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Legislative Update

Your Municipal Communications Resource

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Broadband Update

by Dave Garb, Legislative Committee Chair

Resolution Opposing American Broadband Development Act

As was reported in the recent Special Legislative Update, the **American Broadband Deployment Act of 2023** (H.R. 3557) was passed by the Congressional House Energy and Commerce Committee. If enacted upon, it would impose new restrictions on local authorities' ability to regulate a variety of state and local land use and zoning issues pertaining to the deployment of the telecommunications infrastructure. This would include wireless and wireline deployment, as well as new limits on requirements and renewals of cable franchise agreements.

Due to the oppositions set forth from the National Association of Counties (NACo), the National League of Cities (NLC), the U.S. Conference of Mayors (USCM), the National Association of Telecommunications Officers and Advisors (NATOA), and JAG, word has been quickly spreading about this act.

One of the sponsors of the opposition letter for the USCM was Mayor Brian C. Wahler of Piscataway N.J. Being one of the first to see the ramifications of HR 3557, he spearheaded the creation of a municipal resolution opposing it and it was recently passed by the Piscataway Township Council.

A copy of this resolution has been shared at the following link, <https://jagonline.org/wp-content/uploads/2023/07/Broadband-Resolution.pdf>, so that all of New Jersey can use this as a guide to create their own resolutions, if they chose, to denounce this legislation.

High-Speed Internet Grant Program

On June 26th, President Biden and Vice President Harris, announced how the United States will allocate \$42.45 Billion from the bipartisan High-Speed Internet Grant Program to all 50 states, the District of Columbia, and five territories, which will distribute affordable and reliable high-speed Internet service to everyone in America.

This is part of their Investing in America agenda, and the funding comes from the Broadband Equity, Access, and Deployment (BEAD) program from President Biden's Bipartisan Infrastructure Law. Grant programs will be administered to all U.S. eligible entities.

"What this announcement means for people across the country is that if you don't have access to quality, affordable high-speed Internet service now – you will, thanks to President Biden and his commitment to investing in America," said Secretary of Commerce Gina Raimondo. "Whether it's connecting people to the digital economy, manufacturing fiber-optic cable in America, or creating good paying jobs building Internet infrastructure in the states, the investments we're announcing will increase our competitiveness and spur economic growth across the country for years to come."

Here in New Jersey, we are being allocated \$263,689,548.65. Under this law, Eligible Entities have 180 days

from the date of that formal notice to submit their Initial Proposals describing how they propose to run their grant programs. As of July 1, 2023, all can submit their Initial Proposals to [InternetForAll.Gov](https://www.internetforall.gov)

Once the NTIA (National Telecommunications and Information Administration) approves an Initial Proposal, which will occur on a rolling basis, eligible entities will be permitted to request access to at least 20 percent of their allocated funds.

From the Senate Committee on Commerce, Science and Transportation

Senator Maria Cantwell, of Washington, has sent a letter to the FCC imploring them to reopen their proceedings on vMVPDs. In 2014 the agency opened a file to examine the issue of how streaming services should be treated but has yet to be put anything into place for nearly a decade.”

Senator Cantwell would like the FCC to consider changing their classification so that they would have to follow to the same rules that traditional multichannel video providers follow.

Broadcasters, along with the National Association of Broadcasters have long implored for a revision of the rules regulating vMVPDs like YouTube TV, FuboTV, Sling TV, and others who provide bundles of streaming channels over the internet.

“In the nearly ten years since the FCC launched the proceeding, the video service landscape has changed dramatically,” Cantwell wrote in her letter. “However, today when viewers have more options for what content to watch (and which platform to watch it from), local broadcasts remain the recognized expert and dominant source for local news for many Americans.... Local stations provide news that is essential to our nation’s security. They keep the public informed and strengthen our democracy with on-the-ground reporting that counters misinformation and holds the powerful accountable.”

Initially, the FCC didn’t take action to classify streaming services as MVPDs because the industry was still in its early stages and because of the difficulty it presented.

The FCC will have to deal with complex questions, such as, how should regulators classify the packages of streaming channels that traditional pay TV operators like the way Comcast and Altice deliver directly over the Internet to broadband customers?

Also, who would negotiate retransmission agreements with the pay TV providers. Currently station groups negotiate the deals with traditional MVPDs while the broadcast networks handle negotiations with vMVPDs.

This is not going to be an easy issue to fix, and with the current FCC Commissioner make-up of 2-2, this matter may take quite some time to solve.

JAG (Jersey Access Group) is an organization that advocates, promotes, and preserves the right to media production, distribution, civic engagement, and education in support of diverse community voices, through Public, Educational and Government access facilities and other forms of media.

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