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26 April 2022

Chair Stephenson,
House Commerce Committee
509 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Rep. Andrew Carlson
557 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Ref: HF 4455

Via e-mail

Chair Stephenson, Rep. Carlson and members of the House Commerce Finance & Policy Committee, I apologize for not being able to testify in person today. I am meeting with members of the Minnesota Congressional delegation in Washington, DC.

The Minnesota Telecom Alliance (MTA) is a trade association that advocates and represents the interests of more than 70 small, medium and large companies that provide advanced telecommunications services such as voice, data, wireless, video, and high-speed Internet access to Minnesota's metropolitan and rural communities. Our members serve some of the most remote areas of the state as well as the most densely populated areas.

During the COVID-19 pandemic, MTA member companies worked directly with the communities they serve to deploy Broadband to students, families, and workers who didn't have it before. We found creative ways to make sure students had access to remote education and employees had access to their jobs from home. This was all done without any prodding or oversight from the State.

The MTA opposes HF 4455 as it would attempt to expand the jurisdiction of the Public Utilities Commission (PUC) by authorizing it to begin regulating among other things the "resiliency" and "reliability" of broadband Internet access and VoIP services offered by broadband providers through PUC oversight of network reliability and emergency preparedness.

MTA agrees with the bill's sponsors that access to high-speed broadband service is critically important in today's world but this bill has many flaws that would make Minnesota an outlier and the only state to apply 1980s era voice service regulation to broadband. This type of heavy-handed regulation would have unintended consequences of harming and delaying broadband services for unserved and underserved areas of Minnesota as such legislation could impose new restrictions that will delay network expansions and upgrades.

MTA also believes that the proposed legislation raises preemption concerns under federal law. Currently, federal law preempts state regulation of broadband, both because it is an interstate information service subject to the exclusive regulatory authority of the Federal Communications Commission and because such regulation would contravene clearly articulated federal policies. Specifically, FCC law stipulates that broadband internet service is an interstate service, that the Communications Act gives the FCC exclusive authority over interstate services under 47 U.S.C. 152, and therefore federal law occupies the field and preempts any state regulation of broadband internet service. Therefore, we believe that this legislation is in direct conflict with federal law and is thus preempted from being enacted at the state level.

MTA members have been strong supporters of the Minnesota Office of Broadband as well as the state's broadband grant program. The Border-to-Border Grant Program along with private investment have served Minnesotans well but there is more work to do. The most important thing this legislative body can do to support broadband is to fully fund the state's Border to Border Grant program and to support initiatives that eliminate roadblocks to deployment and streamline processes that allow broadband providers to serve their customers. HF 4455 is unnecessary and harmful to the deployment of broadband.

Cordially,

A handwritten signature in black ink, appearing to read "Brent J. Christensen", with a long horizontal flourish extending to the right.

Brent J. Christensen
President/CEO