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Last year, voters in nearly 50 communities across Colorado faced a simple question: Should local residents shape the future of broadband access for their schools, businesses and homes? In every one of these communities, the people answered with a resounding "yes."

The ballot measures passed with a collective 75 percent of the vote, and in Durango and Telluride, more than 90 percent of voters supported local self-determination. Voters have recognized an important 21st century reality: high-quality Internet access is just as essential to thriving communities now as electricity was to thriving communities 100 years ago.

As Colorado's General Assembly begins their legislative session this week, we urge legislators to heed the call from so many of Colorado's residents and work to repeal an outdated law, Senate Bill 152, that restricts important progress for next-generation broadband. Passed a decade ago at the behest of a national telephone company, SB 152 requires a costly and unnecessary referendum before a community can make its own decisions.

Because citizens in communities across our state repealed this law, these communities can now improve Internet access and competition with a variety of approaches: from building their own networks to partnering with private providers, to still other investments to lower barriers to competition for Internet Service Providers.

Having that authority is essential when some communities have been left behind the modern, digital economy. Despite significant private-sector investments in higher-capacity networks, too many communities lack the modern, affordable connectivity required for good jobs, healthcare innovation, and educational opportunities.

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The Federal Communications Commission has been investigating state barriers to municipal networks and partnerships. Unsurprisingly, it has found such barriers are contrary to our goal of ensuring access to high-quality Internet for all Americans. We have all joined a national collaborative called Next Century Cities that helps connect local governments to ensure everyone has a choice in high-quality Internet access options. Next Century Cities includes tiny towns, large cities like Los Angeles, and even counties. We are joined by our proactive approach to improving Internet access for all, though we vary in our approaches.

Here in Colorado, Longmont has built its own network, offering some of the fastest speeds in the nation at only $50 per month, one of the most affordable gigabit offerings in the nation. Cortez has invested in fiber optic infrastructure to enable independent companies to offer services rather than having the city itself enter the business.

Some of us, including mayors from Fort Collins and Boulder have long used community-owned fiber optics for to save money internally. Many are now developing plans to directly benefit our residents and businesses with our networks. Montrose, Arvada, and Grand Junction are all exploring options that will lead to a real choice in providers.

Outside our cities, we are encouraged by the efforts of counties like Rio Blanco to invest in high-speed networks, which connect those in areas poorly served by the private sector. Steamboat Springs used a modest investment in a carrier-neutral facility removes a major bottleneck to competition and the community is developing new plans to further improve access.

One hundred years later, the parallels between electrification and the essential infrastructure of this century are striking. Electrification required extensive private investment, municipal investments, and federal support for rural cooperatives. This makes sense: providing high-quality infrastructure has always required both public and private investments.

Leaders in Colorado should heed the lessons of the successful ballot initiatives from late last year — residents and local businesses are demanding access to high-quality broadband Internet, and they will not tolerate outdated laws that restrict the ability of towns, cities and counties to meet the needs of the 21st century. Legislators should repeal SB 152. – **Op-ed in the *Denver Post* by Karen Sheek, mayor of Cortez, CO; David Romero, mayor of Montrose, CO; Dennis Coombs, mayor of Longmont, CO; and Tom Roiniotis, general manager of Longmont Power and Communications**

Proposals by the pay TV industry that would restrict television broadcasters' ability to fairly negotiate retransmission consent fall outside the FCC's limited legal authority and would provide no benefit to consumers, said the NAB in **reply comments** submitted today. Only by quickly closing its proceeding examining the "totality of circumstances" of what constitutes "good faith" retransmission consent negotiations will the FCC help viewers, NAB said in its filing.

The NAB said the FCC's record makes clear that the current totality of circumstances test is sufficient to encourage fair negotiations between broadcasters and pay TV providers over retransmission consent. Only a small handful of good faith negotiation complaints have ever been filed, NAB said, and no broadcaster has ever been found to have violated good faith, the comments added. The FCC's proceeding, however, has encouraged pay TV providers to advocate for government intervention in the free market in order to tilt the negotiating table in their favor, the comments added.

"The goal of pay TV providers is not to promote consumer welfare – which, given their past track record, is hardly surprising," said the filing. "Rather, for multichannel video programming distributors this proceeding is solely about encouraging government intervention in the marketplace…. Nothing more, nothing less. Indeed, while thousands of deals are completed, the handful of disputes that arise are gleefully trumpeted by pay TV advocates like the American Television Alliance, which takes great pleasure in the political ammunition created each and every time one of its members allows an agreement to expire."

Adopting some or all of pay TV's retrans proposals would simply create greater financial and competitive advantage for an already highly consolidated pay TV industry, NAB argued. Consumers would stand to gain nothing from a weakened retransmission consent regime, and could even face more abuse from their pay TV providers.

"The commission should not be under any illusion that changes to its good faith negotiating standard will lower consumer prices, lead to more reasonable equipment charges or reduce sky-high early termination fees," said NAB in its comments. "If anything, the pay TV industry's ability to dictate the terms of service with their customers will be strengthened by FCC intervention increasing MVPDs' marketplace leverage. MVPDs also cannot show how their proposals (the legal ones, at least) will promote the FCC's stated goal of benefitting consumers by reducing the already small number of service disruptions caused by negotiating impasses."

Pay TV conglomerates' proposal that the FCC mandate the interim carriage of broadcasters' signal, especially for "marque events," during retrans impasses is simply unlawful, NAB said. The commission has found on multiple occasions that it cannot lawfully force broadcasters to supply their signal to pay TV providers. Copyright law also disallows the FCC from prohibiting broadcasters from restricting their content on the Internet.

"It is also unlawful for the commission to require broadcasters to make their content available online," said the NAB filing. "Federal copyright law gives broadcasters the right to control whether, how and when their content is distributed. Nothing supports the view that the FCC can supersede copyright law to require broadcasters to publicly perform their copyrighted material online."

Pay TV providers' proposal to prevent broadcasters — and only broadcasters — from bundling programming would also fly in the face of established antitrust precedent, the filing said, adding that both the Department of Justice and the court system have found that bundling is often pro-competitive.

"In many instances in the video programming market, bundling has led to greater efficiencies, increased diversity and innovations in content," said NAB. "Blanket rules prohibiting the practice for broadcasters beyond antitrust requirements will skew the market not only to favor MVPDs, but also cable programmers, who will still be free to bundle content as they see fit. Government policies undermining the competitiveness of consumers' free video option in favor of increasingly expensive pay options will not serve the public interest."

Pay TV providers' wish list of changes to retransmission consent represent nothing more than a concerted attempt to weaken broadcasters' ability to negotiate fair carriage of their over-the-air signal, the filing continued. The FCC, it said, should close its proceeding that has encouraged pay TV conglomerates to manufacture a retransmission consent "crisis" and preserve a system that works for cable and satellite providers, broadcasters and, most importantly, consumers. – ***TV NewsCheck***

Michael Angelakis, former chief financial officer at Comcast Corp., was appointed to a one-year term as board chairman at Federal Reserve Bank of Philadelphia. Angelakis now runs a investment firm funded by Comcast and serves as senior advisor to the cable giant's executive management committee. The former deputy chairman, Angelakis replaces James Nevels who retired as the bank's chairman in December. Touchpoint Inc. CEO Brian McNeil replaces Angelakis as deputy. – ***Philadelphia Inquirer***

The New Jersey Public Broadcasting Authority, licensee of statewide public television network NJTV, announced this week that it has filed to participate in the FCC's spectrum auction. However, John Blair, authority executive director, said in **the Jan. 12 statement** that it "has no intention of exiting public television because we provide a valuable service for New Jersey TV viewers."

The announcement said that cable and satellite reception across the state could still provide NJTV content to audiences. NJTV consists of WNJB in New Brunswick, WNJN in Montclair, WNJS in Camden and WNJT in Trenton. The highest opening bid in the upcoming **FCC spectrum auction** is $775.7 million for WNJN. – ***current.org***

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