



**Summary & Comparison of Community Broadband Legislation**

<b>Community Broadband Act of 2007 (Senate)</b> <b>Lautenberg S. 1853</b>	<b>Community Broadband Act of 2007 (House)</b> <b>Boucher H.R. 3281</b>	<b>Community Broadband Act (ATOR 2006)</b> <b>Stevens Senate Commerce</b>
<p>No state or local government statute, regulation or other legal requirement may prohibit or have the effect of prohibiting any public provider from providing advanced telecommunications capability or services using advanced telecommunications capability to any person or any public or private entity.</p>	<p>No state or local government statute, regulation or other legal requirement may prohibit or have the effect of prohibiting any public provider from providing advanced telecommunications capability or services to any person or any public or private entity.</p>	<p>No state statute, regulation or other legal requirement may prohibit or have the effect of prohibiting any public provider from providing any advanced telecommunications capability or service provided by such provider.</p>
<p><b>Safeguards:</b></p> <p>Public provider must apply ordinances and rules and policies, including those dealing with public ROWs, permitting, performance bonding, and reporting without discrimination in favor of self or any other provider of advanced telecommunications capability or service that such provider owns or with which such provider is affiliated. Not exempted from any federal communications law or regulation that applies to all providers of advanced telecommunications capability or services to the public.</p>	<p><b>Safeguards:</b></p> <p>Public provider shall not grant any regulatory preference to itself or to any provider of advanced telecommunications capability or services that it owns or is affiliated with; shall apply ordinances, rules and policies, including those dealing with public ROWs, permitting, performance bonding, and reporting without discrimination in favor of any such provider as compared to other providers of such services. Except as provided, Act does not affect any obligation or benefit that public provider has under any other federal or state law or regulation.</p>	<p><b>Safeguards:</b></p> <p>To the extent that any public provider regulates competing providers of advanced telecommunications capability or service, public providers must apply ordinances, rules, policies and fees, including those related to public ROWs, permitting, performance bonding, and reporting without discrimination in favor of itself or any other providers that public provider owns or is affiliated with, as compared to other providers. Not exempted from any Federal or State telecommunications law or regulation that applies to all providers of advanced telecommunications capability or service.</p>
<p><b>Public-Private Partnerships:</b></p>	<p><b>Public-Private Partnerships:</b></p>	<p><b>Public-Private Partnerships:</b></p>

<p>Encouraged to consider the potential benefits of public-private partnership prior to providing such capability or services.</p>	<p>Silent.</p>	<p>Shall consider the potential benefits of a public-private partnership prior to providing such capability or services.</p>
<p><b>Application to Existing Projects:</b></p> <p>Legislation does not apply to any existing contract or arrangement in which public provider is providing advanced telecommunications capability or services as of date of Act, or any proposal that is: in the request-for-proposals process; in the process of being built; or approved by referendum.</p>	<p><b>Application to Existing Projects:</b></p> <p>Legislation does not apply to any existing contract or arrangement in which public provider is providing advanced telecommunications capability or services as of date of Act, or any proposal that is: in the request-for-proposals process; in the process of being built; or approved by referendum.</p>	<p><b>Application to Existing Projects:</b></p> <p>Legislation does not apply to any existing contract or arrangement in which public provider is providing advanced telecommunications capability or services as of April 20,2006, or any proposal that is: in the request-for-proposals process; in the process of being built; or approved by referendum but subject to lawsuit brought prior to March 1, 2006</p>
<p><b>Receipt of Federal Funds:</b></p> <p>No provision.</p>	<p><b>Receipt of Federal Funds:</b></p> <p>No provision.</p>	<p><b>Receipt of Federal Funds:</b></p> <p>In case of any failure due to bankruptcy, insufficient funds, or any other reason, no federal funds may be used to help maintain, revive or renew the project, unless such failure due to major disaster as declared by the President.</p>
<p><b>Public Input:</b></p> <p>Public provider shall provide published notice of intent to provide service; generally</p>	<p><b>Public input:</b></p> <p>Public provider shall provide published notice of intent to provide service; generally</p>	<p><b>Public Input:</b></p> <p>If public provider decides not to use a public-private partnership, public provider</p>

<p>describe capability or services to be provided and proposed coverage area; identify any special capability or services to be provided in low-income areas or other demographically or geographically defined areas; provide public and private sector entities opportunity to be heard on costs and benefits and potential alternatives.</p>	<p>describe capability or services to be provided and proposed coverage area; identify any special capability or services to be provided in low-income areas or other demographically or geographically defined areas; provide public and private sector entities opportunity to be heard on costs and benefits and potential alternatives.</p>	<p>shall publish notice of intent to provide such service; utilize public notice requirements in effect to make such notice generally known to the public. Notice to include description of services to be provided; coverage area; service tiers and pricing; any proposals to service to low-income areas or other demographically or geographically defined areas.</p> <p>Each public provider must publish notice of each proposal and provide information regarding cost to taxpayers and the benefits of the project and any potential alternatives, including public-private partnerships. Must allow 30-day comment period.</p> <p>Must allow opportunity for commercial providers to bid on providing such service during 30-day period following publication of notice.</p> <p>Approval process shall authorize project by process typically used by the public provider for comparably sized projects.</p>
<p><b>Exemptions:</b></p> <p>No notice or hearing requirements in the event such services are provided to other than the public or during emergency declared by the President or Governor or other elected local official</p>	<p><b>Exemptions:</b></p> <p>Safeguards and public input requirements do not apply to provision of advanced capability or services to itself or another public entity or during emergency declared by the President or Governor or</p>	<p><b>Exemptions:</b></p> <p>Provisions of the Act do not preclude immediate deployment of a temporary advanced telecommunications capability or services by a public provider during a state of emergency declared by the</p>

<p>authorized to declare state of emergency.</p>	<p>other elected local official authorized to declare state of emergency.</p>	<p>President or Governor; service may continue until emergency resolved.</p>
<p><b>Definitions:</b></p> <p>Advanced telecommunications capability as defined by section 706(c)(1) of the Telecommunications Act of 1996.</p> <p>Public Provider defined as a state or political subdivision; agency, authority or instrument of state or political subdivision; Indian tribe; any entity owned, controlled or affiliated with a state, political subdivision, agency, authority, instrumentality or Indian tribe.</p>	<p><b>Definitions:</b></p> <p>Advanced telecommunications capability or services defined as capability or services that enable users to originate or receive high-quality voice, data, graphics, video or other communications using broadband technology</p> <p>Public Provider defined as a state or political subdivision; agency, authority or instrument of state or political subdivision or any entity owned, controlled or affiliated with a state, political subdivision, agency, authority, or instrumentality.</p>	<p><b>Definitions:</b></p> <p>Advanced telecommunications capability or services: No definition.</p> <p>Public Provider defined as a state or political subdivision; agency, authority or instrument of state or political subdivision; Indian tribe; any entity owned, controlled or affiliated with a state, political subdivision, agency, authority, instrumentality or Indian tribe.</p>
<p><b>Co-Sponsors</b>  <b>Lautenberg (D)</b>  <b>Stevens (R)</b>  <b>McCain (R)</b>  <b>Snowe (R)</b>  <b>Smith (R)</b>  <b>Kerry (D)</b>  <b>Inouye (D)</b>  <b>McCaskill (D)</b></p>	<p><b>Co-Sponsors</b>  <b>Boucher (D)</b>  <b>Lofgren (D)</b>  <b>Doyle (D)</b>  <b>Baldwin (D)</b>  <b>Upton (R)</b></p>	