

**INTERGOVERNMENTAL ADVISORY COMMITTEE**  
**Federal Communications Commission**  
**8<sup>th</sup> Floor South Conference Room**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D.C. 20554**

August 5, 2005

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Room TW B204  
Washington, DC 20554

**Re: July 5, 2005 invitation for public comment on the FCC Draft Strategic Plan for 2006-2011**

**FCC INTERGOVERNMENTAL ADVISORY COMMITTEE**

**ADVISORY RECOMMENDATION**

Dear Chairman Martin:

On July 5, 2005, the FCC (“the Commission”) released a draft strategic plan and invited public comment on the goals and objectives to be pursued by the Commission for the period 2006-2011. After receipt of the draft plan, and consideration during its scheduled meeting of August 4-5, 2005, in Washington, D.C., the Intergovernmental Advisory Committee (IAC) would like to offer the following comments for consideration by the Commission.

The draft plan notes that it is the mission of the Commission “to ensure that the American people have available – at reasonable costs and without discrimination – rapid, efficient, nationwide and worldwide communication services whether by radio, television, wire, wireless, satellite, or cable.” As others have publicly noted, it is crucial for the economic security, educational aspirations, and national security interests of the United States that the Country enjoy the widest possible and nondiscriminatory deployment of broadband technology and the delivery of such services as quickly as possible. While interests in the deployment of ubiquitous information and communications technology are distinctly national and international, in scope, the steps necessary to implement such service impacts the unique capabilities of tribal, state and local governments. The IAC is pleased that the Commission has expressly noted throughout its strategic plan an interest in maintaining a close communication with these governments as it approaches the fulfillment of its strategic goals.

As an initial matter, the FCC must be willing to protect consumers of all existing and new technologies. For example, instead of just saying that communications services are available at “reasonable costs and without discrimination” there should be an affirmative statement that the Commission will assure that effective and accessible consumer protection and privacy measures are in place. The current draft does not make any such express statement.

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The draft plan references to regulators as a group that should be included in efforts to fulfill the plan. All references to the Commission working with regulators should be changed to “federal, tribal, state and local governments.” This change will allow for recognition that these federal agencies, tribal, state and local governments are consumers and public entities with responsibility and accountability to citizens.

In addition the Commission should add as a General Goal: **INTERGOVERNMENTAL COORDINATION AND COOPERATION. This goal emphasizes that the Commission must work with appropriate federal agencies, as well as tribal, state and local governments, to assure that their concerns, or overlapping jurisdictions, are addressed properly.** This General Goal would reach such issues as:

1. Tribal sovereignty;
2. Tribal, state and local authority over such issues as: management of public rights of way; control of public properties; public enforcement of principles of land use planning.
3. Authority to levy or establish appropriate fees and taxes from the providers, or users, of these services;
4. Protection and enhancement of homeland and home town security;
5. Promotion of nondiscriminatory access to the full range of communications services.
6. Continuation of support for the universal service fund; and
7. Committing to support the dedication of capacity for the public interest.

In addition to the foregoing, the IAC presents the following comments about the Plan’s listed goals.

**GOAL: Broadband**

The IAC endorses the Commission’s reference in Objective 1 on Broadband that it shall work in partnership with tribal, state and local governments to promote the availability of broadband to all Americans.

Objective 4 on Broadband declares that the Commission “shall encourage and facilitate an environment that stimulates investment and innovation in broadband technologies and service.” To fulfill this objective, the IAC believes that it is important for the Commission to recognize that such an environment will impact the traditional domain of the governments represented by the IAC – e.g. rights of way, and should take care to assure that the deployment of broadband does not adversely or unfairly impact such public infrastructure. Further, the IAC believes that the Commission should emphasize here that such investment and innovation should always assure that there is a comparable universal access of such technologies for all Americans. Without such emphasis, the IAC believes that the industry could easily conclude that the expense of such service does not justify service to all persons. However, if recent trends, for example, on the movement of families to wireless from land line telecommunications service is any indication of the future, unless universal access is encouraged, or even mandated, the time will soon come when Americans least able to provide, yet most in need, of basic services – e.g., the ability to

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contact emergency services – could be lost because of the cost of investment. The Commission, therefore, should note its mandate that such a situation is intolerable and should not be ignored by any investment in future technologies. To the extent that legislative or regulatory changes are necessary to assure such universal deployment, as suggested by the economic factors noted by the Commission's strategic plan, the IAC believes the plan should note the Commission's commitment to pursue such changes.

**GOAL: Competition**

While the IAC supports the Commission's goals regarding competition, the IAC would like the Commission to assert a commitment to protect consumers if competition does not exist.

**GOAL: Spectrum**

The IAC applauds the vision stated in this objective. However, the impact of spectrum extends beyond the groups specifically mentioned for consultation in the objectives of this goal. The IAC believes that specific reference should be included to consult with appropriate agencies of tribal, state or local governments as issues concerning the effective use of spectrum and its efficient facilitation are reviewed.

**GOAL: Public Safety and Homeland Security**

The IAC supports this goal and its stated vision, and is particularly pleased that Objective 4 of this goal expressly notes the need to coordinate with tribal, state and local governments. However, in light of the fact that these governments are the first responders to virtually any public safety or homeland security issue, the IAC believes that the vision statement of this strategic goal should be modified to recognize this fact. To do so, federal, tribal, state and local governments must be specifically incorporated into all processes outlined in each listed objective for this goal.

Thank you for the opportunity to present these comments. The IAC is prepared to provide any additional information that the Commission believes would be helpful.

Sincerely,

Jim Dailey, Chair  
Intergovernmental Advisory Committee

cc. Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Monica Desai, Chief, Consumer & Governmental Affairs Bureau