AMENDED

June 2, 2010

**S. 1462**

Introduced by Senators McConnell, Setzler, L. Martin and Bright

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Read the first time May 19, 2010.

**A** **CONCURRENT RESOLUTION**

A CONCURRENT RESOLUTION TO MEMORIALIZE THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES, AND THE FEDERAL COMMUNICATIONS COMMISSION OF THE UNITED STATES TO REFRAIN FROM REGULATING INTERNET BROADBAND SERVICES AS COMMON CARRIER SERVICES UNDER TITLE II OF THE COMMUNICATIONS ACT OF 1934 AND TO IMPLEMENT THE NATIONAL BROADBAND PLAN IN A MANNER THAT FACILITATES INVESTMENT IN RURAL AREAS.

Whereas, due in large part to the unregulated efforts of private enterprise over the past twenty‑five years, the development of the Internet has dramatically transformed the way South Carolina citizens work, live, and learn. The deployment of efficient, fast, and reliable broadband networks throughout South Carolina has created thousands of jobs and economic benefits for local economies; and

Whereas, in order to encourage the growth and development of the Internet, the Federal Communications Commission (FCC) has historically followed a policy to refrain from regulating broadband Internet services as common carrier services under Title II of the Communications Act of 1934. As a result, the United States has been at the forefront of technological, business, and social innovation on the Internet; and

Whereas, on March 16, 2010, the FCC released the congressionally mandated plan to create a National Broadband Plan. The Plan articulates the goal of ensuring affordable broadband access to all Americans and other commendable goals. It is important and in the public interest that the Plan be implemented in such a way that it is consistent with federal and state law and policy that comparable broadband services be available at comparable prices in urban and rural areas, so as to facilitate rural economic development efforts; and

Whereas, it is important and in the public interest that the National Broadband Plan be implemented in such a way that it provides for certainty in funding mechanisms, in order to encourage the State’s broadband service providers to continue to invest in rural broadband infrastructure and to foster rural economic development efforts; and

Whereas, the State of South Carolina has made significant public policy decisions that encourage universal access to modern communication systems and has taken steps to ensure all of the State’s citizens have access to comparable services at reasonably comparable rates as required by Federal law; and

Whereas, on April 6, 2010 the United States Court of Appeals for the District of Columbia Circuit released an opinion in the matter of Comcast vs. the Federal Communication Commission that calls into question the Federal Communications Commission’s authority to regulate Broadband Internet under existing rules; and

Whereas, on May 6, 2010, the Chairman of the FCC announced a policy to reclassify broadband Internet services as common carrier services so that they can be more tightly regulated, with a proposal to forbear from imposing certain common carrier obligations on broadband Internet providers; and

Whereas, it is the judgment of the South Carolina General Assembly that using provisions of Title II of the Communications Act of 1934 to regulate the Internet will slow investment in South Carolina’s Internet broadband infrastructure and jeopardize future job growth; and

Whereas, the South Carolina General Assembly has made significant public policy decisions that encourage investment in broadband and emerging technologies. Now, therefore, Be it resolved by the Senate, the House of Representatives concurring:

That the South Carolina General Assembly memorializes the President of the United States, the Congress of the United States, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; and

Be it further resolved that we memorialize the President of the United States, the Congress of the United States, and the Federal Communications Commission of the United States to implement the National Broadband Plan’s recommendations in a manner that facilitates investment in broadband facilities in rural areas, facilitates rural economic development efforts, and ensures that Americans in rural and high cost areas have access to broadband services that are reasonably comparable to the broadband services available in urban areas at reasonably comparable prices; and

Be it further resolved that copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the South Carolina congressional delegation, and the Commissioners of the Federal Communications Commission of the United States.

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