



Telecommunications Industry Association
Advancing Global Communications



*The Voice of Critical
Infrastructure Communications*

January 31, 2012

Senator Glenn F. McConnell, Chairman
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Senator Floyd Nicholson
Senator Michael T. Ross
Senator John L. Scott, Jr.
Senator Phillip W. Shoopman
Senator Chauncey K. Gregory

Dear Senator McConnell and Members of the Senate Judiciary Committee:

We, the private-sector companies and trade associations listed below, urge you to **oppose H.3508** because these bills, on top of South Carolina's existing barrier to public communications initiatives, codified in SC Code §§ 58-9-2600 *et seq.*, will harm both the public and private sectors, stifle economic growth, prevent the creation or retention of thousands of jobs, hamper work force development and diminish the quality of life in South Carolina. In particular, these bills will hurt the private sector in several ways: by curtailing public-private partnerships, stifling private companies that sell equipment and services to public broadband providers, and impairing educational and occupational opportunities that contribute to a skilled workforce from which businesses across the state will benefit.

The United States continues to suffer through difficult economic times. The private sector alone cannot lift the United States out of this crisis. As a result, federal and state efforts are taking place across the Nation to deploy both private and public broadband infrastructure to stimulate and support economic development and jobs, especially in economically distressed areas. For example, in South Carolina, Orangeburg and Oconee Counties

have received broadband stimulus awards to bring much-needed broadband services and capabilities to communities that the private sector has chosen not to serve adequately. H.3508, together with SC Code §§ 58-9-2600 *et seq.*, would impose burdensome financial and regulatory requirements that will prevent public broadband providers from building the sorely needed advanced broadband infrastructure that will stimulate local businesses development, foster work force retraining, and boost employment in these economically depressed areas.

Consistent with these expressions of national unity, public entities across America, including South Carolina, are ready, willing, and able to do their share to bring affordable high-capacity broadband connectivity to all Americans. Enactment or retention of direct or effective barriers to community broadband, such as H.3508 and SC Code §§ 58-9-2600 *et seq.*, would be counterproductive to the achievement of these goals. These measures are also inconsistent with our country's National Broadband Plan, which recommends that no new barriers be enacted and that existing barriers be removed.

We support strong, fair and open competition to ensure that users can enjoy the widest range of choices and opportunities. H.3508 is a step in the wrong direction. South Carolina should be removing barriers to public broadband initiatives rather than establishing new ones, so that high technology companies can spread and prosper into all the communities in this beautiful state. **Please oppose H.3508, repeal SC Code § 58-9-2600 *et seq.*, and reject any future measures that could significantly impair municipal broadband deployments or public-private partnerships in South Carolina.**

Sincerely,

Alcatel-Lucent
American Public Power Association
Atlantic Engineering
Fiber to the Home Council
Google
OnTrac
Southeast Association of Telecommunications
Officers and Advisors
Telecommunications Industry Association
Utilities Telecom Council

cc: Heather Anderson, Legal Counsel to the Senate Judiciary Committee
Bill Clark, Administrator, Orangeburg County
Mike Powell, Director of IT & GIS, Oconee County FOCUS
Miriam Hair, Executive Director, Municipal
Association of South Carolina
Michael Cone, Executive Director, South
Carolina Association of Counties