



# THE UNITED STATES CONFERENCE OF MAYORS

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**CEO and Executive Director:**  
TOM COCHRAN

March 3, 2010

The Honorable Barack H. Obama  
President of the United States  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear President Obama:

On behalf of The United States Conference of Mayors, we need your assistance to protect local government rights-of-way authority and budgets and the citizens we serve. As the Federal Communications Commission (FCC) prepares to submit its National Broadband Plan to Congress on March 17 – as directed by the American Recovery and Reinvestment Act – we write to request that the National Broadband Plan not limit local government rights-of-way authority or undermine local budgets by imposing a less than fair market value as the standard for fair and reasonable rights-of-way compensation. This would occur if the FCC were to establish a rule or an interpretation that prevents state and local governments from obtaining fair market value for use of rights-of-way or that makes current gross revenue-based or market-based rights-of-way fees unlawful and requires rights-of-way fees be subject to a FCC-imposed cost model.

Congress has made it as clear as possible in Section 253 of the Telecommunications Act of 1996 – by an overwhelming and bipartisan vote – that the FCC was not to set rates for use of rights-of-way, and was to leave the determination of rates and management of public property to the states and localities. Congress made it equally clear that federal district courts are the arbiters of conflicts between local governments and providers on what constituted fair and reasonable compensation. Any departure from Section 253 in these difficult economic times would result in a detrimental impact on budgets, and thus layoffs, furloughs, service reductions, and fee increases – and, the citizens of our cities losing the essential services that they provide. The next fiscal year looks even worse for cities, with more than four in five cities anticipating a budget shortfall. The nation's mayors do not believe you intended for the National Broadband Plan to be used as a vehicle to take revenue from city budgets in order to subsidize private communications companies.

Mayors know, better than anyone, the role that broadband can play in enhancing educational opportunities, promoting economic development, improving health care delivery, assisting in achieving energy efficiency goals, and quite simply, determining if our cities can compete in the world economy. We also know that our rights-of-way management has served to promote, not retard, universal access to broadband services, while at the same time, protecting public health and safety, and keeping rights-of-way accessible for safe transportation.

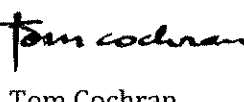

President Barack Obama  
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We are requesting a conference call with your top and appropriate advisors as soon as possible to discuss this threat to our rights-of-way authority and budgets. Please contact CEO and Executive Director Tom Cochran at (202) 293-2354 or Chief of Staff Ed Somers at (202) 861-6706 to further discuss this matter.

Sincerely,



Elizabeth B. Kautz  
Mayor of Burnsville  
President



Antonio R. Villaraigosa  
Mayor of Los Angeles  
Vice President

Tom Cochran  
CEO and Executive Director

Cc: Valerie Jarrett  
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