

**TOWN OF PINETOPS RESOLUTION
CALLING FOR THE CONTINUATION OF WILSON GREENLIGHT
GIGABIT SERVICES IN PINETOPS & FOR THE
REPEAL OF S.L. 2011-84**

WHEREAS, the U.S. Department of Commerce has “seen first-hand the power of broadband to drive economic growth and innovation, open up new employment opportunities for Americans across the income spectrum and expand access to everything from education to healthcare to government services”; and

WHEREAS, according the President of the United States, “Access to high-speed broadband is no longer a luxury; it is a necessity for American families, businesses, and consumers and critical to U.S. economic growth and competitiveness”; and

WHEREAS, according to the State of North Carolina’s Broadband Infrastructure office “high speed internet may be the most significant innovation of the late 20th Century,” bringing profound benefits from creating jobs to transforming education; and

WHEREAS, as of April 1, 2016, there were only 50 reported Gigabit Cities in the entire U.S. and that it is widely understood that access to super-fast, ubiquitous broadband networks delivering speeds measured in Gigabits is essential to community economic growth, job creation and U.S. competitiveness; and

WHEREAS, the economic impact of access to Gigabit broadband is evidenced by a Fiber to the Home Council report that a home connected to fiber increases in value by 2% and by 8% if that fiber is carrying Gigabit internet service; and

WHEREAS, the North Carolina Association of County Commissioners 2016 (FY17) Federal Priorities for NC Counties states that broadband access has gone from being a luxury to a necessity and that rural communities are crippled without it; and

WHEREAS, that same priorities statement for North Carolina counties noted that lack of access to broadband is costing counties jobs, that “with little competition among service providers in rural America, prices are often higher,” but that “broadband competition will shift prices down and be a boon to rural regions”; and

WHEREAS, the Federal Communications Commission (FCC) in its 2016 Broadband Progress Report reported a persistent urban-rural digital divide continues in our country, where 39 percent of the rural population are without access to modern levels of broadband compared to only 4 percent of urban residents; and

WHEREAS, the State of North Carolina’s Broadband Plan notes that 89% of those without adequate broadband in North Carolina are located in its rural areas and that “the state must better leverage broadband infrastructure to enhance economic development in rural areas, workforce development, and small business adoption”; and

WHEREAS, the “overarching goal” of the State of North Carolina’s Broadband Plan is “for every North Carolinian to have affordable access to broadband service, and for 50% of the homes to have access to fiber by June 2021”; and

WHEREAS, a strategic priority of North Carolina’s world-renowned MCNC, is to make North Carolina the most broadband connected state in the country by 2020; and

WHEREAS, on May 21, 2011, State Law 2011-84 was enacted by the North Carolina General Assembly which effectively prohibits North Carolina municipalities from providing 21st century broadband services directly to their residents and businesses for a fee, even when the private sector has not, and limited the City of Wilson Greenlight service area to only Wilson County, despite the City providing utility service to a six county area, and

WHEREAS; the North Carolina League of Municipalities has noted that high-speed Internet in North Carolina’s communities is vital to “promote educational attainment and bolster economic opportunities for all North Carolinians” and that “it is appropriate that individual municipalities have the tools and decision-making authority available to them to combat the vastly different challenges facing them” and has recognized Wilson’s Greenlight community broadband for “receiving national attention for its symmetrical Gigabit network which is seen by city officials as a major attractor of business”; and

WHEREAS, in a November 2014, New York Times article featuring Pinetop’s lack of broadband, a Centurylink official stated that Pinetops “customers are not clamoring for the speed provided by fiber,” and “It does us no good to go out and build networks that customers don’t need or aren’t requesting”; and

WHEREAS, on March 12, 2015, the FCC granted the City of Wilson’s petition and preempted North Carolina’s State Law 2011-84 as a barrier to broadband investment and competition, thereby permitting the City of Wilson to bring its world-class, Gigabit fiber-to-the-home services to Pinetops and areas beyond Wilson County; and

WHEREAS, by April 2016, Wilson had deployed fiber past every home and business in the Town of Pinetops, and by August 2016 reached subscribership levels in four months that usually take 1.5 years, making our small, rural but proud Pinetops one of the rare Gigabit Cities in the country and unleashing our community’s potential to be part of the 21st century knowledge economy; and

WHEREAS, the availability of Wilson’s Greenlight services in Pinetops as a competitive choice has led to Centurylink reducing its internet and phone service prices in Pinetops by half to some of our small businesses, although the company has made no competitive offers to residential customers who chose to switch to Greenlight; and

WHEREAS, in late May 2016, the State of North Carolina challenged the FCC’s preemption of S.L. 2011-84 by appealing the FCC’s decision to the Sixth Circuit Court of Appeals, which ruled in North Carolina’s favor on August 10, 2016, finding that Congress did not authorize the FCC to preempt North Carolina’s law in sufficiently express terms; and

WHEREAS, the Sixth Circuit Court decision could mean that the City of Wilson will have to turn off Pinetops Gigabit service, and, with that, our Town's ability to thrive in the 21st Century.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the Town of Pinetops that:


1. All steps be taken by government, including by the North Carolina General Assembly, the Federal Communications Commission, and the City of Wilson to ensure that Wilson's Greenlight network continues to serve and provide a full range of Gigabit and other communications services to Pinetops so that our rural community can thrive in the 21st Century knowledge economy;

2. The North Carolina General Assembly immediately repeal S.L. 2011-84 in its entirety so that all broadband options are on the table for both unserved and underserved communities throughout the State of North Carolina, thereby harnessing all options to make North Carolina "the most connected state in the Country" and reducing the crippling urban/rural broadband divide that characterizes our state; and

3. The North Carolina General Assembly additionally authorize counties to own, build, and operate broadband and other communications systems as "public enterprises" as local officials deem necessary to provide North Carolina communities with a 21st century broadband infrastructure.

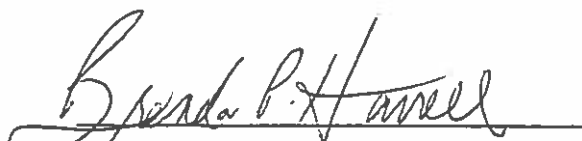
BE IT FURTHER RESOLVED by the Board of Commissioners for the Town of Pinetops that a copy of this resolution be sent to Governor Pat McCrory, the President Pro Tempore of the Senate, the Speaker of the House, to all members of the North Carolina General Assembly, to FCC Chairman Tom Wheeler, and to the appropriate officials at the City of Wilson.

This the 15 day of Sept, 2016.



Mayor

ATTEST:



Town Clerk