

For Immediate Release

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Baller Herbst Stokes & Lide Statement on the Federal Communications Commission's Order Removing Barriers to Community Broadband Initiatives in Tennessee and North Carolina.

On February 26, 2015, the FCC voted to grant the petitions filed by the City of Wilson, North Carolina (Wilson) and the Electric Power Board of Chattanooga, Tennessee (EPB) to remove certain State laws that impose barriers to the ability of local government entities to invest in high-capacity broadband Internet networks and promote competition in their communities. Today, the Commission released a 116-page written order that implements the Commission's decision and explains its rationale. A copy is attached.

Washington (March 12, 2015) – Baller Herbst Stokes & Lide, lead counsel to Wilson and EPB in their proceedings before the FCC, is grateful to the Commission for its thoughtful decision. We also applaud Wilson and EPB for their visionary and courageous efforts on behalf of their communities. This decision will enable them to bring broadband Internet access at gigabit speeds to neighboring areas in which businesses and residents are clamoring for their advanced communications services and capabilities.

In the attached Order, the Commission concluded that: “Tennessee and North Carolina laws are barriers to broadband infrastructure investment and that preemption will promote competition in the telecommunications market by removing statutory barriers to such competition. In other words, we find that removal of such barriers would likely result in more overall broadband investment and competition. ... To put it plainly, the Commission has concluded that preemption of these restrictions will expand broadband investment and deployment, increase competition, and serve the public interest, as Section 706 intended.”

Jim Baller, senior principal of Baller Herbst Stokes & Lide, stated:

“The Commission’s order not only addresses the legal issues thoroughly and effectively, but it also draws upon an extensive record to make a compelling case for local Internet choice.

“We hope that the order will encourage States not to adopt new protectionist measures, and to remove existing ones, that impair the ability of their communities to survive and thrive in the emerging knowledge-based global economy. Such laws are bad for the communities involved, bad for the private sector, particularly high tech companies, and bad for America’s global competitiveness.”