

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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| In the Matter of                         | ) |                                    |
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| Petitions Pursuant to Section 706 of the | ) |                                    |
| Telecommunications Act of 1996           | ) | WC Docket No. 14-115 (Wilson)      |
| for Removal of State Barriers to         | ) | WC Docket No. 14-116 (Chattanooga) |
| Broadband Investment                     | ) |                                    |
| and Competition                          | ) |                                    |

**Reply Comments of the American Library Association**

The American Library Association (ALA)—the world’s oldest and largest library association, representing 57,000 members—is pleased to submit these reply comments in support of the Petitions filed by the City of Wilson, North Carolina,<sup>1</sup> and the Electric Power Board (EPB) of Chattanooga, Tennessee,<sup>2</sup> on July 24, 2014, and released for public comment in the above proceedings.

The ALA joins the Schools, Health and Libraries Broadband (SHLB) Coalition<sup>3</sup> in supporting and encouraging the Federal Communications Commission to preempt these state laws to the extent requested in the respective Petitions on the grounds that they create artificial barriers to broadband infrastructure investment, deployment, competition and innovation. These state laws restrict and unreasonably delay the options available to local communities to obtain broadband infrastructure and the associated modern services needed by America’s libraries and other community anchor institutions.

Too many of our communities and, by association, the libraries that serve those communities subsist in the kind of “digital desert” EPB describes in its petition. As Chairman Wheeler noted earlier this month, one in five American homes lacks access to Internet speeds of 25 Mbps or faster, and even at lower speeds, about 40 percent of Americans have no choice in providers.<sup>4</sup> The ALA also noted this lack of access and competition in our filings with the Commission as part of the E-rate modernization proceeding: “We heard from states as diverse as Idaho and Montana, and Nebraska to

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<sup>1</sup> See Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, filed by City of Wilson, North Carolina, WC Docket No. 14-115.

<sup>2</sup> Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, filed by Electric Power Board, Chattanooga, Tennessee, WC Docket No. 14-116.

<sup>3</sup> <http://apps.fcc.gov/ecfs/document/view?id=7521826069>

<sup>4</sup> <http://www.fcc.gov/document/fcc-chairman-more-competition-needed-high-speed-broadband-market>

Arkansas, Kentucky, and New York that their rural libraries often receive one or no bids. In one state, the state E-rate coordinator noted that 55 percent of the library applicants received no bid.

...Additionally, many rural libraries pay disproportionately high costs for broadband services. For example, one library in Arizona's Apache County pays more than \$18,000 annually for 5 Mbps metro Ethernet service compared to a Maricopa County library that pays \$11,000 for 100 Mbps service. Similarly, an Idaho library near the Montana border is paying more than \$1,300 each month for wireless 5 Mbps service. The only other choice for internet is dial-up. In contrast, a suburban library near Boise pays \$750 per month for 40 Mbps."<sup>5</sup>

Today, only about 11 percent of our nation's public libraries have broadband connection speeds of 100 Mbps or faster.<sup>6</sup> As noted in the Petitions, one of these libraries is located in Wilson, North Carolina, and another can be found in Chattanooga, Tennessee. As Chattanooga notes in its petition, the local public library "has emerged as a center for technology education, experimentation and engagement. The Public Library's '4<sup>th</sup> Floor' is a 14,000 square foot maker space containing computers, 3-D printers and workspaces with Gigabit connections. While students learn coding and how to control robots, entrepreneurs refine their ideas, and patrons use 3-D printers to create objects they have designed at home or on one of the Library's workstations."<sup>7</sup> This is the vision ALA has for all of the communities our libraries serve—high-capacity broadband connections that enable *The E's of Libraries*<sup>TM</sup>, which include: **Education, Employment, Entrepreneurship, Empowerment, and Engagement.**

The Coalition for Local Internet Choice correctly comments that "public entities were also the first entities to invest in fiber infrastructure to serve schools and libraries with gigabit speeds."<sup>8</sup> High-capacity broadband networks are essential to advancing digital inclusion and innovation—enhancing economic development and educational opportunity. We need *more* broadband competition, not artificial barriers that quash local solutions that can enable the kind of access to high-capacity broadband our libraries and our communities so desperately need. As the Wilson petition states well: "...local governments, accountable to local citizens, understand their own needs and should have the freedom to find local solutions to local problems. We should not require citizens to beg big corporations to deploy systems when these citizens have the power to take matters into their own

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<sup>5</sup> <http://apps.fcc.gov/ecfs/document/view?id=7520944024>

<sup>6</sup> <http://apps.fcc.gov/ecfs/document/view?id=7522678477> (Appendix A)

<sup>7</sup> EPB Petition at page 26.

<sup>8</sup> <http://apps.fcc.gov/ecfs/document/view?id=7521826168>

hands.”<sup>9</sup> ALA encourages the Commission to act on Chairman Wheeler’s principles on broadband competition: “...where greater competition can exist, we will encourage it. ...where meaningful competition is not available, the Commission will work to create it.”<sup>10</sup>

Just as the need is clear, so is the authority delegated to the FCC by Congress through Section 706 of the Telecommunications Act of 1996 and effectively cited in the Petitions.<sup>11</sup> As Judge Silberman stated in the January network neutrality ruling, “a barrier to infrastructure investment would be state laws that prohibit municipalities from creating their own broadband infrastructure to compete against private companies.”<sup>12</sup>

Removing barriers to competition as requested in the Petitions will better enable communities (and their libraries) to ensure no one is excluded from digital opportunity. No avenue toward new broadband investment should be foreclosed.

Respectfully submitted,



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<sup>9</sup> Wilson Petition at page 43.

<sup>10</sup> <http://www.fcc.gov/document/fcc-chairman-more-competition-needed-high-speed-broadband-market>

<sup>11</sup> Wilson Petition at pages 3-5; EPB Petition at pages 14, 15 and 41.

<sup>12</sup> <sup>12</sup> *Verizon vs FCC*. No. 11-1355. DC Court of Appeals. 2014 slip op. p. 66.