

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petitions Pursuant to Section 706 of the)	
Telecommunications Act of 1996)	WC Docket No. 14-115 (Wilson)
For Removal of State Barriers to)	WC Docket No. 14-116 (Chattanooga)
Broadband Investment)	
and Competition)	

COMMENTS OF THE CITY OF PORTLAND, OR

I. INTRODUCTION

The City of Portland is a duly existing, home-rule incorporated municipality of the State of Oregon. The City of Portland submits these comments in full support of the dual Petitions of the City of Wilson, North Carolina ("Wilson")¹ and the Electric Power Board of Chattanooga, Tennessee ("EPB")² (collectively "Petitioners") filed on July 24, 2014, and released for public comment on July 28, 2014.³ It is the City of Portland's intent that these comments, as well as those submitted by other public entities, businesses, and individuals will assist the Federal Communications Commission ("FCC") in making a determination to preempt state laws

¹ See Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, filed by City of Wilson, North Carolina, WC Docket No. 14-115 (filed July 24, 2014) (Wilson, NC Petition).

² See Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, filed by Electric Power Board, Chattanooga, Tennessee, WC Docket No. 14-116 (filed July 24, 2014) (EPB Petition).

³ See Pleading Cycle Established for Comments on Electric Power Board and City of Wilson Petitions, Pursuant to Section 706 of the Telecommunications Act of 1996, Seeking Preemption of State Laws Restricting the Deployment of Certain Broadband Networks, Public Notice, WCB Docket Nos. 14-115 and 14-116 (rel. July 28, 2014).

restricting the deployment of certain broadband networks, thereby placing control of such a vital resource in the hands of communities and citizens.

II. BACKGROUND

The City of Portland believes that affordable broadband is tantamount to and should be treated as a utility in today's digital economy, providing residences, businesses, and government institutions equal access to the information highway. In 2011, the Council voted unanimously to adopt a strategic plan aimed at ensuring that every business and residence could obtain affordable broadband, and the City has continued to work tirelessly toward this end. The City of Portland is not inhibited by legislation aimed at preventing localities from implementing their own broadband networks. Accordingly, we have been able to doggedly pursue access that we believe to be a basic right of our citizens, and our community has been heavily involved in this pursuit at the local, regional, and state level. As outlined in our comments, Portland has been concentrated on this goal for a number of years, and we have no intention of losing focus. While we have a positive relationship with the state of Oregon, we recognize that not all local governments are as fortunate. It is the City of Portland's strong belief that all Cities, Towns, Villages, Counties, and other localities should have the same opportunities, regardless of the state in which they are located.

In the 1990s, the City of Portland conducted a review of our general communications needs and determined that by joining with the other government agencies, we could increase our combined telecommunications capacity. The Oregon Department of Transportation, the City of Portland's Office of Transportation, and the regional transit system, TriMet, entered into intergovernmental agreements to share our respective communications infrastructure in the Portland area to better coordinate our traffic information and control system. Putting the

transportation communications infrastructure together with other available or obtainable infrastructure allowed the City of Portland to create a sophisticated high-speed, redundant fiber optic communications system in combination with our government partners. As part of this endeavor, we entered into a transport agreement with the local incumbent cable company, Comcast – an agreement that may not have been possible if we were obstructed by anti-municipal broadband legislation that impedes public-private partnerships. Ultimately, we allocated \$14 million in public funds to construct and connect the Integrated Regional Network Enterprise (IRNE) to serve the City of Portland, its bureaus and employees.

The IRNE is a fiber optic telecommunications network designed to carry all voice, video and data communications traffic for the City of Portland. In addition, the IRNE provides high speed data transmission for other state and local government agencies. The IRNE is a high-capacity, highly reliable design that costs less and offers more than conventional telecommunications services available in the region. IRNE brought together municipal, county and State ITS fiber investments to create a redundant loop fiber system around the Portland metropolitan region. By establishing a public sector-owned shared communications backbone, IRNE leverages funds, expertise and infrastructure. The \$14 million dollar public investment in IRNE reduced costs for both phone lines and high-speed Internet connections for participating public agencies.

Prior to the implementation of the IRNE, we paid \$8 million annually for private telephone services alone. The City's budget for other communications services was limited, and the communications access we were able to garner for the budgeted amounts meager and antiquated, even as the need for such access grew. In response to the crossing trends of growing needs and limited resources, the City launched IRNE in 2002.

IRNE is a powerful network that serves more than just the City of Portland. The IRNE network links various government offices, including law enforcement and emergency services, using secure, high-speed technology. These agencies can share critical information, such as law enforcement files, efficiently and securely. IRNE assets help connect transportation agencies, allowing better traffic control and response to emergencies. Through Ethernet service, IRNE also provides high-speed data communications services to other governments, including: the State of Oregon, Port of Portland, Cities of Hillsboro and Sherwood, Portland Public Schools, Multnomah County, Multnomah Educational Service District, and the Metropolitan Service District. Portland State University and the United State Army Corps of Engineers lease dark fiber. The benefits to all these public service agencies – because they are able to instantly share and transfer critical information in real-time – are astounding.

III. STATEMENT OF SUPPORT

For more than a decade, the City of Portland has enjoyed the benefits of local authority to invest in and develop municipal broadband infrastructure. The public has benefited enormously from this local authority. Attempting to coordinate different communications networks, operated in parallel, was inefficient and costly. The advent of the IRNE has been a universal positive for the Portland region. Our ability to partner directly with a private partner, and be a service provider for various other entities – public and quasi-public alike – may not be possible in other states. Most recently, cities in the Portland metropolitan region were identified as a limited number of cities in the nation to be considered for Google Fiber. This is in part due to a shared vision for the possibilities of broadband. However, this potential partnership is only possible in light of our ability to make determinations about with whom to partner, and the freedom to enter into partnerships unhampered by state legislation. This form of protectionist legislation is not formed

with the best interest of consumers in mind. Cities such as Wilson and Chattanooga should be granted the same freedom to choose to use their infrastructure as identified locally. The prerogative and responsibility for determining what is best suited should rest at the local level.

IV. CONCLUSION

The Commission should grant the Petitions of the City of Wilson, North Carolina and the Electric Power Board of Chattanooga, Tennessee. We support the removal of artificial state barriers to broadband infrastructure investment, deployment, competition, and innovation by cities and other local government authorities. Cities and other localities – of various sizes and forms – should not be restricted in their decision-making capacity. This is a pivotal time in our country’s history. The rest of the world is rapidly deploying this essential 21st century infrastructure. If the United States is to remain globally competitive, all options must be on the table. Local governments should be trusted to make decisions regarding local broadband needs. Removing the barriers to broadband investment and competition as identified in the Petitions will enable more communities to be self-reliant, and better enable America to maximize all resources so that no one is left behind and unable to participate in this knowledge based global economy. We respectfully request the Commission to consider our comments as it reviews these petitions.

Respectfully submitted this 29th day of August, 2014,

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