state, and local governments have a role in ensuring, supporting, and facilitating reliable, affordable broadband internet access services, and NASUCA urges federal and state regulators to establish effective requirements and regulations for broadband internet access services; and

Be it further resolved, that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking such action, if possible. In any event, the Executive Committee shall notify the membership of any action taken pursuant to the resolution.

Submitted by the Telecommunications Committee

Approved by the membership June 5, 2017
Denver, Colorado

Abstaining:

Nebraska

Wyoming

Missouri